[GB] Broadcaster Fined for Compliance Failure in Awards Programme

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The serious problems in UK broadcasting relating to phone-in competitions and votes have been illustrated once more (for earlier examples see IRIS 2007-8: 11, IRIS 2007-10: 15, IRIS 2008-2: 13, IRIS 2008-7: 13, IRIS 2008-9: 11). In the most recent case, Channel TV was fined by the Office of Communications (Ofcom) for two breaches of its codes in relation to 'The British Comedy Awards 2004' and the 'British Comedy Awards 2005'. The programmes were networked nationally; Channel TV had been appointed as the compliance licensee, although the programmes were made by an independent production company.

The first breach was for early finalising of the vote for the 'People's Choice Award' in both the 2004 and the 2005 awards. The final half-hour of the programme was pre-recorded, though broadcast as if live, and included calls for viewers to vote by phone using a premium rate service. However, the award had already been made; nevertheless, viewers continued to pay to vote and continued to do so even after the award had been announced. The breach was brought to the attention of Channel TV by a member of the audience, but no action was taken. The broadcaster described the breaches as "entirely unintentional but nonetheless stupid"; Ofcom considered the breaches "serious, reckless and repeated over two years" and that "viewers were materially misled". It fined the company GBP 45,000.

The second breach related to overriding the vote for the awards in 2005. Viewers were led to believe that the 'People's Choice Award' would be given to the nominee with the highest number of votes cast during the programme. When the award was made, the highest number of votes had been cast for 'The Catherine Tate Show'. However, the award was made to 'Ant & Dec's Saturday Night Takeaway', following a decision to substitute it as the named winner. This was done deliberately by a member of the production team. Ofcom faced a lack of cooperation by some people involved in the production, so was not able to determine definitively the full circumstances. One theory was that Robbie Williams, the presenter of the award, had only accepted through his agent to present, if an award was to be made to his friends Ant and Dec; another was that the change was made as a result of comments made by an employee of the ITV Network. Ofcom was unable to determine the truth of these theories. It did however conclude that the broadcaster did not properly appreciate its responsibilities for securing compliance and should have had processes in place to

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verify the result of the vote. The broadcaster was fined GBP 35,000, bringing the total to GBP 80,000, and was required to broadcast a statement of the findings.

Ofcom, 'Comedy Award Broke Broadcasting Rules', 2 October 2009

http://www.ofcom.org.uk/consumer/2009/10/comedy-awards-broke-broadcasting-rules/

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