



Martin Daubney (standing in for Laurence Fox)

GB News, 16 June 2023, 19:00

Summary

The above current affairs programme dealt with the topic of immigration and asylum policy, in particular in the context of controversy over small boats crossing the English Channel.

The presenter, Martin Daubney, gave his own views on this topic and interviewed the leader of the Reform Party, Richard Tice.

Ofcom received a complaint about the programme.

We considered that immigration and asylum policy constituted a matter of major political controversy and a major matter relating to current public policy. When dealing with major matters, all Ofcom licensees must comply with the heightened special impartiality requirements in the Code. These rules require broadcasters to include and give due weight to an appropriately wide range of significant views.

We found that Mr Tice presented his position on a matter of major political controversy and a major matter of current public policy with insufficient challenge, and the limited alternative views presented were dismissed. The programme therefore did not include and give due weight to an appropriately wide range of significant views, as required by the Code. The Licensee accepted that the content was not compliant with the heightened special impartiality requirements in the Code.

GB News failed to preserve due impartiality, in breach of Rules 5.11 and 5.12 of the Code.

Ofcom recognises that, in accordance with the right to freedom of expression, broadcasters have editorial freedom and can offer audiences innovative forms of discussion and debate.

However, in light of the likely similarity of the views of the participants in this programme on the major matter being discussed, the Licensee should have taken additional steps to ensure that due impartiality was preserved.

We expect GB News to take careful account of this Decision in its compliance of future programming.

Martin Daubney (standing in for Laurence Fox)

Type of case	Broadcast Standards
Outcome	In Breach
Service	GB News
Date & time	16 June 2023, 19:00
Category	Due impartiality
Summary	A current affairs programme, presented by Martin Daubney, and featuring an interview with the leader of Reform UK, Richard Tice, was not duly impartial on a matter of major political controversy and/or a major matter relating to current public policy. In breach of Rules 5.11 and 5.12 of the Broadcasting Code.

Introduction

GB News is a UK-based channel that broadcasts a range of news content and current affairs programmes. It describes itself as “Britain’s News Channel”. The licence holder for GB News is GB News Limited (“GB News” or “the Licensee”).

Laurence Fox was an hour-long programme that until recently was broadcast Friday evenings on GB News¹. It was normally presented by Laurence Fox, leader of the Reclaim Party, but on this occasion was presented by Martin Daubney, a former Brexit Party MEP and former deputy leader of the Reclaim Party. The programme typically featured comment and debate about topical issues, including monologues, interviews, and panel discussions with guests from the worlds of politics and journalism.

Ofcom received a complaint about the programme broadcast on GB News on 16 June 2023 (“the programme”).

Programme summary

This programme was guest presented by Martin Daubney. During the introduction, Mr Daubney gave an overview of the topics to be discussed in the programme. This included: the topic of immigration and asylum policy; an interview with Dr Rakib Ehsan to discuss his new book; and a discussion about the then upcoming vote by MPs on the Commons Privileges Committee’s report into Boris Johnson. In particular, Mr Daubney said:

¹ The *Laurence Fox* programme was discontinued in October 2023.

“Well the Government has lost the plot on illegal immigration. The Prime Minister takes all the credit from the weather but now it’s getting warmer, the numbers are up, so I’ll be asking whether it’s time to follow Italy’s example and declare a state of emergency”.

As this story was introduced, on-screen text read: *“Migration Nation”*.

Following a news bulletin, which reported on events unrelated to the rest of the programme, the programme continued with immigration and asylum policy being the first topic to be discussed. On-screen text read *“Make Britain Safe Again. Martin gives his take on Channel crossings surpassing 9000 this year”* as Mr Daubney said:

“Well, this was the week when the Tory Government finally and totally lost control. No, in fact, they lost the plot on illegal immigration. Yesterday, Rishi Sunak was acting all tough in an immigration control stab-proof vest, bragging about a 50% increase of raids and doubled arrests. Well, that followed his claim that his ‘Stop the Boats’ plan had cut crossings by 20%. But anybody with half a brain and the ability to say ‘Alexa, what’s the weather like in Dover?’ knew it was high winds, not high-minded Tory policies that was keeping the illegals away”.

Mr Daubney then referred to Mr Sunak’s reassurance that it was *“only he who could stop the tide”*. He continued and said it had *“got worse”* after it emerged the Home Office had spent *“£3.6 billion on asylum support in 2022/23, nearly double the year before”*.

Mr Daubney continued:

“Astonishingly, Rishi has made things worse. His pledge to clear a backlog of nearly 100,000 old asylum claims has created a log jam of new claims. Yes, the lunatics have finally taken over our asylum system. But before you sigh ‘ah, well, at least things can’t get any worse’. The answer is, they can, a lot worse, if Labour get into power because like Rishi, Keir Starmer likes to talk tough on borders, but like Rishi, he’ll be another chocolate teapot.

Yvette Cooper, his shadow Home Secretary, is basically Gary Lineker in a wig. And... most Labour MPs share her ‘Refugees Welcome’ stance too. In February 2020, 53 bleeding heart MPs including Labour luminaires [sic] at the time: Jeremy Corbyn, Diane Abbott, David Lammy and Nadia Whittome succeeded in grounding a flight loaded with 43 foreign criminals about to be deported to Jamaica. Three of those criminals went on to reoffend, including one Ernesto Elliott who brutally stabbed a man to death. Yet Miss Whittome called them vulnerable people, adding ‘Refugees need protection, not deportation’. Whose side are these people on?

Some 9,346 have crossed the Channel illegally this year, including at least 1,500 this week and over 300 today. We have absolutely no idea who any of these people are. We now no longer know who walks

among us. Of course, they're not all bad apples. Some may genuinely be fleeing war zones, but they could have claimed asylum in France. Mind you, have you been to Paris recently?

But, it's delusional and dangerous for the Lineker-ites to claim that they are all saints too. In April, security sources leaked to the Daily Mail reveal that there are at least 19 terrorists living at full taxpayers' expense, including Islamic State members who came here in dinghies. But this is likely to be just the tip of the iceberg. Surely it's time to cry, 'enough is enough'.

So how can we make Britain safe again? Well, we could declare a national state of emergency to stem the tide of illegals arriving here by a dinghy. In April, Italian Premier Giorgia Meloni did just that. Boats filled with illegals were forced to dock in France. We could enforce existing UN convention laws on national security and tow boats back to France. We could hold a referendum on the membership of the ECHR [European Convention on Human Rights], neuter the human rights lawyers and deport all terrorists and foreign criminals. We could also even arm the police. But that, my friends, that would take guts, and we just don't have gutsy leaders like Giorgia Meloni in Britain. We have spineless Sunak who shouts at the sea but cannot stop the tide and a Parliament, public service, judiciary and a mainstream media stuffed with 'Refugees Welcome' virtue-signallers who are completely out of touch with the public mood. Today, we say, it's time to declare a state of emergency. It's time to close our borders to illegals. It's time to make Britain safe again. So tonight, I am asking, how do we make Britain safe again? Should we close the borders? Should we deport all foreign criminals? Should we even arm the police? Well, let me know what you think".

Mr Daubney invited the audience to contact the programme with their views and this was immediately followed by the *Laurence Fox* title sequence before returning to the programme. Mr Daubney was then joined by Reform UK leader, Mr Richard Tice. Throughout the interview, the following on-screen text was shown: *"State of Emergency. Should we declare a state of emergency to tackle channel crossings?"*

Mr Daubney began by referring to Mr Tice as *"an old sparring partner of mine over in Brussels"* from their time as Brexit Party MEPs together², saying: *"We stuck it to them"*. Mr Daubney then asked whether the UK should declare a state of emergency and said that he was *"not seeing anything remotely changing despite billions of pounds of extra money going into it. Loads of hot air, loads of chest puffing, but no decisive action"*.

² Both Mr Daubney and Mr Tice were Members of the European Parliament from 2 July 2019 to 31 January 2020.

Mr Tice responded:

“But of course, we should definitely declare that there is a national security threat, which we're entitled to do under Article Nine of the UN '51 convention. We, in Reform UK, we've been calling [for] this for well over a year now. It's the first part of our 'six-point plan' and this is the only plan and we are the only party Martin, that will stop the boats. So that's the first thing you have to do. You then make it absolutely clear that zero are allowed to resettle here, that you will have offshore processing centres. But here's the rub, you've then got to say, that you're going to have a completely new department of immigration staffed by people who believe in the cause of safe and secure borders. That's absolutely fundamental. And then, then, you do what the Australians did, you safely pick people up out of the boats, and you take them back to France from where they came, again, which you're allowed to do Martin under existing international law”.

Mr Daubney asked what the reason was for this not being done, if it is allowed. Mr Tice responded:

“Because they [the Government] are weak, they are feeble, they are gutless, they don't have the courage and the decisive leadership to actually do this and to protect British citizens”.

Mr Tice referred to the previous examples Mr Daubney had given about deporting foreign criminals. Mr Tice added:

“And, I think the British people actually have had enough, and they want some action. But it does require guts. And, there's no guts, frankly, within anywhere near the levers of power in the main two parties in Westminster”.

The following conversation then took place:

Mr Daubney: *“OK, let's just have a bit of balance on that. So, people would say, well, it's all fine to say we're going to declare you know a state of emergency, but the lawyers won't stand for it. France won't stand for it”.*

Mr Tice: *“They've got nowhere to go. It's in Article Nine of the UN '51 convention. You're entitled to do it. Australia did it in 2013 as part of their plan, which is the basis of our plan, and guess what, it worked”.*

Mr Daubney: *“And that's because, just to clarify for viewers, that's so you declare there's a threat to your national security, which clearly there is, if we know there are at least 19 terrorists within our country”.*

Mr Tice then referred to “dozens and dozens of others”, referring to him exposing “the Albanian scandal” by way of example. He said:

“So look, yes, these people can say ‘we’re on top of it’, but they’re clearly not. The backlog is growing. The Home Office is utterly incompetent, and it needs dealing with”.

Mr Daubney then asked Mr Tice about the cost, and said:

“Obviously we’re spending like six, seven, who knows how many million pounds a week on hotels alone. [Mr Tice interjected: “a day”]. A day, beg your pardon, and offshore processing is talked about a lot, but it’s continually blocked by lawyers... by the establishment, by the blob and, not a single person has left for Rwanda. So how would this work? Just say, if you were Prime Minister, how would you be able to do what hasn’t been able to be done by anybody so far?”

Mr Tice responded:

“The first thing is you’ve got to set up a new department of immigration staffed by a completely new team who believe in the cause, with lawyers who believe in the cause as well. The moment you do that, then actually you’re into a much better place and you don’t have to just use Rwanda. Although I was interested that countries like Germany, a member of the European Union, is now looking at a Rwanda plan because they know they’ve got a problem. But we could also use British overseas territories, for example”.

Mr Tice provided a number of examples of overseas territories and Mr Daubney then referred to *“building an island where we could put a containment centre”* with Mr Tice stating that it was not necessary, referring back to existing overseas territories or arrangements with Rwanda. He also said:

“And let’s remember Rwanda was actually praised by UN reports for the progress and the help that it’s been giving in actually supporting refugees from other African countries”.

Mr Daubney then asked:

“What’s the mood on the streets about where we’re at at the moment? Obviously people are exasperated. Do you think we’re reaching some sort of tipping point? Some sort of point where the great British welcoming spirit, the...tolerance, the diversity, the welcoming nature are... we seeing that getting stretched to the absolute limit now?”

To which Mr Tice said:

“And that’s the tragedy of it. Because, yes, we’ve always been a generous, welcoming, hospitable nation. And we proved it, didn’t we? With Ukraine last year: women and children, not young men of military age. So, we’ve always had that reputation. But that then becomes diluted or damaged, that generosity, because we’re being

abused, we're being exploited, we're being manipulated by so many people for money and for foot soldiers for these criminal gangs, and it's got to stop and I think the mood of the British people is done with this. We've had enough. I spoke to one of these asylum seekers outside the hotel when they went on strike because they weren't happy with the quality of the bathrooms and the Wi-Fi".

Mr Daubney made reference to *"these floating barges, the so-called prison barges"* and said: *"they look better than a lot of holidays I've had"*. Mr Tice responded: *"What a disgrace"* and made reference to construction workers who use the same accommodation. He added:

"What an absolute disgrace for people in Westminster to then say 'that's not good enough for the illegal asylum seekers', when British workers already use that very same barge".

The interview with Mr Tice ended with Mr Daubney saying:

"Well, it's hard to argue with that Richard Tice. Thank you for joining us this evening. Leader of the Reform Party, of course. Well, let us know what you think out there. Some strong words there. Is it going too far? If we are risking having a bit of a trade war with France, is that a price worth paying? Let us know".

Later in the programme, following an interview with Dr Rakib Ehsan, Mr Daubney read out viewer emails on the topic of *"illegal immigration"*. These were also shown on screen. Mr Daubney said:

"First off is Martin, not me: 'We should, we should declare a state of emergency on our borders and temporarily close them and completely ignore the ECHR. But as you highlighted Martin, the current Cabinet and Labour are terrified of any criticism and will not take the decisive action required'".

"Next point from Tez, who says: 'Most of our country's problems are being copied from America. It's time we stood up for ourselves'". [To which Mr Daubney added: *"Hear, hear"*.]

"Next point from Nina: 'Rishi is a gutless, weak Prime Minister... who wasn't voted into that position in the first place. We need a leader who will take action and not let off hot air'".

The programme continued with no further mention of the topic of immigration and asylum policy.

Applicable rules of the Ofcom Broadcasting Code

For the reasons set out further below in this Decision, we considered the programme was dealing with a matter of major political controversy and major matter relating to current public policy, namely immigration and asylum policy. We considered that it therefore raised potential issues under the following rules of the Code:

Rule 5.11: “... due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service... in each programme or in clearly linked and timely programmes”.

Rule 5.12: “In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented”.

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

Response

GB News accepted that Rules 5.11 and 5.12 applied because the “subject was a major matter of public policy”. It also accepted that the programme did not meet the requirements of the Code in respect of the due impartiality provisions.

The Licensee said that the subject under discussion was “immigration to the UK” and, in particular, “the arrival of refugees in boats crossing the Channel”. In this programme the guest presenter, Martin Daubney, gave his own views and then interviewed Richard Tice, the leader of the Reform Party, who broadly agreed with him.

GB News said that it intended for Mr Daubney “to provide critical questioning of Mr Tice and, in the absence of an interviewee offering an alternative perspective, to subject his views to close scrutiny”. It added that Mr Daubney began to do this, including “one instance” where he referred to the need for “balance” in the debate and “raised the views of people who might object to the strong measures he was proposing”. The Licensee, however, accepted that “this approach was not wholly successful”.

GB News said that this programme “was not in accord with GB News’s policy and practice on Due Impartiality, nor with its Editorial Charter”. It added that these practices “form a central part of the compliance training that all staff receive, and of the regular updates and refreshers that staff attend too”. The Licensee said that relevant staff “will receive further training focused on the issues raised by this broadcast”.

Ofcom prepared a Preliminary View finding the programme in breach of Rules 5.11 and 5.12 and provided it to GB News for its comments. In response, the Licensee reiterated that it accepted that the programme did not meet the requirements of Section Five of the Code and was also not in accordance with GB News’s Editorial Charter. It said again that the intention of the production team had been to preserve due impartiality through the inclusion of challenging questioning during the interview, but that this had not happened to a sufficient extent. It added that its employees receive detailed compliance training, including a new series of update/refresher sessions for all staff due to begin soon. GB News apologised for the breaches of the Code.

Decision

Reflecting our duties under the Communications Act 2003 (“the Act”), [Section Five of the Code](#) requires that the due impartiality requirements of sections 319 and 320 of the Act are met.

Section 319 of the Act requires that news in television and radio services is presented with due impartiality³. Section 320 of the Act sets out special impartiality requirements, which include the preservation, in the case of every television and radio service, of due impartiality on matters (and major matters) of political or industrial controversy and matters relating to current public policy⁴.

Section Five of the Code makes clear that “due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side or another. “Due” means adequate or appropriate to the subject and nature of the programme. It does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience. In addition, context, as defined in Section Two of the Code, is important in preserving due impartiality. Context includes a number of factors, such as the editorial content of the programme, the service on which the material is broadcast, and audience expectations; and the effect on viewers who may come across the programme unaware.

The Code sets out that the meaning of “matters of major political or industrial controversy and major matters relating to current public policy” will vary according to events but are generally matters of national, and often international, importance, or are of similar significance within a smaller broadcast area.

Ofcom’s Guidance on Section Five of the Code

Ofcom has published Guidance to assist broadcasters in complying with the due impartiality rules in Section Five of the Code, including the heightened requirements contained in Rules 5.11 and 5.12. Amongst other things, Ofcom’s Guidance makes clear that:

- the concept of due impartiality is central to the application of Section Five and in reaching a decision on whether due impartiality needs to be preserved in a particular case, broadcasters should have regard to the likely expectation of the audience as to the content, and all other relevant contextual factors⁵; and

³ This is reflected, for example, in Rule 5.1 of the Code which states that news, in whatever form, must be reported with due accuracy and presented with due impartiality.

⁴ This is reflected, for example, in Rule 5.5 of the Code, which provides that 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. The requirements regarding major matters are reflected in Rules 5.11 and 5.12 of the Code, which are set out in full above.

⁵ [Ofcom’s Section Five Guidance](#), paragraph 1.4. See also paragraph 1.34, which explains that other relevant factors may include the nature of the programme, the programme’s presentation of its argument and the transparency of its agenda.

- it is an editorial matter for the broadcaster how due impartiality is preserved, as long as the Code is complied with, and there are various editorial techniques which can help to ensure this⁶.

Our Guidance also states that the broadcasting of comments either supporting or criticising the policies and actions of any political organisation, political party or elected politician is not, in itself, a breach of the due impartiality rules⁷. Any broadcaster may do this provided it complies with the Code. However, depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints or provide context in an appropriate way to ensure, in general, that Section Five of the Code is complied with.

In relation to Rules 5.11 and 5.12, the Guidance explains these additional rules are necessary because of the nature of the subject matter concerned: a matter of major political and industrial controversy or major matter relating to current public policy is of a significant level of importance and is likely to be of the moment. When these rules apply, the broadcaster is specifically required to ensure that due impartiality is preserved on the major matter by including and giving due weight to an appropriately wide range of significant views.

Ofcom must perform its duties in accordance with the right to freedom of expression set out in Article 10 of the European Convention on Human Rights. Freedom of expression is one of the essential foundations of a democratic society. As is well established, it encompasses the broadcaster's right to freedom of expression as well as the audience's right to receive information and ideas without interference⁸. It applies not only to the content of information but also to the means of transmission or reception⁹. Any interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society (i.e., proportionate to the legitimate aim pursued and corresponding to a pressing social need). Decisions of the European Court of Human Rights make clear that there is little scope for restrictions on freedom of expression in two fields, namely political speech and on matters of public interest. Accordingly, a high level of protection of freedom of expression will normally be accorded, with the authorities having a particularly narrow margin of appreciation.

It is well established that the freedom of expression of licensed broadcasters may legitimately be restricted where such measures are necessary to achieve the positive objective of maintaining fair and equal democratic discourse on influential media platforms to the benefit of society generally¹⁰.

In order to reach a decision on whether due impartiality was preserved in this programme, Ofcom has had careful regard to the broadcaster's and audience's Article 10 rights and relevant contextual factors.

⁶ Ibid., paragraph 1.6. See also paragraph 1.37 which makes clear that there are a range of editorial techniques which may be employed.

⁷ Ibid., paragraph 1.34.

⁸ *Lingens v Austria* (1986) 8 EHRR 407.

⁹ *Autronic v Switzerland* (1990) 12 EHRR 485.

¹⁰ *Animal Defenders v United Kingdom* [2013] EMLR 28 and *R (On The Application of Animal Defenders International) v Secretary of State For Culture, Media and Sport* [2008] 1 AC 1312 and *Animal Defenders v United Kingdom* [2013] EMLR 28.

Application of Section Five to the Programme

Ofcom considered whether the heightened special impartiality requirements under Rules 5.11 and 5.12 were engaged and applied to this programme.

The programme included comment and discussion on various aspects of immigration and asylum policy in the UK, including: the Conservative Party Government's policies to address illegal immigration; small boats crossing the English Channel; the administrative backlog in processing claims for political asylum; arrangements for housing asylum seekers while their claims are processed; the deportation of foreign criminals; the Labour Party Opposition's approach to these issues; and Reform UK's proposals to the same. Mr Daubney also asked whether it was time to declare a state of emergency and close the UK's borders.

In the weeks preceding the broadcast, the UK news agenda had heavily featured stories and events related to this area of policy, for example: the Government announcing the purchase of two barges to house up to 1,000 asylum seekers¹¹; a Home Affairs Select Committee report into asylum and migration from Albania¹²; the Home Secretary Suella Braverman being questioned by the Home Affairs Select Committee about the backlog in asylum claims¹³; the passage of the Illegal Migration Bill through Parliament (eventually receiving Royal Assent as the Illegal Migration Act 2023 on 20 July)¹⁴; and widespread coverage of the sinking of a boat of migrants in Greek waters, with extensive loss of life, the day before the broadcast¹⁵.

Ofcom therefore considered, and the Licensee accepted, that the programme dealt with a matter of major political controversy and major matter relating to current public policy, namely UK immigration and asylum policy, in particular in the context of controversy over small boats crossing the English Channel. We therefore considered that the heightened special impartiality requirements were engaged. As a result, it was incumbent on GB News to ensure that the programme included 'an appropriately wide range of significant views' and that these views were given 'due weight' in accordance with Section Five.

We acknowledged the Licensee's acceptance that due impartiality had not been preserved on this matter. We have set our reasoning in this regard below.

The preservation of due impartiality in the programme

As explained above, the broadcasting of comments either supporting or criticising the policies and actions of any political organisation, political party or elected politician is not, in itself, a breach of the due impartiality rules. However, a broadcaster must maintain an adequate and appropriate level of due impartiality in its presentation of matters (and major matters) of political controversy and current public policy. It may be necessary, in order to comply with the general due impartiality

¹¹ [Rishi Sunak announces two more barges to house 1,000 migrants | ITV News](#)

¹² [Asylum and migration: Albania \(parliament.uk\)](#)

¹³ <https://committees.parliament.uk/event/18625/formal-meeting-oral-evidence-session/>

¹⁴ <https://www.gov.uk/government/collections/illegal-migration-bill>

¹⁵ E.g. [Greece boat disaster: Capsized boat had 100 children in hold, BBC told - BBC News](#) and [Greece boat disaster: Up to 500 people still missing says UN - BBC News](#)

requirements in Section Five of the Code, that alternative viewpoints are broadcast and given due weight. Specifically, Rules 5.11 and 5.12 require that, where a programme deals with a matter of major political or industrial controversy or a major matter relating to current public policy, due impartiality must be preserved and an appropriately wide range of significant views must be included and given due weight.

We took into account that the programme included strong criticism of the Conservative Party Government and the Labour Party Opposition in relation to immigration and asylum policy. For example, Mr Daubney referred to the Conservative Party Government as having *“finally and totally lost control. No, in fact, they lost the plot on illegal immigration”* saying that it was the weather *“not high-minded Tory policies that was keeping the illegals away”*. Mr Daubney also referred to it being *“a lot worse if Labour get into power because like Rishi, Keir Starmer likes to talk tough on borders, but like Rishi, he’ll be another chocolate teapot”*. In addition, he made reference to the cost of the asylum system to the Home Office and said *“Rishi has made things worse”* when referring to the handling of the backlog of asylum claims. Mr Tice, in setting out Reform UK’s approach to immigration and asylum policy, said it was allowed *“under existing international law”* and when asked the reason it was not being done, Mr Tice said that it was *“because they [the Government] are weak, they are feeble, they are gutless, they don’t have the courage and the decisive leadership to actually do this and to protect British citizens”*. Mr Tice also said *“there’s no guts, frankly within anywhere near the levers of power in the main two parties in Westminster”*. He also referred to the Home Office as being *“utterly incompetent”*.

During the interview, Mr Tice also put forward Reform UK’s alternative approach to these issues at some length, referring to the *“six-point plan”* stating that *“this is the only plan and we are the only party...that will stop the boats”*. Mr Tice said that their plan was to: *“declare that there is a national security threat”; “make it absolutely clear that zero are allowed to resettle here”; “that you will have offshore processing centres”; “that you’re going to have a completely new department of immigration staffed by people who believe in the cause of safe and secure borders”; and, “you safely pick people up out of the boards, and you take them back to France from where they came”*.

As set out above, the programme was dealing with a matter of major political controversy and major matter relating to current public policy, and GB News was therefore required to include ‘an appropriately wide range of significant views’ and to ensure these views were given ‘due weight’.

The Licensee said that it had intended, in the absence of a guest offering an alternative perspective, for Mr Daubney to subject Mr Tice’s views to “close scrutiny”. GB News accepted that on this occasion the approach had not been “wholly successful”. In Ofcom’s view, there was limited challenge to Mr Tice’s views during the interview. In particular, Mr Tice was allowed to present Reform UK’s policies on a matter of major political controversy and major matter relating to current public policy without significant challenge from Mr Daubney. We also took into account that Mr Daubney and Mr Tice presented similar views on the matters being discussed.

We acknowledged that during the monologue and interview, Mr Daubney provided some comments which, to some extent, presented a different perspective to the one expressed by Mr Tice. These included Mr Daubney’s acknowledgement that asylum seekers are *“not all bad apples”*, and that *“Some may genuinely be fleeing war zones”*. However, he then added that such people *“could have claimed asylum in France”*. As the Licensee highlighted, Mr Daubney also commented during the interview:

“OK, let's just have a bit of balance on that. So, people would say, well, it's all fine to say we're going to declare you know a state of emergency, but the lawyers won't stand for it. France won't stand for it”.

Mr Tice rejected this by saying *“They've got nowhere to go. It's in Article Nine of the UN '51 convention”*, and the interview continued with Mr Daubney further clarifying the process that, in his view, could be used to declare a state of emergency. To ensure due impartiality was preserved, it was necessary for an appropriately wide range of views to be presented and given due weight within the programme. With regard to the monologue and the interview, Ofcom considered that the alternative perspectives presented during these segments of the programme were extremely limited and did not represent an appropriately wide range of significant views that were given due weight, as required by Rule 5.12.

We also recognised that the programme included messages from viewers that were read out by Mr Daubney. However, these views were similar to those already presented in the programme, which was emphasised by Mr Daubney's comments *“Hear, hear”* and the viewer's comment *“as you highlighted Martin”*, so we did not consider that they represented an appropriately wide range of significant views.

We acknowledged that the monologue and interview also briefly referred to the views, or alleged views, of certain politicians and high-profile individuals on immigration and asylum policy, which are set out in full above. For example, Mr Daubney referred to Rishi Sunak *“bragging about a 50% increase of raids and doubled arrests. Well, that followed his claim that his 'Stop the Boats' plan had cut crossings by 20%”*. Mr Daubney also quoted the Labour MP Nadia Whittome as saying *“Refugees need protection, not deportation”*.

Ofcom's Guidance states that, as part of treating viewpoints with due weight, programmes may debate and discuss such views. However, they must not dismiss or denigrate these viewpoints and include them in a programme simply as a means to put forward their own views.¹⁶ In this case, Ofcom considered that the references to alternative viewpoints included in the programme often treated those viewpoints dismissively, for example by immediately contradicting them.

For example, when referring to the claims made by Mr Sunak about the Government's immigration and asylum policy, Mr Daubney immediately stated that *“anybody with half a brain and the ability to say 'Alexa, what's the weather like in Dover?' knew it was high winds, not high-minded Tory policies that was keeping the illegals away”* and added in his view that *“the lunatics have finally taken over our asylum system”*. In reference to Labour MPs he questioned *“Whose side are these people on?”*; he also claimed that *“Lineker-ites”*¹⁷ believe that asylum seekers are *“all saints”*. In addition, Mr Tice characterised the views of asylum seekers as follows: *“they went on strike because they weren't happy with the quality of the bathrooms and the Wi-Fi”*, and said of his political opponents: *“these people can say 'we're on top of it', but they're clearly not”*; and *“What an absolute disgrace for people in Westminster to then say 'that's not good enough for the illegal asylum seekers”*. The political opponents of Mr Tice were also dismissed by Mr Daubney as the views of *“Refugees*

¹⁶ [Ofcom's Section Five Guidance](#), paragraph 1.59.

¹⁷ By *“Lineker-ites”*, Mr Daubney was referring to those who agree with the TV presenter Gary Lineker's views on immigration and asylum policy.

Welcome’ virtue-signallers who are completely out of touch with the public mood” and described as “an absolute disgrace”.

Ofcom took into account that viewers of GB News would expect opinionated, challenging programming¹⁸. We underline that, under our rules, broadcasters may transmit current affairs programmes that deal with challenging and controversial policy debates and/or approaches to policy areas from particular political perspectives. However, in broadcasting these programmes, broadcasters must ensure that due impartiality is preserved on these matters. When programmes deal with matters of *major* political controversy and *major matters* relating to current public policy, as was the case in this particular programme, the heightened requirements of due impartiality apply and broadcasters are required to ensure that an appropriately wide range of significant viewpoints are reflected and given due weight for due impartiality to be preserved.

We noted that at the outset of the interview with Mr Tice, the presenter of the programme referred to Mr Tice as an *“old sparring partner of mine over in Brussels”*, adding *“Well, we stuck it to them”*.¹⁹ Given the likely similarity of their views on the major matter being discussed in this programme, as alluded to in Mr Daubney’s monologue, the Licensee should have taken additional steps to ensure that due impartiality was preserved. Ofcom was particularly concerned that in this case the leader of a UK political party presented his position on a matter of major political controversy and a major matter of current public policy with insufficient challenge and that the limited alternative views presented were dismissed.

As stated above, in this case GB News accepted that the programme failed to preserve due impartiality, saying that it *“was not in accord with GB News’s policy and practice on Due Impartiality, nor with its Editorial Charter”*, and apologised for the breaches of the Code. It emphasised that its staff received training on this area of the Code and that relevant staff *“will receive further training focused on the issues raised by this broadcast”*, in addition to general update/refresher sessions for all staff. Ofcom acknowledged the Licensee’s recognition that the programme was in breach of Rules 5.11 and 5.12, and the additional steps it said it was taking to ensure compliance in future.

Nevertheless, taking account of all the relevant contextual factors discussed, we did not consider that an appropriately wide range of significant views on the relevant matter of major political controversy and major matter relating to current public policy were adequately represented within this programme and given due weight, as required under Rules 5.11 and 5.12.

In this case, we have taken careful account of the broadcaster’s and audience’s rights of freedom of expression. For all the reasons set out above, Ofcom’s Decision is that GB News failed to preserve due impartiality in this programme.

We expect GB News to take careful account of this Decision in its compliance of future programming.

Decision:

Breach of Rules 5.11 and 5.12

¹⁸ See the GB News Editorial Charter: <https://www.gbnews.com/about-us/our-editorial-charter> in which GB News states about its service: *“We do not shy away from controversial issues”* and *“We approach stories differently and challenge media conventions”*.

¹⁹ Mr Daubney was a Brexit Party MEP from 2019 to 2020 and was Deputy Leader of Reclaim UK until August 2022. Mr Tice was also a Brexit Party MEP from 2019 to 2020 and is the current Leader of Reform UK (formerly the Brexit Party).