



In Conversation with Ansar Ali

Type of case	Broadcast Standards
Outcome	In Breach
Service	Salaam Radio
Date & time	15 April 2023, 15:00
Category	Elections and Referendums
Summary	A community radio station broadcast a programme presented by a candidate in a local council election during the election period. In breach of Rule 6.6 of the Broadcasting Code.

Introduction

Salaam Radio is a community radio station broadcasting to the Muslim community in Peterborough. The licence for Salaam Radio is held by Salaam Radio Ltd (“Salaam Radio” or “the Licensee”). *In Conversation with Ansar Ali* was an hour-long programme discussing community issues.

Ofcom received a complaint that the presenter of the programme on 15 April 2023 was standing as a candidate in the Peterborough city council elections.

Ofcom considered that the election period for the English local elections on 4 May 2023 started on 27 March 2023 as per our published [Note to Broadcasters on Election programming](#) (we also note that the Notice of Elections for the elections to Peterborough City Council was published on 28 March 2023¹). In response to our initial request for information, the Licensee confirmed to us that the presenter in question did stand as a candidate in these elections. The Licensee said that it did not know the exact date on which the presenter submitted their nomination papers. In any event, however, as the programme took place after the closing date for nominations for the Peterborough

¹ <https://www.peterborough.gov.uk/news/notice-of-elections-published-for-4-may>

city council wards on 5 April 2023, we considered that the presenter was therefore standing nominated as a candidate for the election at the time of the broadcasts.

We therefore considered the programme raised potential issues under the following rule of the Code:

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

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

Response

In its response to our initial request for information, the Licensee said that it did not know the exact date on which the presenter submitted their nomination papers, and that they were no longer presenting on Salaam Radio².

In response to our request for comments under Rule 6.6, Salaam Radio stated that it had “conducted an extensive internal investigation concerning our procedures during election periods”. It said that it had adhered to Rule 6.6 in the past and volunteers who were candidates had been guided by their parties to inform the Licensee. It also said Rule 6.6 had been explained when training new volunteers and that it had “relied on the candidates themselves to keep us informed thereafter”. Salaam Radio said that in this case, the candidate was standing as an independent and therefore had not received guidance from a local party group. The Licensee noted that in the programme broadcast, “the candidate did not engage in any discussions related to politics or the election campaign”, and that as it “recognised the importance of maintaining balance in shows that discuss politics or current affairs”, it had “generally refrained” from featuring this type of programme “due to the potential risks of presenting biased views”.

Salaam Radio said that until Ofcom had contacted it to request information relating to this broadcast, it had understood that the Code “does not explicitly prohibit candidates from presenting programmes as long as they refrain from discussing current affairs or election-related topics” and that as the presenter had not discussed these issues it assumed the programme was not in breach of the Code.

The Licensee said that it understood “Ofcom takes into account the nature of the content and the reasonable expectations of the intended audience” and that as the programme “did not involve any partisan political discussions, promotion of a political agenda, or favouritism towards the presenter’s candidacy” it considered “the reasonable expectation of the audience would have been to engage with a programme discussing multiculturalism, rather than election-related matters”. It also said that: “Therefore, we argue that the content of the broadcast aligns with the reasonable expectations of the audience”.

² The Licensee informed us that Ansar Ali had also presented *In Conversation with Ansar Ali* on 2 and 8 April 2023.

Salaam Radio said that it had reviewed its processes and that in future, prior to the start of an election period “we will proactively reach out to each presenter [to]...ensure that any presenter intending to participate in the elections as a candidate refrains from hosting any shows during the election period”.

Representations from the Licensee on Ofcom’s Preliminary View

Ofcom prepared a Preliminary View finding the programme in breach of Rule 6.6 and provided it to Salaam Radio for its comments. In response, Salaam Radio said that “in response to this incident, Salaam Radio Limited has updated and communicated its processes to all presenters to ensure compliance with Ofcom guidelines”.

Representations from Ansar Ali on Ofcom’s Preliminary View

Ofcom recognises that there may be persons/bodies, other than the Licensee, who may be directly affected by the outcome of Ofcom’s investigation and determination of a complaint. Our procedures encourage broadcasters to seek, take account of, and include such representations. In this case, Ofcom considered it was appropriate to ask the Licensee to invite the presenter, Ansar Ali, to make representations on the Preliminary View if he wished to do so. Mr Ali provided his representations via the Licensee and said that:

- he had nothing to gain personally from participating in the programme, and his involvement “was motivated solely by a desire to assist Salaam Radio Limited in meeting its key commitments to Ofcom”;
- he acknowledged “an oversight on his part regarding Ofcom rules” and attributed this to his “status as an independent candidate without party guidelines and reminders”. Mr Ali said that he “did not intend to violate any standards and is committed to adhering to all regulations”; and
- he highlighted that the content of the programme focused on “cultural topics related to Ramadan, with no intention to gain votes”. Mr Ali said that the programme was “conducted during his canvassing efforts, contributing to community engagement rather than political gains”.

Salaam Radio added that Mr Ali has been a longstanding presenter at the station, previously “adhering to party protocols during election periods”. It said that he had left his position as a radio presenter at Salaam Radio in April 2023.

Decision

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

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

Rule 6.6

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

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

“Candidates has the meaning given to it in section 93 of the Representation of the People Act 1983³ (as amended) and means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it”.

Ofcom therefore considers a “candidate standing nominated at the election” refers to someone who has made an administrative commitment to becoming a candidate. This involves submitting to the relevant returning officer, within the period for delivery of the nominations, the formal nomination paperwork (demonstrating that person’s eligibility and consent to be nominated); and paying the necessary fee⁴.

The programme *In Conversation with Ansar Ali* on 15 April 2023 was broadcast during the election period for the Peterborough city council elections taking place on 4 May 2023 and followed the publication of the statement of persons nominated on 5 April 2023, which confirmed that the presenter had made an administrative commitment to becoming a candidate for Peterborough city council elections. We therefore considered that the presenter met the criteria for a candidate “standing nominated” in the forthcoming city council election when the programme was broadcast on 15 April 2023⁵.

Ofcom took into account the Licensee’s representations that Rule 6.6 was explained to new volunteers when they were onboarded and trained, and that thereafter it had relied upon volunteers to notify them if they intend to stand as a candidate in an upcoming election. We considered Salaam Radio’s submission that, in this case, as the presenter was standing as an independent candidate, he had not been obliged by his local party group to notify them. Ofcom also acknowledged that in his representations Mr Ali said that as an independent candidate without “party guidelines and reminders” on such issues, the failure to inform Salaam Radio that he was a candidate was “an oversight” on his part. However, whether the presenter is standing as an independent candidate or on behalf of a political party, Ofcom’s position is that it is the responsibility of the broadcaster to ensure that its programmes comply with the Code. We also took into account that Mr Ali was no longer presenting at Salaam Radio, and his assertion that he “did not intend to violate any standards”. Ofcom also acknowledged the Licensee’s assurances that it had updated its processes and communicated this to presenters who, in future, would be approached

³ See section 93 of the [Representation of the People Act 1983](#).

⁴ On 6 March 2023, Ofcom published a [Note to Broadcasters](#) providing, among other things, information on how a candidate is defined under the Code:
https://www.ofcom.org.uk/data/assets/pdf_file/0035/254888/Note-to-Broadcasters-Election-Programming.pdf

⁵ We note also that the Licensee told us that the candidate presented this programme on 2 and 8 April 2023. However, we do not have recordings of these programmes and have not assessed them as part of this investigation.

prior to the start of an election period to ensure that anyone intending to stand as an election candidate would not present programmes during the election period.

Ofcom took into account the broadcaster's and the audience's right to freedom of expression. In particular, we took into account the Licensee's representations that the programme "did not involve any partisan political discussions, promotion of a political agenda, or favouritism towards the presenter's candidacy" and that "the reasonable expectation of the audience would have been to engage with a programme discussing multiculturalism, rather than election-related matters". We acknowledged that the programme consisted mainly of informal discussions between the presenter and his guests covering a range of topics, with a focus on community events during Ramadan, with some music and advertisements. We also took into account that Mr Ali said that he "had nothing to gain personally" from his participation in the programme, and there was "no intention to gain votes" through appearing in it as a presenter. However, Ofcom's [Guidance to Section Six](#)⁶ makes it clear that Rule 6.6 is concerned not just with preventing electoral issues from being reported in a partial manner. The rule is designed to help secure the integrity of the democratic process, and the public's trust in that integrity, by preventing any unfair electoral advantage being afforded to a particular candidate through their appearance as a news presenter, interviewer or presenter on any type of programme on a licensed service during an election period. Rule 6.6 therefore applies to all genres of programming. Therefore, Ofcom's Decision is that the content was in breach of Rule 6.6.

Breach of Rule 6.6

⁶ See Paragraph 1.32.