

OFCOM BROADCAST AND ON DEMAND BULLETIN

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Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services (“ODPS”) comply with certain standards requirements set out in the Act².

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom’s investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC’s licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on ‘political’ advertising;
 - ‘participation TV’ advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and ‘message board’ material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.

Notice of Sanction

JML Media Limited

Introduction

JML Direct is a teleshopping channel which broadcasts on satellite and electronic communications networks in the UK. The licence for JML Direct is held by JML Media Limited (“the Licensee”).

Ofcom has imposed a sanction on the Licensee for a breach of its licence condition for failing to inform Ofcom of changes which resulted in the Licensee becoming disqualified from holding the licence.

Summary of Decision

In our Breach decision published on 18 June 2018 in issue 356 of the Broadcast and On Demand Bulletin¹, we found the Licensee had failed to inform Ofcom of changes in the circumstances of the major shareholder and director of both it and its parent company John Mills Limited which resulted in the Licensee becoming disqualified from holding the licence.

The Licensee was in breach of Licence Condition 15(3) of its licence from 15 February 2013 until 26 May 2018.

Condition 15(3) of the licence states:

“The Licensee shall inform Ofcom of any circumstances or events which would give rise to a breach of the Licensee’s obligations imposed on him by or under Schedule 2 to the 1990 Act ... immediately upon becoming aware of such circumstances or events”.

In Ofcom’s view, this breach was serious, and we therefore considered the imposition of a statutory sanction. It is unlawful to hold a TLCs licence if the licence holder is a “disqualified person”. It is therefore a serious breach of the licence not to inform Ofcom of any changes which cause the Licensee to become disqualified from holding the licence.

In accordance with Ofcom’s penalty guidelines, Ofcom decided that it was appropriate and proportionate in the circumstances to impose a financial penalty of £7,500 (payable to HM Paymaster General) on the Licensee in respect of this serious licence breach.

In Ofcom’s view, this sanction should send a clear message of deterrence, both to the Licensee and also to other licensees. However, licensees should be aware that if this sanction does not have a sufficient deterrent effect, Ofcom will consider the imposition of higher financial penalties and/or other types of sanction in any future cases.

The full decision was published on 12 November 2018 and is available at:

https://www.ofcom.org.uk/_data/assets/pdf_file/0025/126286/JML-Sanction-Decision.pdf

¹ https://www.ofcom.org.uk/_data/assets/pdf_file/0017/115046/issue-356-broadcast-on-demand-bulletin.pdf

Broadcast Standards cases

Resolved

Sarah Jane Crawford Show

Hits Radio, 17 July 2018, 19:00

Introduction

Hits Radio is a commercial radio station providing a classic and contemporary hits service to Greater Manchester on FM and across the UK on digital platforms. The licence for Hits Radio is held by Bauer Radio Limited (“Bauer” or “the Licensee”).

Ofcom received a complaint alleging that a round of “Sarah Jane’s Split Second Song” competition, which took place in the above programme, was conducted unfairly.

During the programme, after a pre-recorded introduction to the competition, the presenter said:

“...Basically, I play a split second of a song and if you think you know what the song is...then you win tickets to see Justin Timberlake, OK?...Now, last night, Tina guessed incorrectly. She thought the song was ‘Sexy Back’. She thought we’d put actual Justin Timberlake in the clip. We might have done, but it was not ‘Sexy Back’. So tonight, my clip gets a little bit longer, and here it is: [Brief music clip]...So, if you think you know what the answer is, all you need to do is text, “SJ”, then your name, to [text short code]. It’s “SJ” on your phone, then your name, and send it to [text short code]. We will have a little look, give you a call and if you are on the air you could be playing for Justin Timberlake tickets, next”.

After approximately seven minutes, the presenter brought the successful entrant to air to state what track they believed the music clip was from.

Bauer provided Ofcom with a list of the entries it had received during this round of the competition and the times at which it had received them. The Licensee confirmed that it had randomly selected the entrant to take to air two minutes after the presenter had invited listeners to enter, in line with its normal practice for this competition. However, four entries had been received after this selection was made.

We therefore considered the competition raised potential issues under the following Code rules:

Rule 2.13: “Broadcast competitions...must be conducted fairly”.

Rule 2.15: “Broadcasters must draw up rules for a broadcast competition...These rules must be clear and appropriately made known. In particular, significant conditions that may affect a viewer’s or listener’s decision to participate must be stated at the time an invitation to participate is broadcast”.

Ofcom requested comments from the Licensee on how the above material complied with these rules.

Response

The Licensee said that, “historically, the competition had not always stated a specific window, because there has always been a finite, very short period, between the invitation to enter and the selected entrant going on-air”. Bauer said that “it is standard industry practice for competitions of this nature to select an entrant and take them live to air without an explicit start and end time to the competition being read out on air, as these “Text The Studio” competitions are run within a matter of minutes...”. It added that “the selected entrant is taken to air immediately, without delay, and so it is clearly communicated to listeners whether or not the competition is still open...”.

Concerning entry charges, Bauer said “there is no premium rate element [to the competition], and so entries...are only charged at the standard network rate of the entrant”. It added that it therefore had “nothing to gain, financially or otherwise, from entries to the competition being received after a selected player is taken to air”.

Bauer accepted that, in this instance, “however...it was not as clear as it could have been that there was a finite window for entry, after which, an entrant would not be eligible to take part in the competition”. The Licensee added that “it would have been clearer had [it] stated on-air that there was only a 2-minute window for competition entries and so any entrant after that time would be ineligible”.

Bauer said that the competition’s rules had always been made clear to listeners, when it promoted the competition on air before and at the time the invitation to enter had been given. The Licensee also provided sample recordings of recent competition rounds that demonstrated this. It added that the competition had always been “covered by... general competition terms and conditions”¹ that Bauer stations make available on their websites, but a specific set of terms and conditions for “Sarah Jane’s Split Second Song” competition² had now been produced and was available on Hit Radio’s website. It said that the two-minute window was now reflected in the new set of specific terms and conditions for this competition and “entrants are always randomly selected from entries received within that two-minute window”.

The Licensee said that it, “...now ensure[s] that every day when the invitation to enter takes place on-air, the presenter states that listeners have a specific two-minute window in which to text the studio for a chance to play, in order to ensure there is consistency and there can be no ambiguity”. However, Bauer noted that “sometimes contestants selected are unable to participate for whatever reason – phone signal etc – and in these instances [it] will go back and select another contestant”. The Licensee said that, “in this instance [it] would have selected another contestant from within the 2 minute window” and explained that if none of those contestants could have taken part it “would have then selected someone from the time thereafter”.

The Licensee reiterated that it had “...taken additional measures to ensure that moving forward, the rules and mechanic of the competition are even more clear and any ambiguity has been addressed”.

¹ <https://www.bauerlegal.co.uk/competition-general-terms-and-conditions-20170529/>

² <https://planetradio.co.uk/hits-radio/competitions/win/split-second-song-competition-terms-conditions/>

Decision

Reflecting our duties under the Communications Act 2003³, Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

This is reflected in part by Rules 2.13 and 2.15 of the Code, which require that broadcasters conduct competitions fairly and that competition rules are both clear and “appropriately made known” to potential participants. In particular, Rule 2.15 requires that broadcasters state significant conditions that may affect a viewer or listener's decision to participate at the time an invitation to participate is broadcast.

Ofcom’s Guidance to Section Two of the Code makes clear that “Ofcom expects all competitions to be run fairly and honestly. Broadcasters who run them are inviting viewers and listeners to take part in schemes on terms that would be assumed to be equitable...”.

In each daily round of “Sarah Jane’s Split Second Song” competition listeners were invited to enter a draw, by text, for a chance to participate on air and attempt to win tickets for a Justin Timberlake concert. Listeners had a two-minute window in which to enter the draw, after which the participant was selected at random from the entries received. In this instance, however, listeners were not told they had only had two minutes to enter and four entries were received after the draw had been taken and a participant selected.

Ofcom accepted that all entries were made by text at standard network rates and that the Licensee had not therefore gained financially from any entries it had received. Nevertheless, in this instance, four entries were received from listeners during a period of five minutes after the two-minute entry window had closed and before the selected entrant participated on air. Ofcom also accepted that, in the unlikely event of neither the selected participant nor anyone who entered the competition within the two-minute entry window being available to participate on air, it was possible that one of these listeners could have been selected. Nevertheless, it was Ofcom’s view that the chance of them having been selected to participate in the competition was negligible and they would have been unlikely to enter after the two-minute entry window had the presenter told listeners about it.

Ofcom therefore considered a significant condition of entry that would have affected a listener’s decision about when to enter this competition (i.e. the two-minute entry window) had not been appropriately made known.

However, we took into account that selected entrants to this daily competition were normally taken to air shortly after being selected and the resultant unfairness in this round of the competition therefore appeared to have been an isolated incident. We also took into account the actions taken by the Licensee to ensure no recurrence, which comprised:

- publication on the station’s website of bespoke terms and conditions for this competition, both to include specific reference to its two-minute entry window and to supplement its general terms and conditions for all broadcast competitions;

³ <http://www.legislation.gov.uk/ukpga/2003/21/section/319>

- the presenter now informing listeners in each competition round, when they are invited to enter, that they have only two minutes in which to text the studio for a chance to be selected to participate on air; and
- selecting the successful entrant only from entries received in the two-minute entry window.

Ofcom therefore considered the matter resolved.

Resolved

Broadcast Fairness and Privacy cases

Not Upheld

Complaint by William Dartmouth MEP

BBC Points West news bulletins, BBC 1, 6 March 2017

Summary

Ofcom has not upheld William Dartmouth's complaint of unjust or unfair treatment in the programmes as broadcast.

The news bulletins included an allegation that William Dartmouth, a UKIP MEP, had lied about his part in a proposed wind turbine farm. William Dartmouth complained that he was treated unjustly or unfairly in the programmes as broadcast because: the accusations were false; he was not provided with an appropriate and timely opportunity to respond to the claims made about him; and, his detailed statement in response to the claims made was not fairly represented in the programmes.

Ofcom found that:

- The broadcaster had taken reasonable care to satisfy itself that material facts had not been presented, disregarded, or omitted in a way that was unfair to William Dartmouth.
- William Dartmouth was provided with an appropriate and timely opportunity to respond to the allegations made against him in the programmes and his response was fairly reflected in the programmes.

Programme summary

William Dartmouth's complaint concerned items broadcast on BBC1 on 6 March 2017 in three separate editions of its regional news programme, *BBC Points West News*. The first item was included in the 13:30 edition, the second item was included in the 18:30 edition and the final item was included in the 22:30 edition.

BBC Points West News, BBC1, 6 March 2017, 13:30

The presenter introduced the item:

"Welcome to Points West. I'm Alex Lovell. The headlines this lunchtime: UKIP's MEP William Dartmouth lied about being involved in a wind farm deal that could have benefitted his family [Footage of William Dartmouth refusing to be interviewed was shown]...The BBC can reveal that the Deputy Chairman of UKIP lied publicly about his part in a proposed wind farm. South West MEP William Dartmouth was personally involved in negotiating a deal which could have earned his family £100,000 a year. But, in a television interview, he denied any involvement. Here's our Political Editor Paul Barltrop".

Pre-recorded footage of William Dartmouth refusing to be interviewed and slamming a door on the reporter, Mr Barltrop, as he walked out of a building and into a carpark was shown. William Dartmouth said: *"I said the interview is over"*.

In voiceover, Mr Barltrop said:

"It's not a subject he likes talking about. This was May 2014 and I was trying to find out about a wind farm proposed for land he used to own. William Dartmouth was at the BBC for a recording of the Sunday Politics West during which he was questioned".

Footage from *Sunday Politics West*, a political discussion programme broadcast in May 2014 was shown:

Presenter: *"And did you know that that land might be used as a wind farm?"*

William Dartmouth: *I don't know. No.*

Presenter: *Alright.*

William Dartmouth: *No".*

In voiceover, Mr Barltrop said:

"His party is totally against on-shore windfarms. Here's how UKIP's former leader put it".

Footage of Mr Nigel Farage MEP (a former leader of UKIP) was shown. Mr Farage said:

"It's very, very good for rich people. Very good indeed. If you're a land owner and you get a £1,000 a day for just putting wind turbines on your land, isn't that great?"

Mr Barltrop then said that *"To get to the truth, I went to Slaithwaite Moor in Yorkshire".*

Footage of the countryside with wind turbines in the background was shown. The reporter was then shown standing in the countryside with no wind turbines in view and said:

"The deal to put up wind turbines on this site was agreed in May 2011 just three months after William Dartmouth had given ownership of the site to a relative, yet it turns out negotiations over the wind farm had begun years earlier. I met the Chairman of the Wind Farm Co-operative. He had face to face meetings with William Dartmouth".

Interview footage of Mr Steve Slator (Chairman of the Valley Wind Farm Co-operative) was shown. Mr Slator said:

"We talked to Lord Dartmouth, I went, I went down on behalf of the Wind Co-op and spoke to him and he was very cooperative and keen to help us if he could".

In voiceover, Mr Barltrop said: *"A substantial rent would have been paid".*

Mr Slator continued:

"I can't go into specific details for this one still but you, you might expect to raise £50,000 to £100,000 per year for the sort development we were looking at".

Footage of the countryside with wind turbines in the background was shown. Mr Barltrop stated:

"The revelations have been seized upon by political rivals".

Footage of Ms Molly Scott Cato MEP (Green Party, South West of England) being interviewed was shown. She said:

“It seems that there's clear evidence now that Dartmouth has behaved dishonestly and obviously we expect higher standards than that from our elected politicians, but it also does smack of hypocrisy”.

In voiceover, Mr Barltrop said:

“In a statement, William Dartmouth admits his involvement [a photograph of William Dartmouth was shown]. He says his views about wind farms changed to opposing them, but it would not have been right to let down a local co-operative. His party leader has been told and is considering what action to take [footage of William Dartmouth standing facing the camera was shown]”.

The report concluded as the studio presenter said: *“We'll have more on this in tonight's programme”.*

BBC Points West News, BBC1, 6 March 2017, 18:30

One of the two presenters of the programme introduced the item coming up: *“Our main story tonight, a politician with the wind in his sails”.*

Pre-recorded footage of William Dartmouth refusing to be interviewed and slamming a door on the reporter, Mr Barltrop, as he walked out of a building and into a carpark was shown. William Dartmouth said: *“No, I'm not answering questions. I'm not answering any more questions. Stop it”.*

In voiceover, the presenter said:

“Lord Dartmouth was furious when asked about his involvement with a possible wind farm”.

Mr Barltrop was then shown standing outside the studio, he said:

“For three years since that day, I've been trying to find out whether UKIP's Deputy Chairman has not been telling the truth”.

Back in the studio, the presenters said:

Presenter 2: *“Good evening. The BBC can reveal that the Deputy Chairman of UKIP lied publicly about his part in a proposed wind farm.*

Presenter 1: *South West MEP William Dartmouth was personally involved in negotiating a deal which could have earned his family £100,000 a year.*

Presenter 2: *But, in a television interview back in 2014, he denied any involvement. Here's our Political Editor Paul Barltrop”.*

Footage was shown of William Dartmouth refusing to be interviewed and slamming a door closed on Mr Barltrop as he walked out of a building and into a carpark. William Dartmouth said: *"I said the interview is over"*.

In voiceover, Mr Barltrop stated:

"It's not a subject he likes talking about. This was May 2014 and I was trying to find out about a wind farm proposed for land he used to own. William Dartmouth was at the BBC for a recording of the Sunday Politics West during which he was questioned".

Footage from the *Sunday Politics West* programme broadcast in May 2014 was then shown:

Presenter: *"And did you know that that land might be used as a wind farm?"*

William Dartmouth: *I don't know. No.*

Presenter: *Alright.*

William Dartmouth: *No"*.

In voice over, Mr Barltrop said:

"His party is totally against on-shore wind farms. Here's how UKIP's former leader put it".

Footage of Mr Farage speaking was shown. He said:

"It's very, very good for rich people. Very good indeed. If you're a land owner and you get a £1,000 a day for just putting wind turbines on your land isn't that great?".

Mr Barltrop then said that *"To get to the truth, I went to Slaithwaite Moor in Yorkshire"*.

Footage of the countryside with wind turbines in the background was shown. The reporter was then shown standing in the countryside with no wind turbines in view and said:

"The deal to put up wind turbines on this site was agreed in May 2011 just three months after William Dartmouth had given ownership of the site to a relative yet it turns out negotiations over the wind farm had begun years earlier. I met the Chairman of The Wind Farm Co-operative. He had face to face meetings with William Dartmouth".

Interview footage of Mr Slator was shown. Mr Slator said:

"We started looking at it in 2006. We talked to Lord Dartmouth, I went, I went down on behalf of The Wind Co-op and spoke to him and he was very cooperative and keen to help us if he could".

In voiceover, Mr Barltrop said: *"A substantial rent would have been paid"*.

Mr Slator continued:

"For this kind of area you know I can't, I can't go into specific details for this one still, but you, you might expect to raise £50,000 to £100,000 per year for the sort development we were looking at".

Footage of the countryside with wind turbines in the background was shown. Mr Barltrop stated:

“The revelations have been seized upon by political rivals”.

Footage of Ms Scott Cato being interviewed was shown. She said:

“It seems that there's clear evidence now that Dartmouth has behaved dishonestly and obviously we expect higher standards than that from our elected politicians, but it also does smack of hypocrisy because he had these conversations about potentially benefitting from a wind farm development in spite of the fact that that's clearly contrary to UKIP's policy”.

In voiceover, Mr Barltrop said:

“In a statement William Dartmouth admits his involvement [a photograph of William Dartmouth was shown]. He says his views about wind farms changed to opposing them, but it would not have been right to let down a local co-operative. His party leader has been told. It's not known what action he will take [footage of William Dartmouth standing facing the camera was shown]”.

Back in the studio, the following exchange took place:

Presenter 1: *“And Paul joins us now in the studio. Paul, we heard that statement and saw that, but anything else from Lord Dartmouth?”*

Mr Barltrop: *Well, one very long statement all about the wind farm which actually, as he points out, was never in fact built but he says that he was ambushed back in 2014 when he came into the studios and bounced into dealing with a complicated issue extending back several years and he talks of there having been a misunderstanding, but he doesn't say what that was.*

Presenter 1: *What are the implications, if any, for him?*

Mr Barltrop: *Interesting point this because we've been talking to UKIP since the end of last week, the party leader has been informed. The impression I get is they're really waiting to see just how bad it gets, how far up this goes, how wide the publicity that actually it garners and then they will take a decision. They've refused to say whether the leader is going to take any action. If there is any disciplinary action to be taken, it will probably be in the hands of the Chairman of the party.*

Presenter 1: *It comes at a tricky time for UKIP.*

Mr Barltrop: *A very difficult time indeed you know, they had that by-election in Stoke not long ago which was a big disappointment for UKIP, and, of course, we then had the leadership contest last Autumn, which was, to put it mildly, rather farcical, and, then we've got the, the elections coming up, the local elections in May, it's gonna be a very, very big test for them, and, comes against the back drop of rather falling*

membership, they know that they have got to pull out a good performance in May if they're gonna show that they still are a force to be reckoned with and a permanent feature in British politics.

Presenter 1: *Paul, thank you”.*

BBC Points West News, BBC1, 6 March 2017, 22:30

The presenter introduced the item:

“...UKIP’s Deputy Chairman originally denied involvement in wind farm plans. Now he says that was a misunderstanding [Footage of William Dartmouth refusing to be interviewed in a carpark was shown]”.

Later in the programme, the presenter continued:

“Now, UKIP have refused to say what action they’ll take after the party’s Deputy Chairman was accused of lying about his part in a proposed wind farm. South West MEP William Dartmouth was personally involved in negotiating a deal despite UKIP’s longstanding opposition to wind farms. The politician has said he felt ambushed when he originally denied knowledge of the proposal and had been talking at cross purposes. Here’s our Political Editor Paul Barltrop”.

The footage of William Dartmouth refusing to be interviewed and slamming a door closed on Mr Barltrop as he walked out of a building and into a carpark was shown. William Dartmouth said: *“I said the interview is over”.*

In voiceover, Mr Barltrop said:

“It’s not a subject he likes talking about. This was May 2014 and I was trying to find out about a wind farm proposed for land he used to own. William Dartmouth was at the BBC for a recording of the Sunday Politics West during which he was questioned”.

Footage from the *Sunday Politics West* programme broadcast in May 2014 was shown.

Presenter: *“And did you know that that land might be used as a wind farm?”*

William Dartmouth: *I don’t know. No.*

Presenter: *Alright.*

William Dartmouth: *No”.*

In voiceover, Mr Barltrop said:

“His party is totally against on-shore wind farms. Here’s how UKIP’s former leader put it”.

Footage of Mr Farage was shown. Mr Farage said:

“It’s very, very good for rich people. Very good indeed. If you’re a land owner and you get a £1,000 a day for just putting wind turbines on your land isn’t that great?”.

Mr Barltrop then said that *“To get to the truth, I went to Slaithwaite Moor in Yorkshire”*. Footage of the countryside with wind turbines in the background was shown. The reporter was then shown standing in the countryside with no wind turbines in view and said:

“The deal to put up wind turbines on this site was agreed in May 2011 just three months after William Dartmouth had given ownership of the site to a relative yet it turns out negotiations over the wind farm had begun years earlier. I meet the Chairman of The Wind Farm Co-operative. He had face to face meetings with William Dartmouth”.

Interview footage of Mr Slator was shown. He said:

“We started looking at it in 2006. We talked to Lord Dartmouth I went, I went down on behalf of The Wind Co-op and spoke to him and he was very cooperative and keen to help us if he could”.

In voiceover, Mr Barltrop said: *“A substantial rent would have been paid”*.

Mr Slator continued:

“For this kind of area you know I can't, I can't go into specific details for this one still, but you, you might expect to raise £50,000 to £100,000 per year for this sort development we were looking at”.

Footage of the countryside with wind turbines in the background was shown. Mr Barltrop then said:

“The revelations have been seized upon by political rivals”.

Footage of Ms Scott Cato was shown. She said:

“It seems that there's clear evidence now that Dartmouth has behaved dishonestly and obviously we expect higher standards than that from our elected politicians, but it also does smack of hypocrisy because he had these conversations about potentially benefitting from a wind farm development in spite of the fact that that's clearly contrary to UKIP's policy”.

In voiceover, Mr Barltrop said:

“In a statement William Dartmouth admits his involvement [a photograph of William Dartmouth was shown]. He says his views about wind farms changed to opposing them, but it would not have been right to let down a local co-operative. His party leader has been told. It's not known what action he will take [footage of William Dartmouth standing facing the camera was shown]”.

Summary of the complaint and the broadcaster's response

The complaint

William Dartmouth complained that he was treated unjustly or unfairly in the programmes as broadcast because:

- a) He was falsely accused of lying in regard to the response he had given in an interview in 2014 to a question about whether he knew that land he had transferred to a family member might be used for a wind farm.

William Dartmouth said that his response given in the *Sunday Politics West* programme broadcast in May 2014 was included out of context in the 2017 programmes. He said that the “whole edifice of the accusation that I lied is constructed on a confused and inept line of questioning, a confused answer and the failure of BBC West to look at the line of answers given in May 2014”. William Dartmouth said that the programmes failed to explain that in the 2014 interview he had said: “It’s not my land, it’s not my application, and, if the application should be successful, I would derive no benefit from it”.

William Dartmouth also said that the footage of Mr Barltrop’s attempted interview of him on his way to the BBC West studio for the 2014 interview was included in the 2017 programmes to give the impression that he was “concealing something” and “generally acting in a dishonest manner”.

- b) He was not given an appropriate and timely opportunity to respond to the allegations made about him in the programmes, i.e. that he had lied about the use of the land for wind farming. William Dartmouth said that he should have been given the opportunity to answer the allegations in detail before the programmes and/or been given the opportunity to appear on the programmes to answer the allegations made against him, including allegations made in the programmes by Ms Scott Cato, who he described as a “political opponent”.

William Dartmouth said that he had been informed on 3 March 2017 that the BBC had “overwhelming evidence” that the information he had given in the 2014 interview about the use of the land for wind turbines was “not the case” and that the programme makers would like his views on this. He said that the programme makers did not make it clear that “they were going to accuse me of lying – as their lead item”. He also said that had he been provided with a full transcript of the 2014 programme, he could have pointed out that “it was the BBC that had caused the confusion by falsely asserting that the land was being used for a wind farm”.

- c) William Dartmouth said that he had provided a detailed statement to the programme makers on 5 March 2017, but his views were misrepresented in the programmes. He said that his statement was “...scarcely mentioned at all in the first broadcast and then it was dealt with, in a contemptuous and dismissive manner, in the second and third broadcasts, misrepresenting the statement as an admission whereas in reality it was a denial”.

The broadcaster’s response

- a) The BBC said that it considered that William Dartmouth had provided an answer in the 2014 interview which he knew to be untrue and that the reporting of this in 2017 was fair.

The broadcaster said that between 2006 and 2011, William Dartmouth had been involved in discussions with the Valley Wind Farm Co-operative with a view to entering into a contract with the co-operative allowing it to construct and operate three wind

turbines on his land. It said that the financial benefit to William Dartmouth, had the wind farm proposal gone ahead as originally envisaged, would have been between £50,000 and £100,000 per annum. However, the broadcaster said that in the meantime, William Dartmouth had joined UKIP which was totally opposed to such developments¹.

The BBC said that in June 2009 William Dartmouth had been elected to the European Parliament as a UKIP MEP and held office within the party. It said that, until 2011, William Dartmouth's involvement in the Slaithwaite Moor project was a private matter. However, in that year, a contract with Valley Wind Farm Co-operative was due to be signed which meant that his involvement in the scheme would be recorded in the planning application. The BBC said that this was submitted in 2013 and that, had his name been attached to the proposal, William Dartmouth would have faced possible accusations of hypocrisy in the 2014 European Elections. The BBC said that William Dartmouth's actions in 2011, i.e. transferring ownership of the land out of his name (but keeping it within his family) before the signing of contracts and the subsequent submission of a planning application, could only be construed as intended to insulate him from such criticism when he stood for re-election as an MEP.

The BBC said that it believed that this "motivated his lie in the 2014 election debate interview". It said that in the 2014 debate, William Dartmouth was asked: "*And did you know that the land might be used as a wind farm?*" to which he replied: "*I don't know. No. No*".

The BBC said that this was not a "confused and inept line of questioning" as now claimed by William Dartmouth, but was "...a simple, clear and direct question which William Dartmouth, an experienced politician, would have well understood". The BBC said that it believed that William Dartmouth understood "only *too* well that a truthful answer would undermine his efforts to conceal his role in the wind farm development". The BBC also said that it was clear from Mr Barltrop's attempt to interview William Dartmouth shortly before the studio debate that the point at issue was "precisely what he knew about the development before ownership was transferred". The BBC said that, far from being taken by surprise, or ambushed during the studio debate, William Dartmouth had stated, during the earlier exchange with Mr Barltrop in the carpark, that he would be prepared to answer questions on the matter during the debate. The BBC provided the unedited footage of this exchange between William Dartmouth and Mr Barltrop to Ofcom.

The BBC said that there was no cause for the programmes complained of to repeat what William Dartmouth had said about the ownership of the land in 2014 and who might, at that stage, have derived a financial benefit from a wind farm development. The broadcaster said that this was "wholly irrelevant" to the story which was being reported, which it said concerned William Dartmouth's involvement in the earlier development of the project which he subsequently denied.

The BBC said that the footage which was included in the programme showing part of the exchange with Mr Barltrop outside the studio was included to give a sense of how

¹ The BBC said that the time line in William Dartmouth's complaint stated that UKIP's policy had changed to opposing on-shore wind farms in 2009-10 and that this change had prompted his later actions in relation to Slaithwaite Moor. The broadcaster said that this was not true. It said that UKIP's 2005 election manifesto had called for an immediate end to construction of on-shore wind turbines. It said that this was a year before William Dartmouth even entered into discussions with Valley Wind Farm Co-operative about the project.

strongly William Dartmouth was resisting answering questions about his involvement in the development of the wind farm project whilst a member of UKIP and an MEP representing a party which was wholly opposed to such developments. The BBC said that if the inclusion of the footage gave an impression that William Dartmouth was trying to conceal something and was behaving dishonestly, this was not unfair as the BBC said that “he was trying to conceal his involvement in the wind farm development” and that “the deliberate falsehood he offered in the ensuing debate can only be construed as dishonest behaviour”.

- b) The BBC said that it did not accept that William Dartmouth was not given an adequate opportunity to respond to the allegations. The broadcaster said that the nature of the particular allegation was made clear in an email sent to him on 3 March 2017 in which he was told that the BBC had “overwhelming evidence” that what he said about the ownership of the land in 2014 was not the case. It said that this email was also sent to UKIP’s National Press Officer and its Press Officer for MEPs². The BBC said that there was no obligation on the programme makers to provide William Dartmouth with the precise terms in which the allegation was to be put or where in the running order it might appear, but that the allegation was “clearly put” in the BBC’s email. The BBC said that, at the same time that these emails were sent, both press officers were called to alert them to the emails and to request a response. It said that, in subsequent conversations, the BBC was told that the single-line response sent by UKIP’s National Press Officer at 15:50 was all William Dartmouth wished to say. That response was:

“There is no windfarm on Slaithwaite Moor, further to that William Dartmouth does not own it”.

The BBC said that UKIP’s National Press Officer was told in a subsequent telephone call that the story would run on 6 March 2017 and that if William Dartmouth wished to speak, then this would be arranged. The BBC said that UKIP’s National Press Officer replied in the telephone conversation that William Dartmouth “doesn’t wish to say anything more”. This was confirmed in another email from the programme makers to UKIP’s National Press Officer later that afternoon.

The BBC said that on 5 March 2017, the programme makers sent a text message to the Press Officer for MEPs reiterating that the story would run on 6 March 2017 and requesting a comment from the then-UKIP leader, Mr Paul Nuttall. The broadcaster said that the Press Officer for MEPs had said that he had spoken to Mr Nuttall and was working on a more substantial response with William Dartmouth. A 670-word statement was emailed to the BBC just after 20:00 that evening which formed the basis of William Dartmouth’s response as it was presented in the news reports the following day.

The BBC said that it accepted that there were references to the wind farm in the 2014 interview which might have been taken to mean that a wind farm had been built. However, it said that this was wholly unrelated to the central allegation being put to William Dartmouth which concerned his denial that he had known that wind turbines “might” be built on the site. The BBC said that at the time the question was put to

² Ofcom was informed by William Dartmouth that: “Mr Towler was head of UKIP press. Mr Towler was paid for by UKIP. Mr Clive Page acted – indeed acts – as Press Officer for me in my capacity as a Member of the European Parliament (MEP)”.

William Dartmouth it was still the case that they might be built, as it said William Dartmouth plainly knew.

- c) The BBC said that a large part of William Dartmouth's statement concerned the circumstances surrounding the interview in 2014 where he denied knowing that his land might be used for situating wind turbines. The broadcaster said that this was not relevant to the allegation being made in the 2017 news reports and so was not included. It said that it considered the summary provided of the relevant sections (five bullet points headlined "Key facts") of William Dartmouth's response of 5 March 2017 was fair and accurate.

The BBC said that, contrary to William Dartmouth's assertion, it believed that his statement was indeed an admission of his involvement in the proposal and that he knew the land might be used for a wind farm, and that to present it as such was both fair and accurate. The BBC said that nothing in the statement amounted to a denial that he had known that the land might be used for a wind farm. It added that, in view of the fact that discussions had been underway since 2006, culminating in not one but two transfers of ownership, William Dartmouth's knowledge of the wind farm possibility was in fact "undeniable".

The BBC also said that William Dartmouth had made it difficult for the programme makers to include other elements of the statement because they were "untrue" and that "to have broadcast them without additional lengthy comment would have been to knowingly mislead the audience". The BBC said that William Dartmouth said that his view at the time was that there would probably never be an application. However, the broadcaster said that this was demonstrably false; it said that at the time of the 2014 interview the application had already been submitted and publicised. The BBC provided Ofcom with a link to an online article, dated 25 November 2013, in 'The Huddersfield Daily Examiner' entitled '£10m wind farm for Colne Valley submitted to Kirklees Council'³. The BBC said that to have restated William Dartmouth's claim unchallenged would have been to knowingly mislead the audience unless tangential issues such as the date of the application were also explored.

The BBC said that William Dartmouth also claimed that he had lodged his objections in 2014 when the application was made. The BBC said that, again, this was not true. The broadcaster said that although William Dartmouth lodged his objection in June 2014, this was some seven months after the application had been made (in November 2013), and followed his being questioned on the subject in the May 2014 interview. The BBC said that, similarly, the claim that he believed at the time the application had virtually no chance of success would have had to be explored if, again, the audience was not to be misled. The BBC said that, if that had been the case, they did not consider that William Dartmouth would have been involved in several years of discussions with Valley Wind Farm Co-operative culminating in the signing of a contract relating to the development with a company representing his family's interests. The broadcaster said that, in fact, although the planning application was eventually rejected, it was not until September 2014 that Kirklees Council published the fact that it was likely to be rejected. The BBC provided Ofcom with a link to an online article, dated 11 September 2014, in 'The

³ <http://www.examiner.co.uk/news/west-yorkshire-news/10m-wind-farm-colne-valley-6336658>

Huddersfield Daily Examiner' entitled 'Kirklees Council planning officers recommend refusal for three 100m wind turbines in Colne Valley'⁴.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View that the complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View. The broadcaster did not submit any representations. The complainant made representations which are summarised below, insofar as they are relevant to the complaint as entertained and considered by Ofcom.

Summary of William Dartmouth's representations

Head a)

William Dartmouth said that, in his view, "The allegation of lying is a serious one as Ofcom acknowledges". He therefore said that he expected Ofcom to apply "a high standard to establish that I had been treated fairly".

William Dartmouth said that he did not agree with the BBC that the question put to him in the 2014 interview was "a simple, clear and direct question". He said that the question had been asked in the context of the BBC falsely stating that his relative had allowed wind turbines to be built on the land, and he was asked about the land's value, when he was taking part in what was meant to be a panel discussion about election issues. He said that when he was asked about his "state of knowledge" with regards to the land in the 2014 interview, it was not clear what period of time was being asked about and that time period could have related to a number of things. He said that it "simply does not make sense to conclude that I was lying". He said that he was asked a series of questions which spanned a ten-year period and that he had sought to answer them.

William Dartmouth said that it would not have made sense for him to dishonestly deny that he knew that the land "*might be*" used in the future as a windfarm or to accuse him of lying when he had already answered "*It's not my land, it's not my application, and if the application should be successful, I would derive no benefit from it*". He said that as far as he was concerned, he had made it clear that "there was an application, but it was not my application. I did not and could not know whether it would be successful. I was sure it would not be, and I proved to be right in that regard". William Dartmouth said that he had answered the presenter's question accurately as "No", as to answer otherwise would have "invited speculation on my part. Theoretically, anything 'might' happen in the future".

William Dartmouth also argued that the inclusion of the footage broadcast of him while Mr Barltrop attempted to interview him in the carpark in 2014 contributed to the unfairness to him. He said that Ofcom should take into account what was, in his view, "the harassing nature" of the attempted interview where he was filmed despite him asking them to desist. He explained that he was at the studio to take part in a pre-election panel discussion with a fixed agenda not to be interviewed in the way Mr Barltrop attempted to interview him in the carpark.

⁴ <https://www.examiner.co.uk/news/west-yorkshire-news/kirklees-council-planning-officers-recommend-7754029>

William Dartmouth further submitted that it was important that Ofcom consider the May 2014 broadcast of his exchange about the wind turbines in its entirety to determine the issue of fairness. In that regard, he said that the May 2014 interview showed a “wholesale disregard of the electoral and fairness rules” in its treatment of him in that interview. He said, for example, that he was treated in a “discriminatory way”, in that he was the only participant in the pre-election debate asked about wind turbines and was questioned on a “personal matter” and that he was not given prior notice that those topics would be discussed during the debate, even though there were procedures for notifying participants for the topics which were to be discussed during that programme. He said that he considered that this showed that the BBC was “set on trying to convey that I was benefitting to the tune of some £50,000-£100,000 from windfarms, and I was trying to conceal that by arranging payment through my family and that I was lying to cover it up”.

Head b)

William Dartmouth said that he was not invited on to the programme in which the “spurious allegations were made”, so that he might rebut the allegation of lying. He said that this was especially unfair to him given that his political opponent, Ms Cato, was interviewed for the programme.

William Dartmouth said that it was unacceptable that the Press Officer for MEPs had not been contacted until 15:00 on the Friday afternoon before the first of the programmes was due to be broadcast on the morning of Monday 6 March 2017. He said that he had not been made aware of the email from the programme makers detailing the nature of what they planned to include in the programmes until 20:00 that Friday. William Dartmouth said that it was “difficult and unfair” to have to respond to questions relating to an interview that had occurred three years ago, and that related to a series of events that spanned over ten years, without access to the relevant documents or to a transcript of the May 2014 programme, and to be expected to do so outside of office hours.

William Dartmouth said that the Press Officer for MEPs sent a response to the BBC at 20:00 on Sunday 5 March 2017. However, he said that he was not asked to clarify any points in his statement of 5 March 2017. He said that had the programme makers been acting fairly, they would have resolved any points in his statement that they had found unclear.

Head c)

William Dartmouth said that what was broadcast was a “bowdlerised version” of his statement that omitted the key facts. He said that: “These key facts would have invalidated the entire broadcast”. He said that it was unfair for the BBC to have excluded the bulk of his statement from the programmes. The BBC stated in its response to the complaint that William Dartmouth had made it difficult for the programme makers to include some elements of his statement because they were “untrue” and that “to have broadcast them without additional lengthy comment would have been to knowingly mislead the audience”. William Dartmouth said that the BBC was not telling the truth.

For example, in its response to Ofcom the BBC said that William Dartmouth said that his view at the time was that there would probably never be an application. However, the broadcaster said that this was demonstrably false; it said that at the time of the 2014 interview, the application had already been submitted and publicised. William Dartmouth said that it would have been “ridiculous” for him to say in 2014 that an application had not

been submitted. He said that he had already issued a statement in April 2014 objecting to the application and, stating publicly that he knew about the application. He said that his point had been that it was not his application and he did not believe that it would be successful. William Dartmouth said that the programme makers should have asked him about this, rather than accuse him of lying. He further said that, it would have made no sense for him to claim falsely in the March 2017 statement to the programme makers that there was no application, when, for example, he had discussed the application in the May 2014 programme.

William Dartmouth also disagreed with the BBC's assertion that it could not include parts of his statement in the programmes because it was untrue that he had lodged an objection to the application for wind turbines to be built on Slaithwaite Moor in 2014. William Dartmouth said he could not lodge objections before the application had been made. William Dartmouth said that the application had been a slow process, starting in November 2013 and ending in June 2015. He said that he had set out his opposition to onshore wind turbines in his public statement of April 2014. He said that: "BBC West seem to think that this was not true and seemed to draw some adverse conclusion that I lodged my detailed objection on 26 June 2014...BBC West seem to think it is sinister that the date of the objection was after the May 2014 broadcast". He said that: "No doubt BBC West would have attributed a sinister motive if I had rushed out my objection just after the May broadcast". He said that, ultimately, he had made his opposition to wind turbines clear in his statement of April 2014 and in the local press coverage it generated.

William Dartmouth said that what he had said in his statement to the programme makers was true and that the programme makers should have contacted him for clarification if they needed it or interviewed him in the March 2017 programmes. He said that, instead, the programme makers summarised his statement "in a contemptuous and dismissive manner".

Supplementary material

On receipt of the above representations from William Dartmouth, Ofcom considered it necessary to request further information from the BBC. We asked the BBC for clarification with regard to whether the BBC: i) had offered William Dartmouth the opportunity to be interviewed for the 2017 programmes; ii) had any evidence that William Dartmouth had requested a transcript of the 2014 programme before the broadcast of the 2017 programmes; and, iii) was aware of William Dartmouth's April 2014 public statement at the time of the 2014 interview. The BBC's response to Ofcom's request for information and the complainant's comments on it are summarised below, insofar as they are relevant to the questions above and the complaint as entertained and considered by Ofcom.

The BBC's response

The BBC said that:

- i) The request to interview William Dartmouth for inclusion in the 2017 programmes was made on Friday 3 March 2017 in emails to UKIP's National Press Officer and its Press Officer for MEPs and was followed up with telephone calls to both press officers that afternoon. In a subsequent telephone conversation, UKIP's National Press Officer told the reporter that William Dartmouth did not wish to be interviewed. The BBC also said that the programme makers' preference was to conduct a live interview on 6 March 2017 for inclusion in that day's coverage, or if that was not possible, to pre-record an

interview to be used in the coverage. The BBC provided Ofcom with copies of the email correspondence and of the reporter's notes of these telephone conversations. The notes suggest that in his conversation with the reporter, UKIP's National Press Officer said that "he'd talked to [William Dartmouth]" and that he did not wish to say anything further. The notes also state that he told UKIP's National Press Officer "he should let us know if [William Dartmouth] wants to speak".⁵

- ii) The reporter involved in the relevant exchanges did not have any recollection of being asked for a transcript of the 2014 programme. The BBC said that the first mention of such a transcript had been made in William Dartmouth's statement provided to the programme makers on 5 March 2017, in which he said: "You have not supplied me with a transcript or copy of the [2014] programme".
- iii) It was aware of and had received William Dartmouth's April 2014 statement at the time of the 2014 interview. However, the BBC said that the statement omitted to address the key questions to which the 2014 programme was seeking answers, most notably, whether William Dartmouth knew the land might be used for a wind farm when he transferred ownership to a relative.

William Dartmouth's comments on the BBC's response

William Dartmouth said that:

- i) The reporter initially contacted the Press Officer for MEPs at about 15:00 on Friday 3 March 2017. The Press Officer for MEPs told the reporter that it was "...unreasonable to proceed with the programme unless William Dartmouth was shown details of the allegations and/or was invited on the programme". William Dartmouth said that, in other words, the Press Officer for MEPs had complained of "unreasonable behaviour" by the BBC and requested "proper time" to deal with the matter and details of the allegations, which, William Dartmouth said, would have included what had been said on the programme broadcast in 2014. William Dartmouth said that the Press Officer for MEPs had said that the reporter became impatient and pressed him for a quote from the then UKIP leader, Mr Paul Nuttall. William Dartmouth claimed that the reporter then looked for another UKIP spokesperson and called its National Press Officer. William Dartmouth said that the reporter did not ask the Press Officer for MEPs if William Dartmouth would participate in an interview, nor comply with any of the Press Officer for MEPs' requests for information. William Dartmouth said that the Press Officer for MEPs was the person that the reporter was dealing with and to whom the reporter should have given the information. He said that, the BBC and the reporter "very well knew" that the Press Officer for MEPs was the person to speak with regarding all press matters relating to

⁵ The BBC also said that the notes were redacted "because on the same page were notes of confidential advice provided by the BBC's legal advisers and its Editorial Policy Adviser". The BBC later said that it had said this erroneously and in fact there were no records of discussions with an Editorial Policy Adviser redacted from the notes supplied; the only material which was redacted concerned conversations with the programme's legal advisers. William Dartmouth requested that Ofcom ask for unredacted copies of the notes and/or any advice provided by an Editorial Policy Adviser as he considered these to be relevant to the determination of his complaint. Ofcom decided that it did not require any further information to reach its adjudication on this matter. This was on the basis that, in Ofcom's view, any legal advice or advice of an Editorial Policy Adviser (should such advice exist) would not be relevant to determine whether William Dartmouth was unjustly or unfairly treated in the programmes as broadcast in relation to any of the entertained heads of complaint.

him. William Dartmouth said that the reporter did not get back to the Press Officer for MEPs; he said that if the BBC had been dealing with the matter fairly, the reporter would have reverted to him or the Press Officer for MEPs so that they could have responded appropriately. In any event, he said that if UKIP's National Press Officer had told the reporter on 3 March 2017 that he did not wish to be interviewed, "it would have been before I was able to focus on the events which had happened 3 years or more before".

William Dartmouth said that no "clear and distinct invitation" for a live interview was made, and had such an offer been made, he would have accepted the opportunity. He said that the BBC would have known that 3 March 2017 was the day of a South West UKIP conference, therefore it could have got in touch with him there, although he said it would have been difficult to give the matter proper consideration at that time. He said that the BBC "chose a time when they knew I could not address the matter properly". William Dartmouth said that he was not able to deal with the matter until he arrived home late on the Friday night. He said that: "If lines of communications got confused that is entirely the fault of BBC West". William Dartmouth said that he did not believe the BBC had given him the opportunity to appear on the programme like they claimed. He also said that if it had been the programme makers' preference for him to be interviewed for inclusion in the programme, this was never communicated to him. He said that the BBC "had plenty of time to make me a clear and distinct invitation – offering a live broadcast" and that he would have accepted the opportunity.

William Dartmouth also said that while the reporter had been working on the story for over three years, he was contacted to provide a response only at the last moment. He said that any confusion could have been avoided if he had been given proper time to respond and provided with the information requested by the Press Officer for MEPs. He said that if the programme makers had "found difficulties" with his statement of 5 March 2017, they should have asked for clarification or suggested an interview at that stage.

- ii) When contacted by the reporter about the 2017 programmes, the Press Officer for MEPs requested further information about the allegations. William Dartmouth said that "that would include the May 2014 transcript".

He said that the request for the transcript was also made in his statement of 5 March 2017, however he was not provided with it.

- iii) The April 2014 statement could not deal with a question which was not asked until May 2014. William Dartmouth said that in the statement, he had been speaking publicly about the application and that there was a specific reference in it relating to the detail of the planning application.

He said that the BBC was being "thoroughly disingenuous" when it said that the April 2014 statement omitted to address the key questions to which the programme was seeking answers, most notably, whether he knew the land might be used for a wind farm when he transferred ownership to a relative. William Dartmouth said that the key question was whether he was benefitting from any income received from wind farming. He said that the answer to this was "a clear and unequivocal 'No'". He said that there was nothing in the allegations, that there were no wind turbines on the land in question, and that the land did not belong to him.

He said that the BBC introduced a line of question in the 2014 interview which was aimed only at him and had nothing to do with the election issues being discussed. He

said that while he was open to the criticism that he had given “hesitant responses” in the programme broadcast on 2014 and rebroadcast in 2017, he said that, had the BBC observed the Code, his answer would have been clear.

Decision

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material. This included a recording of the programmes as broadcast, the unedited material filmed of William Dartmouth in 2014 outside the BBC West’s studios, both parties’ written submissions and supporting documentation. Ofcom also took careful account of: the representations made by the complainant in response to being given the opportunity to comment on Ofcom’s Preliminary View on this complaint; the further information requested from the broadcaster in light of William Dartmouth’s comments on the Preliminary View; and, William Dartmouth’s comments on the further information obtained from the BBC. After careful consideration of this information, we considered both parties’ points in our reasoning and concluded that the points raised did not materially affect the outcome of Ofcom’s decision not to uphold the complaint.

When considering and deciding complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster’s actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Ofcom Broadcasting Code (“the Code”). In addition to this rule, Section Seven (Fairness) of the Code contains “practices to be followed” by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

- a) Ofcom considered William Dartmouth’s complaint that he was treated unjustly or unfairly in the programmes as broadcast because he was falsely accused of lying in regard to the response he had given in an interview in 2014 to a question about whether he knew that land he had transferred to a family member might be used for a wind farm.

In considering this aspect of the complaint, we had particular regard to the following practices:

Practice 7.8 states:

“Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another

purpose or used in a later or different programme, does not create unfairness. This applies both to material obtained from others and the broadcaster's own material".

Practice 7.9 states:

"Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation...".

Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context within which they were presented in the programme. It is important to clarify from the outset that it is not Ofcom's role to make findings of fact in relation to the allegations made about William Dartmouth. Rather, our role is to consider whether, by broadcasting certain comments, the broadcaster treated William Dartmouth unfairly and, in particular, whether it took reasonable care not to present, disregard or omit material facts in a way that was unfair to him.

Ofcom began by considering whether the allegations complained of had the potential to materially and adversely affect viewers' opinions of William Dartmouth in a way that was unfair.

The programmes broadcast at 13:30 and 18:30 said:

"The BBC can reveal that the Deputy Chairman of UKIP lied publicly about his part in a proposed wind farm. South West MEP William Dartmouth was personally involved in negotiating a deal which could have earned his family £100,000 a year. But, in a television interview [the 18:30 programme included the words "back in 2014"], he denied any involvement".

The programme broadcast at 22:30 said:

"...UKIP's Deputy Chairman originally denied involvement in wind farm plans. Now he says that was a misunderstanding...Now, UKIP have refused to say what action they'll take after the party's Deputy Chairman was accused of lying about his part in a proposed wind farm. South West MEP William Dartmouth was personally involved in negotiating a deal despite UKIP's longstanding opposition to wind farms. The politician has said he felt ambushed when he originally denied knowledge of the proposal and had been talking at cross purposes".

As set out in detail above in the 'Programme summary' section, the three programmes also included footage of William Dartmouth filmed outside BBC West's studios in 2014, along with footage from the *Sunday Politics West* programme broadcast in May 2014 in which he denied knowing that land he used to own might be used as a wind farm.

Ofcom considered that the allegations made about William Dartmouth in the programmes were serious in nature as they alleged that he had "*lied*" about his involvement in the potential use of land he used to own for wind turbines, and that the

allegations therefore had the potential to materially and adversely affect viewers' opinions of him.

We then considered whether the inclusion of the allegations and the footage used in support of these resulted in unfairness to him. Ofcom acknowledged the broadcaster's right to freedom of expression, including the right to broadcast programmes which express views on matters of interest to viewers and critical opinions without undue constraints. However, broadcasters are also required to comply with the Code and, with particular reference to this case, avoid unjust or unfair treatment of individuals or organisations in programmes.

We took into account William Dartmouth's assertion that his response given in the 2014 *Sunday Politics West* programme was included in the 2017 news programmes out of context and that it was "a confused answer" based on "confused...questioning". For example, William Dartmouth said that the presenter of the 2014 programme suggested in his line of questioning that there "**were** wind turbines on the land and that the land **had been** used for a wind farm" (William Dartmouth's emphasis), and that this caused him confusion in answering the questions and meant that they were "at cross purposes". William Dartmouth also said that "the very serious accusation of lying rests on the interpretation put on one unclear answer by a journalist who approached the matter in a distinctly unobjective manner".

We therefore took account of the context in which William Dartmouth was asked about the land potentially being used as a wind farm in the interview with him included in the BBC's political discussion programme, *Sunday Politics*, broadcast on 18 May 2014. This edition focused on the upcoming European Parliament election of 2014, which coincided with the local elections in England. The programme included a discussion with representative candidates of each party standing for election in the South West of England, including William Dartmouth. The presenter asked the candidates for their views on various topics relating to the upcoming elections. During the discussion, the following exchange took place between the presenter and William Dartmouth.

Presenter: *"But, let's just pick up on the Green issues, as we were talking about the Greens. William Dartmouth, what are your views on wind turbines?"*

William Dartmouth: *I'm personally opposed to wind turbines.*

Presenter: *Then, why have you given over some of your land in another part of the country to a relative who has allowed wind turbines to be built?"*

William Dartmouth: *It's not my land, it's not my application, and, if the application should be successful, I would derive no financial benefit from it.*

Presenter: *But, it was your land that you gave across?"*

William Dartmouth: *It, the land, was transferred some years ago.*

Presenter: *Does that make you hypocritical do you think, as there will be subsidies from there?"*

William Dartmouth: *No. Because I derive, because I derive no financial benefit from it, and its, and it belongs to a, a relative who is, who is not in, not in my immediate family, neither my wife, nor my son.*

Presenter: *Okay. But, what was the value of the land that you gave away?*

William Dartmouth: *At the time?*

Presenter: *Yes.*

William Dartmouth: *Less than, I don't know. I mean not a, not a, not, not a huge amount.*

Presenter: *And, did you know that that land might be used as a wind farm?*

William Dartmouth: *I don't know, no.*

Presenter: *Alright.*

William Dartmouth: *No.*

Presenter: *Are you embarrassed about it at all?*

William Dartmouth: *I am embarrassed, on behalf of the BBC, that as a public service broadcaster, that we have, we have an election on Thursday on the European question and this is the second BBC programme which has devoted to what is completely a non-issue".*

We noted William Dartmouth's view that it was important context that in this line of questioning the presenter had alleged that wind turbines had been built on the land and that this was inaccurate and misleading since in fact no wind turbines had been built. We acknowledged that the presenter had given the impression that his relative had allowed wind turbines to be built on the land. However, taken in the context of the line of questioning in the interview filmed for the 2014 programme (as above), overall, we did not consider that the question "And did you know that that land might be used as a wind farm?" was likely to have caused William Dartmouth "confusion". We noted that this question followed a previous question which asked him what the value was of the land that he gave away. We therefore considered that it was clear that this question was asking him if he knew, at the time he gave it away, that the land might, in future, be used as a wind farm. We also considered that, although his initial response to this question was "I don't know", William Dartmouth then gave what appeared to be a clear response to the question, namely he said "no" twice in response to the question. Even if he had misunderstood the question being asked of him, or had inadvertently misspoken in his response, we considered that the response he actually gave (which was included in the 2017 news programmes) appeared to indicate that he did not know that the land might be used for a wind farm. We considered that this was how his statement would be likely to have been understood by viewers of the 2014 programme and the 2017 news programmes.

We also took account of William Dartmouth's complaint that he had been "ambushed" by this line of questioning in the interview and that his treatment in this context was "discriminatory" in that he was the only participant who was asked their view on wind farms or on a "personal issue". We acknowledged that William Dartmouth may not have expected to have been asked during the programme about the issue of wind turbines or the possible use of the land in question for a wind farm, and that he may have preferred not to discuss this topic. However, we did not consider it to be necessary as a matter of fairness for the broadcaster to have informed participants in the 2014 *Sunday Politics West* programme in advance precisely which topics would be discussed or which questions they would be asked. We noted that William Dartmouth had issued a statement in April 2014 on the planning application that had been lodged in respect of the use of the land for wind turbines, which he said had generated local press coverage. We understood the BBC to have been aware of that statement at the time of the 2014 *Sunday Politics West* programme. In that statement, William Dartmouth had said that: "As a UK Independence Party MEP I fully endorse the party policy to oppose onshore wind turbine development". It therefore appeared to Ofcom that William Dartmouth had already responded publicly to the planning application and had set out his position as a UKIP MEP in which he endorsed UKIP party policy on wind turbines. We did not consider it to be unfair to William Dartmouth to have been asked questions about a topical issue in connection with UKIP policy in this context. We also did not consider that the fact that he was the only participant in the programme who may have been asked questions of this nature would have impacted on his ability to respond to the questions put to him on the proposed use of the land for wind turbines.

We also took into account that Mr Barltrop had spoken with William Dartmouth on the subject of the wind farm outside the BBC West's studios immediately prior to his participation in the 2014 *Sunday Politics West* programme. In particular, from the unedited footage, we took account of the following exchanges:

Mr Barltrop: *"What knowledge did you have of what that land might be used for when you transferred it?"*

William Dartmouth: *I don't know, I don't know. I transferred it. I am perfectly entitled. No. I am perfectly entitled. No. No. I am not going to answer any questions from you. It's none of your business.*

Mr Barltrop: *When the land was transferred, how much was that land worth? How much was that land worth?*

William Dartmouth: *I'll tell you what, you've got the maps, at least your colleagues have. It's a bit of moorland. You value it.*

Mr Barltrop: *When the land was transferred, did you give it away?*

William Dartmouth: *This isn't even an interview, but it's over.*

Mr Barltrop: *Sure, but, did you give the land away?*

William Dartmouth: *Yes, I did".*

Mr Barltrop continued to try and ask William Dartmouth questions about the land. William Dartmouth said:

“You’ve got a statement, why don’t you read the statement?...Look, I’m not prepared to answer questions from you. I have come here to participate in the debate. Okay, I’ll answer questions in interview in the debate”.

Later, William Dartmouth said to Mr Barltrop:

“...I am not prepared to give an interview...I will restate the facts...Number one, it is not my application. Number two, it is not my land. Number three, should the application be successful, I will derive, I would derive no financial benefit”.

We took into account William Dartmouth’s view that this attempted interview was of a “harassing nature” and his submission that the questions put to him during the 2014 *Sunday Politics West* programme should be seen in this context. We acknowledged that William Dartmouth was clear that he did not wish to give an interview on the subject when approached by Mr Barltrop outside BBC West’s studios, and that Mr Barltrop continued to ask questions after William Dartmouth had made clear he did not wish to give an interview on the subject. Ofcom recognises that interviewing someone without warning can be an intimidating experience, and in some circumstances may give rise to unfairness to that individual or result in an unwarranted infringement of privacy contrary to the Code. However, for the purposes of adjudicating on this complaint, we were not seeking to determine whether there had been an unwarranted infringement of William Dartmouth’s privacy in the connection with the obtaining of this footage, nor were we seeking to determine whether the attempted interview itself resulted in unfairness to him; those matters were outside of the scope of William Dartmouth’s complaint as entertained by Ofcom. As relevant to the consideration of William Dartmouth’s complaint, Ofcom did not consider that this attempted interview was evidence that William Dartmouth was “ambushed” during the 2014 *Sunday Politics West* programme or that it would have impacted on his ability to respond to the questions on the proposed use of the land for wind turbines.

With regard to the inclusion of the footage of the interview in the 2014 *Sunday Politics West* programme in the 2017 programmes, and whether this resulted in unfairness to William Dartmouth, we took account of the facts that were set out in these programmes in support of the BBC’s assertion that William Dartmouth had “*lied publicly about his part in a proposed wind farm*”. In particular, we took into account that the programmes stated that: the deal to put up wind turbines on the land in question was agreed in May 2011, just three months after William Dartmouth had given ownership of the site to a relative, and negotiations over the wind farm had begun years earlier (as confirmed in the interview with the Valley Wind Farm Co-operative representative). We also took into account that William Dartmouth did not dispute that, prior to the transfer of the land to a family company, Rosscroft Ltd, then to his relative, he had been involved in earlier discussions with a wind turbine co-operative about the granting of an option over parts of the land to be used for a wind farm, and that this had, after the land had been transferred, resulted in a planning application having been made for the construction of a wind farm at the time of his interview for the 2014 programme.

We also took account of William Dartmouth’s complaint relating to the inclusion in the 2017 news programmes of footage of Mr Barltrop’s attempted interview of him on his

way to be interviewed for the televised debate in the 2014 *Sunday Politics West* programme. William Dartmouth submitted that the inclusion of this footage in the 2017 news programmes (which was the first time this footage of the attempted interview had been broadcast) was intended to give the impression that he was “concealing something” and “generally acting in a dishonest manner”. Having considered the unedited footage of this exchange (set out above), and the context in which excerpts from this footage were included in the 2017 news programmes, we considered that it was clear from the footage that William Dartmouth had strongly indicated that he had no wish to be interviewed by Mr Barltrop on the subject, and that he had stated that the interview was “over”, and that this was accurately reflected in the excerpts of that footage included in the 2017 news programmes, and did not result in unfairness to him.

Taking account of all these circumstances, we considered that the broadcaster had taken reasonable care to satisfy itself that material facts in this case had not been presented, disregarded or omitted in a way that was unfair to him, and that the re-use of the footage of his response to the question in the 2014 programme in the 2017 news programmes did not create unfairness to him. In these circumstances, while William Dartmouth may have preferred that the 2017 news programmes include more of his response to the question from the 2014 *Sunday Politics West* programme, in particular, his statement “*It’s not my land, it’s not my application, and, if the application should be successful, I would derive no benefit from it*”, we did not consider it was incumbent on the broadcaster to reflect William Dartmouth’s comments from the 2014 programme in any further detail in the 2017 programmes to avoid unfairness to him.

It was also our view, as set out in detail below at head b), that William Dartmouth had been given an appropriate and timely opportunity to provide a response to the allegations to be made about him in the programmes, and that, as set out at head c), that William Dartmouth’s response of 5 May 2017 to the allegations was clearly and fairly represented in the programmes. In particular, as reflected in the news programmes, William Dartmouth stated in his response of 5 March 2017 that he had spoken with a local co-operative in 2006 about “granting an option over parts of Slaithwaite Moor...to be used for a wind farm” and that although his views about wind farms had subsequently changed “...to opposing them”, he thought “...it would not be right to let down a local co-operative”. In the 18:30 programme, Mr Barltrop also explained that William Dartmouth had highlighted that the wind farm was never in fact built and that the 18:30 and 22:30 programmes explained that William Dartmouth had said that he felt “*ambushed*” when making his original response in 2014 and that there had been a “*misunderstanding*” and/or he had been “*talking at cross purposes*” in that interview.

We acknowledged that the statement made in the 2017 news programmes that William Dartmouth had “*lied publicly about his part in a proposed wind farm*” was a serious allegation which suggested that he had answered dishonestly in response to the question put to him in the 2014 programme. We also noted that William Dartmouth had denied that he had given a dishonest answer and said that he had been talking at cross-purposes when asked about his knowledge of the potential use of the land at the time. However, having taken all the above factors into account, we considered that viewers would have been able to reach their own view about William Dartmouth’s knowledge and involvement with regards to the land being potentially used for wind farming.

Ofcom therefore considered that, in the particular circumstances of this case, the broadcaster had taken reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to William Dartmouth, and that the re-use of the footage of his response to the question in the 2014 programme in the 2017 news programmes did not create unfairness to him.

- b) We next considered William Dartmouth's complaint that he was not given an appropriate and timely opportunity to respond to the allegation made about him in the programmes, i.e. that he had lied about his knowledge about the use of his land for wind farming.

In considering this aspect of the complaint, we had particular regard to Practice 7.11 which states:

"If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond".

We took account of the fact that the programme makers emailed William Dartmouth, UKIP's National Press Officer and the Press Officer for MEPs on 3 March 2017 at 15:21 to explain that they intended to broadcast a story regarding "YOUR INVOLVEMENT IN SLAITHWAITE MOOR WIND FARM PROPOSAL". The programme makers stated:

"We are planning an update to this story from 2014. At the time you appeared on our *Sunday Politics West* programme, and were asked by presenter David Garmston if, when you transferred ownership to a relative, you knew that the land might be used for a wind farm.

You replied 'no'.

We now have overwhelming evidence that that was not the case.

We have interviews with a key figure from the wind farm development co-operative. He details how he twice met you and discussed the wind farm proposal while you still owned the land, and that for some years there was communication with people representing you such as the solicitors Latimer Hinks. We also have documentary evidence to back this up.

We would obviously like to get your views on this.

Please let me know how you would like to respond".

We understood from the broadcaster that the reporter then called UKIP's National Press Officer and Press Officer for MEPs and heard back from the Press Officer for MEPs that he would respond. The programme makers received the following response from UKIP's National Press Officer at 15:50 on the same day:

"There is no windfarm on Slaithwaite Moor, further to that William Dartmouth does not own it".

We understood from the broadcaster, and the handwritten notes of a conversation between the reporter and UKIP's National Press Officer, that following this response, UKIP's National Press Officer was told in a telephone call by the programme makers that the story would be reported on 6 March 2017 and that he should let the BBC know if William Dartmouth wished to speak about it (which, we understood from the BBC's response to Ofcom's follow up questions, was referring to the offer of a live interview on the programme or a pre-recorded interview to feature on the programmes). The BBC said that UKIP's National Press Officer had said in the telephone conversation that William Dartmouth "doesn't wish to say anything more", which was confirmed in a further email (which Ofcom has seen) from the programme makers to UKIP's National Press Officer later that afternoon at 16:02.

We took into account that William Dartmouth told Ofcom that he was not aware of the programme makers' offer of an interview, that he considered that the BBC should have been talking to the Press Officer for MEPs rather than UKIP's National Press Officer, and that if it was correct that the UKIP's National Press Officer told the BBC that he did not wish to be interviewed "it would have been before I was able to focus on the events which had happened 3 or more years before", as he was focused on other commitments. It appeared from the handwritten note of the BBC reporter that UKIP's National Press Officer was told by the BBC that it was open to William Dartmouth to speak to the BBC. However, it was unclear, based on the evidence Ofcom had been provided, whether or not William Dartmouth himself had been told that the BBC had offered him an interview.

On 5 March 2017 at 20:03, the Press Officer for MEPs sent a statement to the programme makers on William Dartmouth's behalf. William Dartmouth said that he considered that he was treated unfairly in the 2014 *Sunday Politics West* programme because the programme makers did not inform him that they intended to ask him about his "alleged personal involvement with moorland in Yorkshire". In his statement he said that:

"Had you complied with the guidelines, I would have had an opportunity of dealing fairly and fully with the matter rather than being bounced into dealing with a complicated issue extending back several years. Instead of which, your failure to deal with the matter fairly and openly meant that we were at cross-purposes and there was at least one misunderstanding".

William Dartmouth also said in his statement that, since he was being asked about a response he gave in an interview back in 2014, he should have been supplied with a transcript of the programme. As part of his statement, William Dartmouth then provided to the programme makers his account of his involvement regarding the land in question and its potential use as a wind farm. In summary, he said that:

- In 2006, he was approached by a local co-operative about parts of Slaithwaite Moor potentially being used as a wind farm.
- His views about wind farms had changed over the years – "to opposing them". However, he said that: "I thought it would not be right to let down a local co-operative".
- His view at the time was that an actual application would probably never be made, and if it was, he considered that it would have "virtually no chance of success".

- In 2014 when an application was made to put wind turbines on Slaithwaite Moor, William Dartmouth said that: "...not only did I lodge an objection to the application for the wind turbines on Slaithwaite Moor, Yorkshire, but well before I had ensured that the moor no longer belonged to me, that I would not be involved in any decisions relating to that land and that I would derive no financial benefit from, or have any interest in, the application".⁶
- As at 5 March 2017, there were no wind turbines on Slaithwaite Moor and, as he understood it, the 2014 planning application by the local co-operative had been turned down.

William Dartmouth also said in this response that had he been given "proper notice" of the BBC's intention to ask him about this in 2014, "all this could have been made clear". He said that instead, the BBC's presenter had chosen to "ambush" him and that therefore they were "at cross purposes". William Dartmouth said that:

"...during the period of time you have referred to, there are and were no wind turbines on the land. I did not own the land when asked on the programme in 2014, nor do I own the land now. I had no financial interest in the unsuccessful application made in 2014 for installing wind turbines and in fact lodged my opposition to the application".

Ofcom considered that the programme makers' email of 3 March 2017 included clear information about the allegations they intended to include in the news programmes. In particular, they made it clear that they intended to broadcast the allegation that William Dartmouth had not been truthful in his response in the 2014 *Sunday Politics West* programme with regard to what he knew about the potential use of the land in question. We took account of the fact that William Dartmouth was provided with two days in which to respond, although we acknowledged that this was over the weekend and that William Dartmouth said he had other commitments which prevented him from focusing on the issue until late that weekend. We also took into account the fact that, while the programme makers were initially told by UKIP's National Press Officer that William Dartmouth did not have anything further to add to the statement provided in the email sent at 15:50 on 3 March 2017, ultimately, a further, more detailed, response was sent on 5 March 2017 at 20:03. In addition, it did not appear to Ofcom from any of the correspondence that William Dartmouth or his representatives had requested more time for him to provide his response. Given these circumstances, we considered that William Dartmouth had been given an appropriate and timely opportunity to provide a response to the allegations to be made about him in the programmes. Although the programme makers did not provide William Dartmouth with a copy of the transcript of the material broadcast in 2014, and we acknowledged that he had said that it was difficult to recall three years later precisely what he had said during the 2014 *Sunday Politics* programme, we did not consider that the fact he was not provided with a transcript deprived William Dartmouth of an appropriate opportunity to respond to the allegations, and he had, indeed, provided such a response to the programme makers prior to the broadcasts.

⁶ William Dartmouth's letter of opposition to the planning application was submitted on 26 June 2014, after the interview on *Sunday Politics West* broadcast on 18 May 2014 although we understood that he had made a statement noting his opposition to onshore wind turbine development in April 2014 which had received local press coverage.

We also took into account William Dartmouth's representations on Ofcom's Preliminary View, with regard to his view that had the programme makers been acting fairly, they would have resolved any points in his statement of 5 March 2017 that they had found unclear and/or interviewed him for the programme. The Code does not specify a particular means of ensuring that "an appropriate and timely opportunity" is provided, and in this case, given all the above factors, we did not consider that the fact that the programme makers did not seek further clarification from William Dartmouth, or interview him for the programmes, deprived him of an appropriate opportunity to respond to the allegations. As noted above, (and as indicated in the handwritten note of the BBC reporter which was provided to Ofcom), we also understood that the BBC had told UKIP's National Press Officer that if William Dartmouth wished to speak, then this would be arranged, although we acknowledged that it was unclear if this was conveyed to William Dartmouth.

In addition, with regards to William Dartmouth's particular complaint that he did not consider that he was provided with an appropriate and timely opportunity to respond to the allegations made against him by Ms Scott Cato, we took into account the comments made by Ms Scott Cato in the programmes:

The 13:30 programme:

"It seems that there's clear evidence now that Dartmouth has behaved dishonestly and obviously we expect higher standards than that from our elected politicians, but it also does smack of hypocrisy".

The 18:30 and 22:30 programmes:

"It seems that there's clear evidence now that Dartmouth has behaved dishonestly and obviously we expect higher standards than that from our elected politicians, but it also does smack of hypocrisy because he had these conversations about potentially benefitting from a wind farm development in spite of the fact that that's clearly contrary to UKIP's policy".

The programme makers did not provide William Dartmouth with the details of other contributors to the programmes, including Ms Scott Cato, when they emailed him on 3 March 2017. However, we did not consider that this deprived William Dartmouth of the ability to provide an appropriate response. As set out above, the programme makers' email of 3 March 2017 included clear information about the allegations the programme makers intended to include in the programmes. In our view, Ms Scott Cato's comments reflected her own opinion on William Dartmouth's alleged involvement regarding the potential use of the land for a wind farm. We also noted that it was made clear in the programme that Ms Scott Cato was William Dartmouth's "political rival". We therefore considered that viewers would have understood that she was likely to be more openly critical of William Dartmouth and would have therefore been able to weigh the validity, or otherwise, of her comments accordingly.

Therefore, given all the factors above, Ofcom's decision is that, in these particular circumstances, William Dartmouth had been provided with an appropriate and timely opportunity to respond to claims made about him in the programmes, and that there was no unfairness to him in this regard.

- c) We next considered William Dartmouth's complaint that although he had provided a detailed statement to the programme makers on 5 March 2017, his views were misrepresented in the programmes and presented "as an admission whereas in reality it was a denial".

In considering this aspect of the complaint, we had particular regard to Practice 7.13 which states:

"Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner".

Again, we took into account William Dartmouth's 5 March 2017 statement and what was said in the three news programmes as set out in detail above. The programmes stated:

"In a statement William Dartmouth admits his involvement. He says his views about wind farms changed to opposing them, but it would not have been right to let down a local co-operative".

We considered that, while William Dartmouth may have preferred that the programmes include more detailed information from his response, it was not incumbent on the broadcaster to reflect William Dartmouth's comments in any further detail in order to avoid unfairness to him. As reflected in the news programmes, William Dartmouth said in his response of 5 March 2017 that he had spoken with a local co-operative in 2006 about "granting an option over parts of Slaithwaite Moor...to be used for a wind farm" and that although his views about wind farms had subsequently changed "...to opposing them", he thought "...it would not be right to let down a local co-operative". We also took into account that in the 18:30 programme, Mr Barltrop explained that William Dartmouth had highlighted that the wind farm was never in fact built and that the 18:30 and 22:30 programmes explained that William Dartmouth had said that he felt "ambushed" when making his original response in 2014 and that there had been a "misunderstanding" and/or he had been "talking at cross purposes" in that interview.

We also took into account William Dartmouth's representations with regard to the reasons provided by the BBC for not including some elements of his statement in the programmes. William Dartmouth objected to comments by the BBC in its response to the complaint to the effect that he had made it difficult for the programme makers to include some elements of his statement because they were "untrue" and that "to have broadcast them without additional lengthy comment would have been to knowingly mislead the audience", which William Dartmouth considered to be inaccurate. As explained at head a) of the decision, it is not Ofcom's role to make findings of fact. In this case, we acknowledged that the BBC and William Dartmouth had differing perspectives on his knowledge about the potential wind farm on Slaithwaite Moor. However, we considered that, for all the reasons outlined above, William Dartmouth's position in relation to the matter was clearly and fairly represented in the programmes and that viewers were able to reach their own view about William Dartmouth's knowledge and involvement with regards to the land being potentially used for wind farming.

Therefore, given the above factors, Ofcom's decision is that there was no unfairness to William Dartmouth in this regard.

Ofcom has not upheld William Dartmouth's complaint of unjust or unfair treatment in the programmes as broadcast.

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 29 October and 11 November 2018 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date	Categories
UEFA Nations (trailer)	Sky Witness	05/09/2018	Materially misleading

For more information about how Ofcom conducts investigations about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 29 October and 11 November 2018 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio ¹

Programme	Service	Transmission Date	Categories	Number of complaints
Naked Attraction	4Seven	28/10/2018	Nudity	1
GPs: Behind Closed Doors	5Select	30/10/2018	Generally accepted standards	1
Fights, Camera, Action	5Spike	24/09/2018	Violence	1
Can't Pay? We'll Take It Away!	5Star	01/10/2018	Generally accepted standards	1
The Tuesday Bailrigg Show	87.7 Bailrigg FM	23/10/2018	Offensive language	1
The Thursday Afternoon Stretch	BCB 106.6FM	25/10/2018	Hatred and abuse	1
The Thursday Afternoon Stretch	BCB 106.6FM	25/10/2018	Race discrimination/offence	1
The Big Drive Home	Beat Radio 103.2 FM	15/10/2018	Race discrimination/offence	1
Be Cool, Scooby-Doo!	Boomerang +1	23/10/2018	Offensive language	1
Betfred Cup Semi-Final: Rangers v Aberdeen	BT Sport 1	28/10/2018	Race discrimination/offence	1
Live Premier League: Leicester v West Ham	BT Sport 1	27/10/2018	Generally accepted standards	1
Scottish League Football: Celtic v Hearts	BT Sport 1	28/10/2018	Generally accepted standards	1
999: What's Your Emergency	Channel 4	17/10/2018	Generally accepted standards	1
999: What's Your Emergency	Channel 4	31/10/2018	Suicide and self harm	1
Bend It Like Beckham	Channel 4	30/09/2018	Offensive language	2
Celebrity Call Centre	Channel 4	22/10/2018	Generally accepted standards	1
Celebrity Hunted	Channel 4	23/10/2018	Offensive language	1
Celebrity Hunted	Channel 4	30/10/2018	Dangerous behaviour	1
Celebrity Hunted	Channel 4	30/10/2018	Offensive language	1

¹ This Bulletin was amended after publication to correct a factual inaccuracy.

Programme	Service	Transmission Date	Categories	Number of complaints
Dispatches: Politicians for Hire – Cashing in on Brexit	Channel 4	28/01/2018	Due impartiality/bias	1
First Dates Celebrity Special	Channel 4	25/10/2018	Race discrimination/offence	1
Gogglebox: Celebrity Special	Channel 4	26/10/2018	Generally accepted standards	5
Gogglebox: Celebrity Special	Channel 4	26/10/2018	Offensive language	1
Hollyoaks	Channel 4	02/11/2018	Disability discrimination/offence	1
Hollyoaks (trailer)	Channel 4	23/10/2018	Sexual material	1
Naked Attraction	Channel 4	25/10/2018	Generally accepted standards	2
Naked Attraction	Channel 4	30/10/2018	Generally accepted standards	2
Naked Attraction	Channel 4	30/10/2018	Nudity	1
Naked Attraction	Channel 4	01/11/2018	Generally accepted standards	3
Stand Up To Cancer	Channel 4	26/10/2018	Generally accepted standards	8
Stand Up To Cancer	Channel 4	26/10/2018	Offensive language	2
Stand Up To Cancer	Channel 4	26/10/2018	Scheduling	1
The Bisexual (trailer)	Channel 4	02/10/2018	Sexual material	1
The Great British Bake Off	Channel 4	16/10/2018	Offensive language	1
The Great British Bake Off	Channel 4	30/10/2018	Generally accepted standards	1
The Great British Bake Off	Channel 4	30/10/2018	Other	7
The Great British Bake Off: An Extra Slice	Channel 4	25/10/2018	Generally accepted standards	1
Big Brother	Channel 5	07/10/2018	Religious/Beliefs discrimination/offence	2
Big Brother	Channel 5	09/10/2018	Generally accepted standards	1
Big Brother	Channel 5	09/10/2018	Religious/Beliefs discrimination/offence	1
Big Brother	Channel 5	10/10/2018	Generally accepted standards	1
Big Brother	Channel 5	11/10/2018	Generally accepted standards	1
Big Brother	Channel 5	12/10/2018	Generally accepted standards	1
Big Brother	Channel 5	14/10/2018	Generally accepted standards	2

Programme	Service	Transmission Date	Categories	Number of complaints
Big Brother	Channel 5	16/10/2018	Generally accepted standards	3
Big Brother	Channel 5	16/10/2018	Religious/Beliefs discrimination/offence	2
Big Brother	Channel 5	17/10/2018	Fairness	1
Big Brother	Channel 5	17/10/2018	Generally accepted standards	4
Big Brother	Channel 5	17/10/2018	Religious/Beliefs discrimination/offence	2
Big Brother	Channel 5	18/10/2018	Generally accepted standards	12
Big Brother	Channel 5	18/10/2018	Offensive language	1
Big Brother	Channel 5	18/10/2018	Race discrimination/offence	29
Big Brother	Channel 5	18/10/2018	Religious/Beliefs discrimination/offence	17
Big Brother	Channel 5	19/10/2018	Voting	2
Big Brother	Channel 5	22/10/2018	Voting	1
Big Brother	Channel 5	23/10/2018	Generally accepted standards	3
Big Brother	Channel 5	24/10/2018	Generally accepted standards	2
Big Brother	Channel 5	25/10/2018	Generally accepted standards	2
Big Brother	Channel 5	26/10/2018	Generally accepted standards	49
Big Brother	Channel 5	26/10/2018	Offensive language	1
Big Brother	Channel 5	28/10/2018	Generally accepted standards	6
Big Brother	Channel 5	28/10/2018	Race discrimination/offence	1
Big Brother	Channel 5	29/10/2018	Other	1
Big Brother	Channel 5	30/10/2018	Generally accepted standards	1
Big Brother	Channel 5	01/11/2018	Generally accepted standards	1
Big Brother	Channel 5	01/11/2018	Offensive language	1
Big Brother's Bit On The Side	Channel 5	09/09/2018	Generally accepted standards	1
Chris Tarrant: Extreme Railways	Channel 5	28/10/2018	Materially misleading	1
Gala Bingo's sponsorship of Neighbours	Channel 5	29/10/2018	Sponsorship	1

Programme	Service	Transmission Date	Categories	Number of complaints
Gala Bingo's sponsorship of Neighbours and Home and Away	Channel 5	31/10/2018	Sponsorship	1
GP: Behind Closed Doors	Channel 5	31/10/2018	Generally accepted standards	1
Jeremy Vine	Channel 5	08/11/2018	Disability discrimination/offence	1
Jeremy Vine	Channel 5	08/11/2018	Race discrimination/offence	1
The Nanny is Watching	Channel 5	04/10/2018	Scheduling	1
The Secret Life of The Hospital	Channel 5	31/10/2018	Privacy	1
Scrambled!	CITV	04/11/2018	Due impartiality/bias	1
CNN Tonight with Don Lemon	CNN	09/10/2018	Race discrimination/offence	1
CNN Tonight with Don Lemon	CNN International	02/11/2018	Race discrimination/offence	1
Programming	CNN International	31/10/2018	Due accuracy	1
News	Cool FM	16/10/2018	Violence	1
Celebs Go Dating	E4	28/10/2018	Generally accepted standards	1
Celebs Go Dating	E4	28/10/2018	Offensive language	1
Made in Chelsea	E4	29/10/2018	Generally accepted standards	1
Made in Chelsea	E4	29/10/2018	Materially misleading	1
Made in Chelsea	E4	05/11/2018	Generally accepted standards	4
Celebs Go Dating	E4+1	23/10/2018	Transgender discrimination/offence	1
Monk	Fox	07/11/2018	Offensive language	1
Paddy Power's sponsorship of The Walking Dead	Fox	22/10/2018	Age discrimination/offence	1
The Walking Dead (trailer)	Fox	29/10/2018	Other	1
Rugby AM	Freesports	22/08/2018	Animal welfare	1
Gavin and Stacey	GOLD	27/08/2018	Offensive language	1
Jamie and Emma's Wake Up & Win	Heart (Greater London)	19/09/2018	Competitions	1
Britain's Busiest Motorway	ITV	29/10/2018	Materially misleading	1
Butterfly	ITV	14/10/2018	Materially misleading	1
Butterfly	ITV	14/10/2018	Sexual orientation discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
Butterfly	ITV	21/10/2018	Generally accepted standards	4
Butterfly	ITV	28/10/2018	Generally accepted standards	1
Coronation Street	ITV	29/10/2018	Materially misleading	1
Coronation Street	ITV	31/10/2018	Generally accepted standards	1
Coronation Street	ITV	02/11/2018	Disability discrimination/offence	1
Coronation Street	ITV	various	Drugs, smoking, solvents or alcohol	1
Emmerdale	ITV	08/11/2018	Dangerous behaviour	1
Emmerdale	ITV	08/11/2018	Generally accepted standards	1
For the Love of Dogs	ITV	31/10/2018	Other	1
Good Morning Britain	ITV	13/08/2018	Race discrimination/offence	1
Good Morning Britain	ITV	15/10/2018	Generally accepted standards	1
Good Morning Britain	ITV	26/10/2018	Scheduling	1
Good Morning Britain	ITV	30/10/2018	Generally accepted standards	1
Good Morning Britain	ITV	31/10/2018	Generally accepted standards	2
Gordon, Gino, and Fred:Road Trip	ITV	25/10/2018	Offensive language	2
Gordon, Gino and Fred:Road Trip (trailer)	ITV	n/a	Animal welfare	1
Grantchester	ITV	various	Drugs, smoking, solvents or alcohol	1
ITV News	ITV	26/10/2018	Generally accepted standards	1
ITV News	ITV	31/10/2018	Due accuracy	1
ITV News	ITV	31/10/2018	Generally accepted standards	1
ITV News	ITV	01/11/2018	Due impartiality/bias	1
ITV News	ITV	04/11/2018	Generally accepted standards	1
Judge Rinder	ITV	31/10/2018	Generally accepted standards	1
Loose Women	ITV	25/10/2018	Offensive language	1
Loose Women	ITV	31/10/2018	Materially misleading	1
Loose Women	ITV	06/11/2018	Generally accepted standards	1
Loose Women	ITV	06/11/2018	Nudity	1

Programme	Service	Transmission Date	Categories	Number of complaints
Loose Women	ITV	08/11/2018	Sexual material	1
Lorraine	ITV	07/11/2018	Nudity	2
News	ITV	05/11/2018	Generally accepted standards	1
The Chase	ITV	28/10/2018	Fairness	4
The Chase Celebrity Special	ITV	28/10/2018	Sponsorship	1
The X Factor	ITV	27/10/2018	Materially misleading	1
The X Factor	ITV	27/10/2018	Race discrimination/offence	1
The X Factor	ITV	27/10/2018	Sexual orientation discrimination/offence	1
The X Factor	ITV	27/10/2018	Voting	1
The X Factor	ITV	28/10/2018	Sexual material	2
The X Factor	ITV	03/11/2018	Generally accepted standards	95
The X Factor	ITV	03/11/2018	Materially misleading	2
The X Factor	ITV	04/11/2018	Violence	1
The X Factor	ITV	04/11/2018	Voting	2
This Morning	ITV	23/10/2018	Animal welfare	3
This Morning	ITV	31/10/2018	Exorcism, the occult and the paranormal	1
This Morning	ITV	31/10/2018	Generally accepted standards	1
This Morning	ITV	31/10/2018	Religious/Beliefs discrimination/offence	1
This Morning	ITV	06/11/2018	Generally accepted standards	1
This Morning	ITV	07/11/2018	Harm	1
ITV News Central	ITV Central	08/11/2018	Generally accepted standards	1
ITV News London	ITV London	08/11/2018	Race discrimination/offence	1
ITV West Country News	ITV West Country	06/09/2018	Due accuracy	1
ITV Calendar News	ITV Yorkshire	30/10/2018	Generally accepted standards	1
Celebrity Juice	ITV2	25/10/2018	Generally accepted standards	6
Celebrity Juice	ITV2	25/10/2018	Violence	1
You've Been Framed	ITV2	31/10/2018	Generally accepted standards	1
Robocop	ITV4	19/10/2018	Scheduling	1
The Only Way Is Essex	ITVBe	04/11/2018	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Only Way Is Essex	ITVBe	04/11/2018	Offensive language	8
The Real Housewives of Cheshire	ITVBe	29/10/2018	Generally accepted standards	1
Jack's Morning Glory	Jack FM	30/09/2018	Generally accepted standards	1
Station ident	Jack FM	28/10/2018	Generally accepted standards	1
Botched	Kanal 11 (Sweden)	08/10/2018	Nudity	1
James O'Brien	LBC 97.3 FM	15/10/2018	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	18/10/2018	Generally accepted standards	2
James O'Brien	LBC 97.3 FM	22/10/2018	Generally accepted standards	3
James O'Brien	LBC 97.3 FM	26/10/2018	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	30/10/2018	Generally accepted standards	3
James O'Brien	LBC 97.3 FM	31/10/2018	Generally accepted standards	2
Maajid Nawaz	LBC 97.3 FM	14/10/2018	Generally accepted standards	1
Maajid Nawaz	LBC 97.3 FM	04/11/2018	Generally accepted standards	3
Matt Stadlen	LBC 97.3 FM	28/11/2018	Materially misleading	1
Nick Ferrari	LBC 97.3 FM	02/10/2018	Race discrimination/offence	1
Steve Allen	LBC 97.3 FM	03/09/2018	Generally accepted standards	1
Steve Allen	LBC 97.3 FM	05/11/2018	Race discrimination/offence	1
Mud Men	London Live	13/10/2018	Violence	1
Magic FM's Mystery Voices	Magic FM	01/11/2018	Competitions	1
Geordie Shore	MTV	16/10/2018	Generally accepted standards	1
Geordie Shore	MTV	23/10/2018	Generally accepted standards	1
Geordie Shore	MTV	30/10/2018	Generally accepted standards	2
Teen Mom UK	MTV	24/10/2018	Dangerous behaviour	1
Churchill Car Insurance's sponsorship	n/a	01/11/2018	Sponsorship credits	1

Programme	Service	Transmission Date	Categories	Number of complaints
Football League: Norwich City v Aston Villa	Sky Main Event	23/10/2018	Offensive language	1
Premier League Football: Crystal Palace v Arsenal	Sky Main Event	28/10/2018	Offensive language	1
All Out Politics	Sky News	16/10/2018	Due impartiality/bias	1
All Out Politics	Sky News	01/11/2018	Due impartiality/bias	1
Press Preview	Sky News	27/10/2018	Materially misleading	2
Press Preview	Sky News	29/10/2018	Due impartiality/bias	1
Sky News	Sky News	27/09/2018	Due impartiality/bias	6
Sky News	Sky News	20/10/2018	Religious/Beliefs discrimination/offence	1
Sky News	Sky News	27/10/2018	Due impartiality/bias	1
Sky News	Sky News	28/10/2018	Generally accepted standards	1
Sky News	Sky News	31/10/2018	Due accuracy	1
Sky News	Sky News	01/11/2018	Due accuracy	1
Sky News	Sky News	07/11/2018	Due accuracy	1
Sunrise	Sky News	25/10/2018	Due impartiality/bias	1
Mixed Shorts Masterclass	Sky Sports Mix	09/10/2018	Gender discrimination/offence	1
Sky Sports News	Sky Sports News	27/10/2018	Generally accepted standards	1
Sky Sports News at 6	Sky Sports News	07/11/2018	Generally accepted standards	1
Usyk v Bellew Countdown	Sky Sports News	07/11/2018	Materially misleading	17
Late Nights with Iain Lee	Talk Radio	17/10/2018	Generally accepted standards	1
Late Nights with Iain Lee	Talk Radio	18/10/2018	Generally accepted standards	1
Extra Time	Talksport	06/11/2018	Generally accepted standards	1
The Alan Brazil Sports Breakfast	Talksport	07/11/2018	Religious/Beliefs discrimination/offence	1
Life Below Zero	Travel Channel	08/10/2018	Animal welfare	1
Paradise Hotel	TV3 (Sweden)	24/09/2018	Religious/Beliefs discrimination/offence	1
Paradise Hotel	TV3 (Sweden)	16/10/2018	Generally accepted standards	1
Svenska Hollywoodfruar	TV3 (Sweden)	16/10/2018	Generally accepted standards	29
UTV News	UTV	28/10/2018	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisements	Various	29/10/2018	Advertising minutage	1
Ben Jones	Virgin Radio	27/10/2018	Drugs, smoking, solvents or alcohol	1

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC channels	05/09/2018	Due accuracy	1
BBC News	BBC 1	14/08/2014	Generally accepted standards	1
Stephen – The Murder That Changed A Nation	BBC 1	17/04/2018	Due accuracy	1
The Andrew Marr Show	BBC 1	17/06/2018	Religious/Beliefs discrimination/offence	1
The Andrew Marr Show	BBC 1	28/10/2018	Materially misleading	12
In Business	BBC Radio 4	06/09/2018	Sexual material	1
PM	BBC Radio 4	20/09/2018	Due impartiality/bias	1
BBC Scotland Sportsound	BBC Radio Scotland	23/09/2018	Other	1

For more information about how Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 29 October and 11 November 2018 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
Big City Radio CIC	Big City Radio	Key Commitments	1
Sunny Govan Community Media Group	Sunny Govan	Retention and production of recordings	2

For more information about how Ofcom assesses complaints about broadcast licences, go to: https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisement	All 4	17/10/2018	Advertising content	1
Advertisement	All 4	25/10/2018	Advertising content	1
Advertisements	All 4	28/10/2018	Advertising content	1
ALL Arts & Media Ltd	ALL FM 96.9 (Manchester)	n/a	Other	1
Newsnight (Twitter)	BBC 2	24/07/2018	Due accuracy	1
Advertisements	BT Sport 2	08/11/2018	Advertising content	1
Capital Yorkshire Instagram post	Capital FM (Yorkshire)	26/10/2018	Outside of remit	1
Advertisements	Channel 4	28/10/2018	Advertising content	1
Advertisements	Channel 4	02/11/2018	Advertising content	1
Advertisements	Channel 4	06/11/2018	Advertising content	1
Advertisements	Channel 4 / Channel 5	01/11/2018	Advertising content	1
Advertisements	Discovery Shed	07/11/2018	Advertising content	1
Advertisements	E4	06/11/2018	Advertising content	1
Brooklyn Nine-Nine	E4	30/10/2018	Outside of remit	1
Brooklyn Nine-Nine	E4	01/11/2018	Outside of remit	2
Brooklyn Nine-Nine	E4	02/11/2018	Outside of remit	1
Brooklyn Nine-Nine	E4	05/11/2018	Outside of remit	1
Six Days of London Cycling	Eurosport 1	27/10/2018	Outside of remit	1
Advertisements	Film4	01/11/2018	Advertising content	1
Advertisements	Film4+1	08/11/2018	Advertising content	1
Teleshopping	Ideal World	13/09/2018	Teleshopping	1
Advertisements	ITV	26/10/2018	Advertising content	1
Advertisements	ITV	31/10/2018	Advertising content	1
Advertisements	ITV	05/11/2018	Advertising content	1
Coronation Street	ITV	21/12/2018	Generally accepted standards	1
Advertisements	ITV2	06/11/2018	Advertising content	1
Station-led action campaign	Jack FM Oxfordshire	01/12/2017	Advertising content	1
Advertisements	Movies for Men	28/10/2018	Advertising content	1
Advertisements	n/a	n/a	Advertising content	1
Background music	n/a	30/10/2018	Outside of remit	1
n/a	n/a	01/10/2018	Other	1
Content Access Controls	Netflix	22/10/2018	Other	1

Programme	Service	Transmission Date	Categories	Number of complaints
Sabrina	Netflix	01/11/2018	Hatred and abuse	1
Non-editorial (customer service)	NOW TV	25/10/2018	Other	1
Second Test Match: England v India	Sky Sports Cricket	10/08/2018	Outside of remit	1
Third Test Match: England v India	Sky Sports Cricket	19/08/2018	Outside of remit	1
The Jewellery Channel	TJC	30/10/2018	Teleshopping	1

For more information about what Ofcom's rules cover, go to: <https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint/what-does-ofcom-cover>

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
UK Open Snooker	BBC	n/a	Other	1
A Point of View	BBC 1	02/11/2018	Due impartiality/bias	1
BBC Breakfast	BBC 1	02/11/2018	Due accuracy	6
BBC Breakfast	BBC 1	02/11/2018	Due impartiality/bias	4
BBC Weather	BBC 1	01/01/2018	Other	1
Countryfile	BBC 1	29/10/2018	Charity appeals	1
EastEnders	BBC 1	26/10/2018	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	29/10/2018	Dangerous behaviour	1
EastEnders	BBC 1	01/11/2018	Generally accepted standards	1
EastEnders	BBC 1	02/11/2018	Generally accepted standards	1
EastEnders	BBC 1	05/11/2018	Generally accepted standards	1
EastEnders	BBC 1	05/11/2018	Generally accepted standards	1
Flog It	BBC 1	13/08/2018	Materially misleading	1
Have I Got a Bit More News for You	BBC 1	05/11/2018	Religious/Beliefs discrimination/offence	1
Question Time	BBC 1	08/11/2018	Due impartiality/bias	1
Question Time	BBC 1	08/11/2018	Generally accepted standards	3
Question Time	BBC 1	08/11/2018	Race discrimination/offence	1
Sunday Morning Live	BBC 1	04/11/2018	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	28/10/2018	Materially misleading	23
The Andrew Marr Show	BBC 1	02/11/2018	Due impartiality/bias	2
The Andrew Marr Show	BBC 1	03/11/2018	Generally accepted standards	1
The Andrew Marr Show	BBC 1	04/11/2018	Due impartiality/bias	14

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Watchdog	BBC 1	31/10/2018	Materially misleading	1
Watchdog	BBC 1	02/11/2018	Undue prominence	1
The Mash Report	BBC 2	04/11/2018	Due impartiality/bias	1
BBC Breakfast	BBC iPlayer	02/10/2018	Due impartiality/bias	1
BBC Breakfast	BBC iPlayer	02/11/2018	Due accuracy	1
BBC News	BBC News Channel	01/11/2018	Due impartiality/bias	1
Matt and Mollie	BBC Radio 1	28/09/2018	Crime and disorder	1
Jeremy Vine	BBC Radio 2	30/10/2018	Due impartiality/bias	1
Steve Wright in the Afternoon	BBC Radio 2	25/10/2018	Due impartiality/bias	1
Today	BBC Radio 4	25/10/2018	Due accuracy	1
US Midterms Election: BBC News Special	BBC World News	06/11/2018	Due accuracy	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 29 October and 11 November 2018.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
Jeremy Vine	Channel 5	24/10/2018
Advertising minutage	GNTV	Various
Kiss Fresh with Alex	Kiss Fresh	23/10/2018

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

For more information about how Ofcom conducts investigations about content standards on BBC broadcasting services and BBC ODPS, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0002/100100/Procedures-for-investigating-breaches-of-content-standards-on-BBC-broadcasting-services-and-BBC-on-demand-programme-services.pdf

Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Service	Transmission date
Modern Life is Goodish	Dave	18/12/2017
The Late Night Alternative with Iain Lee	talkRADIO	23/07/2018

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0031/57388/fairness-privacy-complaints.pdf

For information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints on BBC Broadcasting Services and BBC ODPS, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0003/100101/Procedures-for-the-consideration-and-adjudication-of-Fairness-and-Privacy-complaints.pdf

Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Big City Radio CIC	Big City Radio
Big City Radio CIC	Big City Radio
B.R.F.M. Bridge Radio Limited	BRFM Sheppey
Tees Valley Christian Media	Cross Rhythms Teesside
Afro Caribbean Millennium Centre	New Style Radio 98.7 FM

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0019/31942/general-procedures.pdf