[GB] GB News’ "Don’t Kill Cash" campaign breached Ofcom due impartiality rules

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The GB News programme "The Live Desk" promoted the broadcaster’s campaign called "Don’t Kill Cash" to promote the use of cash. Ofcom considered that the campaign was addressing an issue of political controversy and related to current public policy. The GB News campaign breached Rule 5.4 of Ofcom’s Broadcasting Code which requires licensees to exclude all expressions of the views and opinions of the person providing the service. Further, GB News breached rule 5.5 requiring a broadcaster to preserve due impartiality on matters of political or industrial controversy and matters of current public policy.

GB News is a UK-based channel that broadcasts a range of news content and current affairs programmes. The licence for GB News is held by GB News Ltd.

On 3 July 2023, GB News launched its "Don’t Kill Cash" campaign (the campaign) to "call on the government to introduce legislation to protect the status of cash as legal tender and as a widely accepted means of payment in the UK until at least 2050". The campaign was extensively advertised across GB News programming and included a QR Code and links to the GB News website.

During the Live Desk programme on 7 July 2023 (the programme), the campaign was heavily featured and included encouragement for viewers to sign a petition to enable the matter to be discussed in parliament. The programme discussed the merits and demerits of cash including the security costs of handling sums of money; it also highlighted the fact that some citizens had no access to digital devices to use online banking.

GB News contended that there had been a history in the UK of broadcasting campaigns. Also, GB News said the campaign was not about "matters of political and industrial controversy and matters relating to current public policy". GB News considered there was no alternative view that needed to be broadcast.

Ofcom acknowledged the arguments GB News used to justify running its campaign. Ofcom’s role was not to comment on the merits of the campaign whilst the Broadcasting Code is not intended to prohibit broadcasters from broadcasting content encouraging viewers to support campaigns on particular issues. However, the legislative framework, as reflected in the code, clearly states that broadcasters must ensure that, where they promote such campaigns, they must

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do so in a manner compliant with section five of the code, particularly rules 5.4 and 5.5.

Rule 5.4 says: "Programmes in the services ... must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement."

Rule 5.5 says: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service ... This may be achieved within a programme or over a series of programmes taken as a whole."

Ofcom observed that the campaign was a matter of current public policy and a matter of political controversy including controversy over the Financial Services and Markets Bill (the Bill) which was introduced to parliament on 20 July 2022 and included legislation to ensure the maintenance of access to cash. The Bill gained Royal Assent on 29 June 2023, just four days before GB News launched its campaign.

The government had mandated that there should be no obligation for a business to accept cash. Ofcom saw the campaign as being directly opposed to the government. The broadcaster was effectively advocating its opinion in derogation of rule 5.4 of the Broadcasting Code.

GB News' output, in the context of the overall coverage, had few counterarguments in support of a cashless society. Ofcom’s Guidance on rule 5.5 states that the preservation of due impartiality does not require a broadcaster to include every argument on a particular subject or to provide, in each case, a directly opposing argument to the one presented in the programme. However, while current affairs programmes are able to investigate issues and take a position even if that is highly critical, a broadcaster must maintain an adequate and appropriate level of impartiality in its presentation of matters of political controversy.

Whilst other broadcasters had previously supported campaigns such as ITV’s campaign on mental health and Sky’s campaign to combat racism in football, an obligation nevertheless remained to comply with rules 5.4 and 5.5 and in GB News' case, that compliance had not occurred. Ofcom determined that GB News had breached rules 5.4 and 5.5.

Ofcom, in their determination, gave consideration to freedom of expression under Article 10 of the European Convention on Human Rights.

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