



## Complaint Summary

<b>Complaint Reference Number</b>	C5094
<b>Complainant</b>	Mr. William Campbell
<b>Station</b>	RTÉ Radio 1, 2FM, Lyric FM
<b>Programme Name</b>	AA Roadwatch
<b>Broadcast Date</b>	4 <sup>th</sup> June 2019
<b>Broadcast Time</b>	Various
<b>Programme Description</b>	AA Roadwatch
<b>Complaint Category</b>	Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity and Impartiality in News and Current Affairs) Broadcasting Act 2009 – Section 48(1)(d)(Commercial Communications). The BAI General Commercial Communications Code (“GCCC”) – Rules 9.1 and 9.4.

<b>Complaint Summary</b>
<p>The complaint refers to the inclusion of AA Roadwatch segments during RTÉ radio programmes. These segments are generally 90 seconds in duration and provide current traffic and travel information. The segments are presented and produced by AA Roadwatch staff in their studios. The complainant claims that the AA Roadwatch segments infringe the requirements in the Act and Codes set out above, as outlined below.</p> <p><b>Fairness Objectivity and Impartiality in News and Current Affairs</b></p> <p>The complainant states that AA Roadwatch is a news programme and that the arrangement between RTÉ and the AA has a general impact on news and current affairs coverage of transport issues by RTÉ. The complainant states that the Act and the Code of Fairness, Objectivity and Impartiality in News and Current Affairs requires the broadcaster to avoid bias and the appearance of bias. The complainant states that it is unacceptable for the broadcaster to allow a political lobby group (the AA) to select and present broadcast material in a manner that allows it to pursue its political agenda.</p> <p>The complainant argues that the broadcaster does not have sufficient procedures in place to ensure that the AA is prevented from exerting undue influence over the content of AA Roadwatch and considers that such influence is exerted to pursue a political agenda. In this regard, the complainant emphasises that the segments are produced and presented by AA staff from its studios. The complainant is of the view that AA Roadwatch enhances AA’s credibility and provides it with an advantage in the ongoing debate about transport issues.</p> <p>The complainant states that a wide range of transport issues are discussed regularly on RTÉ. However, the complainant believes that broadcasting 700 Roadwatch segments per month skews the debate by making motoring issues such as traffic congestion seem more important than public transport or urban</p>



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planning. The complainant believes that AA Roadwatch frames the discussion in a manner which unfairly favours the motor industry and is therefore unbalancing the public debate regarding transport and allows the AA to exert undue influence in this debate.

### **BAI GCCC - Sponsorship rules**

The complainant considers that the AA's role in the broadcasts mean it is a sponsor as defined in the General Commercial Communications Code. Firstly, the complainant considers that the AA is making a contribution in kind by providing the staff and facilities required to produce the segments. Secondly, the complainant states that the AA is mentioned by RTÉ and AA presenters in the context of each segment. Further, the complainant states that listeners are encouraged in the segments to visit the AA Roadwatch website and Twitter account, which links to the AA website.

The complainant is of the view that campaigning to influence government policy on transport is a core activity of the AA. Therefore, the complainant considers that the AA is a political lobby group and, as such, should not be permitted to sponsor these segments as commercial communications that are directed toward a political end are prohibited. Further, as the content is presented by AA staff, the broadcaster does not have oversight of the content. The complainant is of the view that this arrangement results in the broadcaster not retaining editorial independence over the item. The complainant also states that the company has an interest in influencing the content of the traffic updates in the context of its lobbying activity.

The complainant considers that the existence of AA Roadwatch gives the AA credibility which, in turn provides the AA with a promotional opportunity that is unavailable to competing businesses. The complainant states that the presenters encourage listeners to visit the website for further information and to call with traffic updates. The complainant notes that both the website and the phone line offer options to buy AA membership. The complainant notes that the presenters often promote their Twitter handle, which link directly to the AA website. The complainant is of the view that AA competitors are not treated fairly by the broadcaster and considers that the AA uses the Roadwatch Segments to advertise its sales channels, while denying that opportunity to competitors.

### **Broadcaster Response Summary**

The broadcaster rejects the claim by the complainant that the AA Roadwatch segment in RTÉ radio programmes constitutes sponsorship by the AA. The broadcaster states that AA Roadwatch is a commercial agreement to provide a factual traffic and travel update service.

The broadcaster cites the definition of sponsorship in the General Commercial Communications Code and states that the definition does not include those engaged in providing radio or television services or those in the production of sound broadcasting or audiovisual works. The broadcaster states that AA Roadwatch is engaged in the production of such a service. It provides traffic and travel updates from its



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own studios for a range of broadcasters. Therefore, the broadcaster claims the arrangement is not covered by the definition of sponsorship in the Code. Further, the broadcaster states that the segments are sponsored by Hyundai. The sponsorship message is broadcast separate from the programme segment.

The broadcaster emphasises that the agreement with AA Roadwatch contains a provision allowing RTÉ to accept sponsorship for this segment, including from those that compete with AA Ireland. The commercial agreement is fully compliant with all the relevant regulatory and statutory provisions.

With regard to RTÉ's editorial independence, the broadcaster states that the arrangement with AA Roadwatch does not have any influence over any aspects of RTÉ editorial content. The broadcaster notes that the complainant has not cited any specific broadcast item to justify his claims that editorial independence or impartiality has been compromised. The broadcaster contends that the complainant makes general, vague allegations without citing a specific broadcast item to support his claims.

The broadcaster also denies that it has been influenced by AA lobbying or that RTÉ promotes any agenda. Further, the broadcaster states that there is no evidence to support the complainant's assertion that content of AA Roadwatch supports lobbying or political goals.

The broadcaster believes that there is no basis to uphold this complaint on any of the grounds cited or under any provision of broadcasting legislation or regulatory codes.

### **Decision of Compliance Committee**

The Committee noted that the complaint was made under Section 48(1)(a) of the Broadcasting Act, which relates to complaints that broadcast news did not comply with the requirements set out in Section 39(1)(a), which requires that all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under the General Commercial Communications Code (the "GCCC"), The Code sets out the requirements for commercial communications, including rules surrounding sponsorship.

In considering this complaint, the Committee had regard as to the type of programming. The Committee noted that the AA Roadwatch programme segments are a long-running series which provide factual updates about traffic and travel. The broadcasts do not contain content which are characteristic of news programming. Further, the Committee noted that while Rule 9.7 of the GCCC prohibits news programmes on radio being sponsored, the rule does not prohibit the sponsorship of current affairs, weather, entertainment, traffic items or religious programmes. The Committee had regard to the Act and relevant broadcasting Codes and determined that the broadcasts do not constitute news or current affairs.



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The Committee had regard to the complainant's view that the AA Roadwatch is sponsored by the AA. The Committee noted that AA Roadwatch is produced by an in-house AA Roadwatch production team and supplied to various broadcasters. The Committee noted that sponsorship arrangements are in place for AA Roadwatch and acknowledged that this is permitted under the Code. The Committee noted that RTÉ retains control over any sponsorship arrangement and that AA Roadwatch is sponsored by a range of companies, none of which are AA Ireland. The Committee noted that although the broadcasts contain references to the AA Roadwatch website and social media, these are related to an online element of the service which also provides information regarding traffic and travel. In view of the above, the Committee did not consider that the AA is a sponsor of the programme segment. Having reviewed the sponsorship arrangements in place for the segments, the Committee did not consider that the sponsorship of this segment influenced content or scheduling in a manner which affected the responsibility and editorial independence of the broadcaster. Further, it was the view of the Committee that listeners were clearly informed of the sponsorship arrangement by way of the sponsorship stings.

The Committee acknowledged that political lobbying is one of the functions carried out by the AA, however, there was no evidence in the broadcasts to support the view that the broadcasts are skewing public debate, or that the broadcasts are unfair to rival businesses or campaigners in a manner which infringes any Codes or Rules. The Committee further noted that while the complainant stated that the AA Roadwatch has the potential for bias, the Committee did not find any evidence in the broadcasts to support this view. The Committee did not consider that the arrangements with AA Roadwatch for the production of this segment influenced content or scheduling in a manner which affected the responsibility or editorial independence of the broadcaster, as argued by the complainant.

The Committee did not consider that the broadcasts infringed the Codes in the manner described by the complainant. As such, the complaint was rejected.

**Professor Kevin Rafter**  
**1<sup>st</sup> April 2020**