[GB] Regulator fines broadcaster for serious and repeated failures of compliance procedures

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The UK Communications Regulator, Ofcom, has for the first time imposed a financial sanction on a broadcaster for inadequate compliance procedures. International Television Channel Europe (ITCE) is a general broadcaster on the digital satellite platform, aimed at the Bangladeshi audience in the UK and elsewhere in Europe. A standard licence requires licensees to adopt procedures to ensure that their programmes comply in all respects with their licence conditions and to ensure that such procedures are observed, in particular by ensuring that there are sufficient qualified or trained staff to do so.

In the period April 2013 to September 2014, 20 different breaches of the Broadcasting Code were recorded against the licensee. Most of the breaches related to the rule restricting commercial references in television programming. A number of the breaches had occurred after Ofcom had notified ITCE that it was investigating compliance, and after Ofcom had engaged extensively with the broadcaster in an attempt to improve compliance. Ofcom concluded that ITCE did not take appropriate steps to prevent a breach of the licence condition requiring compliance procedures, although senior management was aware of their inadequacies. There had thus been serious, repeated and reckless breaches of the licence condition.

ITCE accepted that compliance procedures had been poor due to inadequate staffing but stated that they had not intended to harm viewers. Problems had been caused by the fact that 90% of its content was obtained directly from Bangladesh where there is no separation of advertising and editorial material and no broadcasting regulator. It had also had difficulties in recruiting sufficient staff with sufficient levels of English and Bangladeshi language. After the hearing, Ofcom was satisfied that the broadcaster had recognised its previous failings and had put into place training for staff. The proportion of material taken directly from programming in Bangladesh had been reduced to 50%.

Ofcom decided to impose a financial penalty of £20,000 on ITCE as a result of the breach, and also warned the broadcaster that it will be undertaking a period of monitoring its broadcast output. Should there be further compliance failings, the regulator will consider whether ITCE’s licence should be revoked.

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Ofcom, Sanction 98(15), Sanction to be Imposed on International Television Channel Europe ("ITCE"), 17 December 2015.

http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/ITCE_sanction_151215.pdf

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