GENERAL COMMENTS

The BBC Trust has launched two consultations, ‘Draft Guidelines for Elections in 2016’ and ‘Draft Guidelines for a Referendum on the UK’s membership of the European Union’.

It is hoped that the guidelines will supplement editorial guidelines already in use at the BBC and will help to define how the BBC will comply with its duty of due impartiality during the period leading up to and including elections around the UK in 2016 and the EU referendum.

Whilst the consultation is undoubtedly welcomed it is considered that the roles of our members do not necessary fall within the guidelines and parameters of practice contained within the consultation documents.

That said, it was noted on closer inspection that the repeated use of words akin to impartiality, independence, accuracy, unbiased opinion, fair treatment, evidence based and a broad balanced approach towards all candidates, parties and campaign groups is of course welcomed by those within the electoral community who could be directly affected should these principles not be adopted.
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

DRAFT ELECTION GUIDELINES

AUDIENCE COUNCIL SCOTLAND COMMENTS

Guidelines – general principles
The Council agrees that the general principles in 3.1 are appropriate. The guidelines identify a wide range of factors to be taken into account in making editorial decisions and stress the context of the wider democratic debate. However members noted that:

- Overall, the documents feel focused on an official political establishment rather than on reporting from communities and other sites of debate and discussion. The Council feels this may have led to some of the dissatisfaction with BBC coverage in the Scottish referendum.
- Weight should be given not only to the views and policies of parties but also have regard to the concerns and priorities of voters.
- Although it is clearly sensible to have regard to “the previous equivalent election” as “a good starting point”, this should be weighed against the major electoral developments of the last three years including the independence referendum and the unprecedented nature of the 2015 General Election result in Scotland. This would be particularly important for network programmes which may be slower to take cognizance of the changing political landscape in Scotland.
- Is ‘coverage’ measured purely in duration? Or are there other characteristics of coverage which can be identified? While the key metric appears to be quantitative, producers should also aim at equivalence in the nature of the treatment of different parties. The core principle should be to support a substantive political discourse.

Larger/smaller parties
- Some members of the Council feel that distinction between “larger” and “smaller” parties may not be sufficiently sophisticated in a multiparty system in a fast moving political landscape. Individual judgements have to be made about each party and it may be inappropriate to shoehorn them into one of two categories.
- In a Scottish context the definition of a “smaller” party continues to present difficulties and sets itself open to challenges through alternative marshalling of the facts and fine judgements in interpretation of these. The performance of both the Greens and UKIP in Scotland can be read in different ways. The Greens’ case for not being classed as a minor party in Scotland may not be without substance.

Polls
- In the light of the poor performance of UK polls in the 2015 General Election, guidance on the role polls should play in reporting should be stronger. There is a valid argument that BBC reporting, analysis, interviewing and commentary in the General Election was affected by a very heavy focus on what was suggested by opinion polls which were subsequently shown to be inaccurate.
EU referendum

- It might be helpful to producers to stress that coverage should go beyond “impartial and independent reporting of the campaign” to reflect as wide a range of views as possible. Although the vote is likely to be on a binary question, the public debate may well be more nuanced partly because of the complexity of UK politics. The BBC news agenda should draw from sources beyond the official in/out campaigns. A lesson from the Scottish Referendum was that audiences want information on the impacts of the various policy positions and they can become dissatisfied with journalism which does not provide this.

- In its response to the Consultation on Guidelines for the General Election the Council said it felt there was a need for more advice on the range of factors producers could weigh up, especially how network should handle what were different but interrelated campaigns in the various UK nations. The Council feels this may apply to the EU referendum also. The Council also suggested that the Guidelines document could be aimed at licence payers as well as at BBC journalists and that the BBC could be clearer with licence payers about how it intends to achieve impartiality. The Council feels that this applies in the present case also.

- Members identified aspects of reporting which were raised by licence payers which contributed to perceptions of impartiality and some of the most important of these were how headlines are written; how the BBC should report on, and take part in the social media debate; how the BBC responds to audience demand for original journalism and analysis on key issues; how to ensure that BBC journalism is not overly reliant on conventional sources of news; how it ensures that all parties are subject to equal levels of challenge; how it ensures that UK programmes do not present Anglo-centric perspectives where that is not appropriate. It might be useful if the guidelines drew the attention of editors and producers to these factors.

- In broadcast debates of national significance such as the EU referendum - either in Scotland or the UK - the electorate should be represented both socially and geographically in studio/venue audiences. Clearer guidance should be given on how this can be achieved.

- Finally, there is a possibility of overlap between elections for devolved legislatures and the EU Referendum. This may require further guidance, especially if parties allowed representatives (including Ministers) to adopt personal rather than party positions on this issue.

*Audience Council Scotland, January 2016*
January 2016

Dear Sir or Madam,

Thank you for your invitation to respond to the consultation on draft guidelines for the coverage of a referendum on the UK’s membership of the European Union.

At Britain Stronger in Europe, we are seeking to become the campaign designated by the Electoral Commission as the “remain” side of the argument in this referendum.

Our responses to the three questions you asked are:

Do the proposed EU referendum Guidelines seem relevant and appropriate for this referendum? If not, please explain why?

Broadly, our campaign believes that these guidelines are generally relevant and appropriate for this particular referendum – though we believe that they could be enhanced and clarified in a few areas to ensure rigorous impartiality throughout the campaign.

1) **Broad Balance**

- Our principle concern relates to the issue of “broad balance” (Art 3.1). It is quite right that the BBC will seek to have a very wide range of voices on both sides of the debate and we welcome the fact that people from non-partisan backgrounds will be involved in broadcast coverage of the argument.

- However, when it comes to the balance of coverage of “campaign groups”, we have some concerns about the guidelines as drafted ruling out a commitment to “broad balance”, instead opting for the weaker option of “similar levels of coverage”. This is particularly important given the legal obligations of each designated campaign. If we are successful in becoming a designated campaign, then we would be obligated as part of the designation process to show how we would demonstrate the entire breadth of argument on the “remain” side, as would the successful campaign on the “leave” side.
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

- You and your audiences will, of course, want to hear from a much wider range of voices than just those formally involved in the two designated campaigns. We support that fully, as we strongly believe that all participants in this crucial debate, not only the designated campaigns, need to be heard.

- What we do not believe would be acceptable, though, would be for either designated campaign to be offered the opportunity to put forward their own spokespeople at the same time as the opposing viewpoint was selected from a non-designated campaign participant – especially given our regulatory obligations during the designated period. We are concerned that both designated campaigns, because of their regulatory duty to represent the entire side of their debate, are clearly distinguished from other participants in the debate who do not have such similar obligations to represent such broad views, and that non-designated participants should not be portrayed to the public as being representative of the entire side of one debate or another.

- Allowing a spokesperson from the designated “leave” campaign to appear against or on the same programme as a “remain” voice who was not associated with the designated “remain” campaign (and may have differing views on many specific issues regarding the referendum as a result) would not be sufficiently impartial in our opinion. It would give a much more prominent role to the key messages of one campaign over another if that were to be allowed to happen on BBC outlets, as well as giving one campaign much more control and influence on who they selected to be put up for interview. In short, it would give a strategic advantage to one campaign over the other. We believe that there should be broad balance during the designated period between the two official campaigns.

2) **Who speaks for each campaign?**

- This also raises questions of who speaks for each campaign, and the need for clarity for audiences on whether a guest is a campaign spokesperson, someone associated with the campaign in some way, or someone who simply shares the view of the campaign that the UK should remain in or leave the EU.

3) **Sectoral expertise**

- Further to this, where a particular sector or issue (e.g. automotive, farming, science etc.) is being discussed, we would think it reasonable to expect a discussant from the same sector or area of expertise. For example, in a discussion about the agricultural sector, it would seem appropriate to have two farmers (or experts in the field of agriculture) discussing the issue rather than one expert against a generic campaign spokesperson.

4) **Contextualising opinion**
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

- It is also important to contextualise the weight of opinion in any sector being discussed. For example, if there is evidence to show that the clear majority opinion in farming is for “Leave” or “Remain”, it should be made clear to the audience that those in the minority do not represent the whole of their industry/sector.

5) **Equal prominence for equal activity**

- During the course of the campaign, a number of new supporters will undoubtedly be “unveiled” by each side. While each day’s news agenda will undoubtedly differ according to events, we would expect these to be given a similar level of prominence afforded to the new supporters of each side.

6) **What does “remaining” and “leaving” mean?**

- Given that audiences have to choose between two distinct propositions: to remain or leave the EU, it is worth noting the difficulty presented by many of the groups and individuals associated with the “leave” campaigns holding differing views about what kind of relationship the UK should have with Europe if we voted to leave.

- As things stand, neither of the two current campaign’s vying for designation have explicitly set that out. We believe it will be important for there to be clarity about what the designated “leave” campaign’s official view is on this critical argument once the campaign begins. If other “leave” voices outside of the designated campaign are putting forward arguments not shared by the designated campaign, it will be important that viewers, listeners and readers are consistently informed about the relationship between the UK and the EU being proposed by the designated campaign. Otherwise, there will be a very real risk the public will lack clarity on what is actually being proposed on this most critical question.

7) **The referendum question**

- Given the question being asked in this referendum (“Should the United Kingdom remain a member of the European Union or leave the European Union?”), it is the responsibility of the BBC to inform its audiences about the implications of what leaving and remaining in the EU mean.

- There are those who will seek to discuss other, narrower issues in detail, such as the advantages and disadvantages of the current arrangement, or the merits and demerits of the renegotiated settlement. While these issues are of course important in the context of the question being asked, we would encourage that audiences are offered coverage of the issue relating to the whole question and therefore what the implications of remaining in or leaving the European Union would be for the future of the country.
Do you feel there are any omissions from the guidelines?

- We feel there could be a more detail provided on the potential overlap between the May elections and the coverage of other political issues during the referendum period. Of course, BBC outlets across the country will want to hear from UKIP representatives both in the run up to the elections and during coverage of other political issues in the UK during the referendum period. But coverage of the arguments in the referendum needs to be balanced against overall political balance in general. The referendum cannot be allowed to act as the country’s longest Party Political Broadcast for just one party.

- UKIP are a single-issue party – they were founded explicitly to campaign for Britain to leave the EU. Their representatives tend to link almost every other issue back to that core belief but will often be able to do so without specifically mentioning the referendum or the campaign. A lot of the arguments they make during the May election campaign (which could well be outside the designated period) will explicitly be used to air arguments relating to the referendum. It is absolutely vital that “leave” voices from UKIP are properly balanced in that period with representation from strong “remain” voices in both the designated campaign period and during the May election campaign.

- In the comprehensive section on the reporting of polls, we believe there is one small omission. As a campaign, we would hope that interviews with our spokespeople (or, indeed, with anyone taking part in the debate on either side) were not dominated by questions about polls. Sadly, this was a negative feature of the General Election campaign across a range of media outlets and led to a narrower debate on the big issues.

- To ensure as comprehensive understanding of the subject matter as possible, and given the magnitude of the question facing the country, we would see discussion about substantive issues as paramount, compared to discussions of a snapshot of current opinion. This is all the more important given that, as we saw in the general election, the polls can turn out to be erroneous.

- Of course, people will be asked about polls but we believe it would be better for participants, viewers, listeners and readers and journalists if the focus of interviews was on the big issues around a referendum on leaving the European Union and not on predictions being made by pollsters. It’s also worth noting the investigation undertaken by the polling industry following the General Election and the consistent discrepancy between telephone and online polls. Polls cannot and should not be taken as “proof” of the outcome of the referendum. Let’s have lots of debate about the big issues and let the public make up their mind in the poll that really matters – the referendum itself.
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

Do you have any other comments on the proposed guidelines?

- We think that it is absolutely critical that your statement that newspaper coverage should take account of editorial stance is adhered to. As is healthy in the diverse media environment we enjoy in this country, many national newspapers will be strongly in favour of one side of the argument or the other. The Daily Express, for example, as is their complete right, has for many years campaigned vociferously and consistently for Britain to leave the EU. As a result, a substantial amount of their coverage is not impartial and, in the event things are being reported on BBC outlets that originated in the Express, it is critical that the viewer, listener or reader is reminded of their very strident editorial stance. And, of course, the same would be true of any publication known to vocally support remaining in the EU.

- Finally, we completely agree on neither side of the argument being able to exercise a right of veto on debates or discussions by declining to take part. However, if that is to be properly enforced, there must also be some flexibility from BBC outlets about which participants take part. It would be unfair for producers to insist on a specific person from either campaign as, given many are offering support in a voluntary capacity, they may not be available or suitable for that particular debate or discussion. Wherever possible, both campaigns should be given the chance to provide suitable alternatives to those originally bid for.

Yours sincerely,

Lucy Thomas
Deputy Director, Britain Stronger in Europe
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

EU Referendum Guidelines – Consultation Response

Ekklesia Think-Tank

SUBMISSION FROM EKKLESIA THINK-TANK

[Registered address: 235 Shaftesbury Avenue, London, WC2H 8EP]

These comments on the BBC’s Guidelines on the Referendum Campaign concerning the UK’s membership of the European Union come from the independent beliefs and values think tank Ekklesia. We are not affiliated to any campaign group associated with this campaign, and we are not aligned to any political party or denomination. Our directors, board and associate comprise persons with different or no affiliations.

Ekklesia’s overarching concern is that the public service mandate of the BBC and its statutory obligations in relation to coverage of this Referendum Campaign should be discharged in such a way as both to avoid undue impartiality and to enable the widest possible democratic scrutiny of facts and arguments between the contending propositions related to the two options on the ballot paper.

We note assertion (page 5) that “due impartiality during the campaign means finding ‘broad balance’ between the arguments and not necessarily between the designated Campaign Groups.” We would draw to your attention two central issues pertaining to this approach.

First, you speak of achieving balance between arguments. ‘Arguments’ per se will necessarily involve, to different degrees, three elements: opinion, data and interpretation. We would urge the BBC to pay particular attention to the sourcing and interpretation of data, and to ensure that assertions of an allegedly or apparently factual nature used to justify opinions and assertions should be subject to rigorous scrutiny.

We note that, during the Scottish Independence Referendum campaign, the BBC gave particular attention and priority to—often dramatic, ‘headline making’—assertions from corporate interests and politicians that amounted either to ‘grave warnings’ or ‘scare statements’ (depending on one’s interpretation). Many of these appeared not to have been fact-checked before they were broadcast, and some unravelled well after their impact had been established. We hope the Corporation will show far greater professional circumspection during this referendum, seeing its impartiality duty as including the need to subject partisan claims to careful investigation—with particular attention to large and wealthy interest groups which have the resources to seek to influence debate in this way.

We note that, during the Scottish Independence Referendum campaign, the BBC gave particular attention and priority to—often dramatic, ‘headline making’—assertions from corporate interests and politicians that amounted either to ‘grave warnings’ or ‘scare statements’ (depending on one’s interpretation). Many of these appeared not to have been fact-checked before they were broadcast, and some unravelled well after their impact had been established. We hope the Corporation will show far greater professional circumspection during this referendum, seeing its impartiality duty as including the need to subject partisan claims to careful investigation—with particular attention to large and wealthy interest groups which have the resources to seek to influence debate in this way.

There appears to be no direct statement about this issue in the Guidelines, we note. By contrast, when it comes to social media (section 6.2, page 10), there is a clear statement that “content producers should be rigorous about establishing the origins of materials offered as audience contributions and take responsibility for their authenticity.” This should apply to business leaders, financiers and representatives of large corporations, too.

Second, while the registration process will allow for only two principal campaigns, and the Referendum choice is a reductive and binary one (‘remain’ or ‘leave’), we would note that a great many protagonists who end up opting for one side or other, or who chose to remain neutral or abstain, will wish to emphasise approaches to the polity of the European Union—past, present and future—which do not immediately lend themselves to being used as a direct, immediate argument for one ‘side’ or the other. Our hope is that the BBC’s desire for “broad balance” will not exclude or marginalise these more nuanced viewpoints and voices; and that campaigns on both sides that
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

organise and deploy their resources independently of the two principal campaigns will be included fairly in the overall mix.

In section 4.2 (page 8) the Guidelines state: “If one side of the campaign declines to take part, output producers must take all reasonable steps to ensure the audience is presented with relevant and appropriate material from both sides of the referendum debate.” While we agree with this in principle, we note that absence from a debate while arguments from yours side of the argument are nevertheless included by other means results in a situation where there can be no direct scrutiny of the declining party. Decliners should not be given this advantage, nor allowed to use refusal to take part as a way of gaining tacit advantage. It may be fairer in some circumstances that the ‘empty chair’ remains an absent voice.

Also on page 8: “In making editorial judgements about who might represent each side of the issue, content producers should be aware that how they do so – for instance, in discussions between party politicians and non-party campaigners – may itself have an influence on how each side is portrayed and, therefore, have an effect on due impartiality. Taking account of the extent of their coverage, content producers should plan, where appropriate, to reflect a range of such voices – and combinations of voices – across the campaign.” While we agree with the aims and conclusion of this position, we would also hope that campaigns and protagonists should not be unduly limited in their ability to choose spokespeople for themselves – allowing the public to make judgements on that basis as well as the arguments and data.

We note that there are no references in the guidelines to trade unions and labour/workers organisations, nor to the voices of migrants and other marginalized groups. We would urge the BBC to give attention to these groups, particularly given the likelihood that economics and migration will play a key part in the referendum campaign.

Research indicates that there is already a severe imbalance in BBC coverage between representatives of corporations and businesses on the one hand, and union or labour spokespersons on the other. The voices of migrants and refugees in policy debates on issues directly impacting them are also marginal, with preference given to politicians, academic analysts and lobby organisations. We would wish that these imbalances should be addressed during – and beyond – the Referendum campaign coverage.

In most other respects, we acknowledge and welcome the attempt of the Guidelines and Appendices to achieve fair and reasonable treatment. However, we would urge further consideration of independent monitoring procedures in relation to the discharge of the terms of the BBC’s Charter and Agreement of 2006 to ensure that political issues, including this Referendum, are covered with due accuracy and impartiality, with reference to the Corporation’s Editorial Guidelines (notably, Chapter 4, “Impartiality and Diversity of Opinion” and Chapter 10, “Politics and Public Policy”).

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I confirm that I am content for the content of this submission and my name to be made known publicly.

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Simon Barrow
Co-director
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

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Director, Ekklesia think-tank. Media, research, consultancy, public policy, training & development, politics & beliefs.
GREEN PARTY OF ENGLAND AND WALES

Response to BBC Trust consultation on draft guidelines for the coverage of a referendum on the UK’s membership of the European Union 2016

Thank you for inviting us to respond to the draft guidelines that will help define how the BBC will comply with its duty of due impartiality during the period leading up to and including a referendum on the UK’s membership of the European Union.

1. Do the proposed EU Referendum Guidelines seem relevant and appropriate for this referendum? If not, please explain why.

The Green Party are broadly satisfied with the guidelines for an EU referendum as they stand in the consultation. We do have some concerns however that the terms used in the proposals are vague and may not allow for the full range of views on EU membership to be fairly covered by the BBC.

Our principal concern with the guidelines is the specification that ‘achieving due impartiality during the campaign means finding “broad balance” between the arguments and not necessarily between the designated campaigns’. Our concern is that this formulation does not do justice to the wide range of arguments within campaigns to either leave or remain in the EU and that the editorial judgement on what constitutes the “arguments” may not reflect this diversity of viewpoint, potentially excluding the specific arguments that the Green Party and environmental campaigning organisations would like to put to the electorate. We would like some additional information on how editorial judgement will be used to define the arguments and ensure that the widest range of perspectives on membership are covered in coverage of the election.

We note also that the consultation says that ‘there may be circumstances in which other voices, beyond the formal representatives … should be weighted in terms of the broad balance’. We would welcome further clarification and illustration of how the relevance of different voices will be determined editorially and also on the working definition of ‘formal representatives’ in the context of the campaign.

2. Are there any omissions from the proposed Guidelines?

Apart from clarification of the issues raised in response to question 1, above, we do not believe there are any significant omission from the proposed guidelines.

3. Do you have any other comments on the proposed Guidelines?

No.

Green Party of England and Wales

7th January 2016
Dear Ms Donlon,

Thank you for your invitation to respond to the Consultation on draft Guidelines for the coverage of a referendum on the UK’s membership of the European Union.

Our responses to the questions are,

Do the proposed EU referendum Guidelines seem relevant and appropriate for this referendum? If not, please explain why?

We believe they broadly are. We argue that in providing a broad balance of the debate that specific parties or individual politicians should not be given disproportionate coverage, especially if the referendum period coincides with other elections.

Do you feel there are any omissions from the guidelines?

We believe that where political voices are used there should be due consideration to balance between the parties advocating that position.

Do you have any other comments on the proposed guidelines?

The Liberal Democrats have a distinctive position on the issue of Europe as the only UK wide party who are united in our commitment to the UK’s continuing membership of the EU. We believe that this viewpoint should be fairly represented in coverage of the referendum, as well as those who are opposed to Britain’s membership, and those who are supportive of continuing membership contingent on a renegotiation.

Yours sincerely,

Sam Barratt
Head of Broadcast, Liberal Democrats
January 14, 2016

EU Referendum Guidelines Consultation
BBC Trust Unit
180 Great Portland St
London W1W 5QZ

Dear Sirs,

Please find attached News-watch’s submission to the BBC Trusts EU Referendum Guidelines consultation.

Yours sincerely

David Keighley
Submission to the BBC Trust EU Referendum Guidelines Consultation

January 2016
Preamble

News-watch has been monitoring the BBC’s EU-related output for 16 years. Detailed research based on systematic analysis of relevant BBC programming using established academic principles has shown that the Charter requirements on impartiality have been serially breached. Most importantly, the case for withdrawal has been seriously under-reported, and those advocating Brexit have been pervasively cast as xenophobic, disorganised extremists from the ‘right’ or ‘far-right’.¹ The archive of News-watch reports and elements of engagement with the BBC can be found at www.news-watch.co.uk. Over the entire period, the BBC Trustees have undertaken to examine the News-watch findings only twice. On each occasion, the Trustees adopted a highly biased approach to the research and clear evidence of breaches of impartiality were rejected on spurious grounds that suited the BBC but flouted rules of fair inquiry.²

This submission is an attempt to persuade the Trustees to adopt in the proposed Editorial Guidelines a much more rigorous and demonstrably independent approach to ensuring impartiality during the referendum campaign.

The BBC Trustees and those tasked with investigating impartiality on their behalf have sought to cast monitoring as ‘unhelpful’ and based on ‘metrics’, and implied that such investigations concentrate solely on counting speaker appearances and calculating airtime allocation.³ This is a wilful misrepresentation of News-watch’s approach, which investigates impartiality using a range of analytical tools, both quantitative and qualitative, and has never focused on statistical data in isolation. The News-watch corpus of work provides abundant evidence that illustrates that the Trustees, by contrast, do not have in place adequate processes for properly ensuring that Charter requirements are met.⁴

And indeed, the draft Referendum Guidelines reduce impartiality to achieving ‘broad balance’ – a simple metric focusing on headcounts – and ignore the vital consideration of how guest speakers are actually treated, including interview tone, question content, the number of interruptions, the positioning of speakers within individual reports, within programmes or within the overall schedule. Also, who is chosen for each side, and how well informed and articulate are they. Impartiality rests on a

³ http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/european-scrutiny-committee/eu-scrutiny-follow-up/oral/23350.html
multitude of complex, interlocking factors, and News-watch is concerned that the measures outlined in the draft Referendum Guidelines for monitoring content will be ineffective in ensuring a fair hearing for both sides.

Observations

This EU referendum will result in a decision of immense constitutional importance. The proposed Guidelines document is too vague to deliver demonstrable impartiality. It leaves too much to the BBC’s own ‘editorial judgment’ applied in the loose and imprecise framework of ‘due’ impartiality. It has been written from the inside to accord with and defend the BBC’s own operational practices rather than as a rigorous framework to ensure genuinely independent regulation of content.

A major over-arching concern is whether the Trustees – who are the final arbiters of impartiality – are themselves sufficiently independent. Of course members of the Trust are appointed by DCMS and a condition is impartiality. But special considerations apply here. Only two of the five members of the Trust Editorial Standards Committee, Richard Ayre, and Mark Damazer, have extensive experience of working in a national newsroom. Yet both spent the majority of their careers at the BBC and have been and are major champions of the Corporation. They may claim to be ‘independent’ but this is not credible, and yet they will inevitably play a crucial role in determining issues of impartiality that arise during the campaign. We spend several years trying to persuade Mark Damazer to take a less Europhile approach, without success. Also, as far as we can see several of the Trustees are firmly in the ‘man-made climate change’ camp, an issue clearly linked to the EU, and we see no counterbalancing members. The Guidelines, in the exceptional circumstances of this referendum, should provide detail of how genuine independence of outlook will pertain to key judgments.

There is nothing in the Guidelines about transparency of process. Whilst obviously elements of the BBC’s decision-making are confidential for good operational reasons, public confidence in the editorial processes would be boosted if there was a greater degree of openness in how key judgments are going to be made through the referendum campaign. The output can only formally be challenged through the complaints procedure. It is a fact that since the Trustees first became the BBC’s regulatory body, they have not upheld through the ESC a single complaint about EU coverage.5 The BBC is judge and jury in terms of its own editorial balance. Against that background, measures should be included in which decision-making is open to

5 European Scrutiny Committee, Oral evidence: Scrutiny inquiry: follow up, HC 918, Wednesday 14 January 2015, p5
retrospective scrutiny and which demonstrate that legitimate outside concerns about balance will be taken into account.

The key provisions contained in section 3.1 of the draft document are too vague to provide a reliable framework to ensure impartiality. The BBC should be aiming in this historic constitutional debate to achieve genuine impartiality (not just ‘due’) between the ‘yes’ and ‘no’ camps. News-watch has provided extensive evidence to the Commons European Scrutiny Committee that the ‘due’ word has been the justification for major imbalances within EU coverage. As things stand, nothing in the Guidelines will redress this. A further problem is that the requirement for impartiality is framed in relation only to a ‘broad balance’ and the need for the inclusion of a ‘range of voices’. This gives editors enormous leeway in exercising their judgment and makes outside challenge almost impossible. The ‘broad balance’ principle is further extended because it is stipulated in the Guidelines that it can potentially be achieved across strands or channels. This could lead, for example, to the 8.10 Today interview being ‘balanced’ by something much lower down in the running order. This is clearly wrong.

A major issue relating to EU-related coverage that is not spelled out in the Guidelines at all is the need for exact terminology. In one particular area this is absolutely crucial. The News-watch archive demonstrates that in BBC programming, the term ‘European Union’ has very frequently wrongly been used interchangeably with ‘Europe’. The inaccuracy has even extended to the Trustees’ own annual poll about whether the BBC informs audiences about ‘Europe’. Of course this looseness reflects to an extent colloquial usage. But in the referendum campaign terminological precision will be vital. Those against the EU, for example, are frequently cast as xenophobes who are against ‘Europe’. Such lines of attack will need to be rigorously challenged, but there is no requirement in the Guidelines that there must be heightened, constant vigilance to prevent breaches of impartiality in this way.

The BBC has ruled out in evidence to the European Scrutiny Committee the inclusion of monitoring as a means of assessment during the referendum campaign. This is confirmed in the Guidelines in that they make no mention of any monitoring processes other than through internal editorial judgment. That is a gaping hole in the assessment process. Without rigorous, structured monitoring based on academic principles, impartiality cannot demonstrably be achieved. For example, how can the editor of a daily programme, who is charged under the Guidelines with achieving such balance over the course of the week, keep track? With the Today programme (for example), that means running analysis of dozens of items. Who is going to do this work? Will it be a separate responsibility for the duration of the campaign with personnel allocated?

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3.1 rules out ‘stopwatch’ and ‘mathematical’ measurements but what other ways of assessing impartiality between two sides are there? It is not spelled out.

A major unanswered question is how the trap of covering the campaign through the Westminster bubble will be avoided. Polls show that public opinion is heavily anti-EU in its apparent support for mass immigration. How are such views (for example) going to be taken into account? On the other hand, the leadership of the Conservative, Labour and Liberal Democrat parties are all likely to be in the ‘stay in’ camp, and possibly the majority of MPs (most Labour plus all SNP, all Liberal Democrats, and half of the Conservative PLP). How will this lack of accord between public opinion and their Parliamentary representatives be reflected and dealt with? And how will UKIP be handled in that it is the majority party in the UK contingent at the European Parliament, but has only one MP, and three peers who support the party, and yet commanded 4m votes at the general election. These are just a sample of the issues involved.

The Guidelines stipulates that ‘broad balance’ requirements will not apply to some coverage, for example if there is ‘an internal disagreement over tactics’. It makes the Chief Political Adviser the arbiter of suspension of ‘normal rules’. Analysis by News-watch has shown that such coverage of rows within UKIP, and especially with regard to its immigration-related policies, has led to substantial disproportionate coverage. If this happens during the referendum campaign, it could have a significant damaging effect on the ‘no’ campaign. The Guidelines actively give license for this coverage to continue, and decisions in this arena will be entirely at the BBC’s discretion, and not subject to monitoring.

The BBC accepts that its journalists are not currently informed enough about the EU to ensure impartiality during the referendum campaign. News Director James Harding has announced that compulsory training courses to remedy this are being planned. Mention of this training is not included in the Guidelines, however. Will members of staff who have not undertaken the training be allowed to work in frontline programming covering complex and sensitive areas of the referendum campaign? Can we see this training programme, to comment on its objectivity – the BBC’s last training programme addressed none of the fundamental EU issues.

Related to this, the Lord Wilson of Dinton report on the BBC’s EU coverage specifically spelled out that special measures should be taken during a referendum campaign to inform audiences better about issues relating to the EU. There is no mention in the Guidelines of such special programming in the news arena or of any measures to
ensure that it is properly impartial. This month (January 2016), a Radio 4 programme about Brexit, projected the process as something of unprecedented difficulty. This – in the context of a vote that could be less than six months away - showed strong bias against the case for withdrawal. The Guidelines should contain provisions that prevent this.
RESPONSE TO BBC ON EU REFERENDUM GUIDANCE CONSULTATION

I write to formally respond on behalf of UKIP to the guidance consultation on the referendum on the UK’s continued membership of the EU.

We are in broad agreement with the proposed guidelines, but as currently drafted, they do not explore the likely interaction of the broadcasters and the ‘Leave’ campaign, ‘Remain’ campaign and the political parties. However, these are early days; no political leader has yet been appointed for either the ‘Remain’ or ‘Leave’ campaign groups, the Electoral Commission has not yet designated a ‘Lead Campaign Group’ for each side of the issue and no date has as yet been set by the Prime Minister for the referendum. To further complicate matters, the ‘Leave’ campaign is currently split between two contenders.

There of course remains the theoretical possibility that the Prime Minister could lead the ‘Leave’ campaign himself, should his negotiations with the EU prove unsuccessful; - as he stated in the House of Commons on 6 January 2015: ‘I rule nothing out’.

Regardless of the stance on the referendum taken up by both the ‘Remain’ and ‘Leave’ campaigns, we believe that UKIP should have equal representation with both, as it is the only political party in some parts in the UK representing the ‘Leave’ point of view. On current polling, the party is likely to take seats on the assemblies concerned in May.

We seek assurance from the BBC Trust that in the interest of ‘broad balance’, UKIP’s viewpoint on the referendum will be represented in the debate, regardless of the positions taken up by the two campaigns. For UKIP, this is a matter of some consequence, being the only political party defined by its position on the UK’s continued membership of the EU. We note your observation that the guidelines will be amended, as the picture becomes clearer and it would be appreciated if you could keep in touch, as matters unfold.

I attach to this response some recent history of the party’s growth, in order to assist the BBC Trust in their deliberations.
UKIP was founded as a political party in 1993, with the specific intention of campaigning to take the United Kingdom out of the European Union. In subsequent years, it has broadened its political platform and now campaigns on a wide range of issues, locally, nationally and also in Europe. In recent years, it has performed strongly in parliamentary by-elections and local elections. A 2014 poll for The Sun newspaper highlighted the fact that UKIP was the most trusted party on immigration, with 43% of voters trusting it on the issue, and only 21% trusting the Conservative Party.\(^1\)

UKIP has a strong track record of digital engagement. It currently has 518,768 ‘Likes’ on Facebook (Labour has 418,459, the Conservatives 544,220 and the Liberal Democrats 129,651). UKIP has some 114,000 followers on Twitter and UKIP Party Leader Nigel Farage has 256,000 followers on the same social media platform.

UKIP prides itself on being a national party and is the only British political party with some form of elected representation in all parts of the UK. On the most recently available figures, membership stood at 40,761 members, an increase of some 8,000 since the party’s submission to the Electoral Commission on 31 December 2013.

According to a report in The Times newspaper on 2 January 2014, UKIP’s councillors have the best attendance record of all the UK’s political parties, (UKIP 92.4%; Conservative 88.6%; Labour 88.4%; Liberal Democrat 87.7% and Green 79.6%). At the time of writing, the party currently has 484 councillors.

When UKIP contested its first European Parliamentary elections in June 1994, it received a total of 150,251 votes and failed to win a single seat in the Brussels parliament. At the same elections in 1999, the party got 696,057 votes and secured three seats in Brussels.

UKIP fielded 428 candidates in the 2001 general election, getting 390,563 votes, but no seats. In terms of vote share, it came fifth. In the Euro elections held on 10 June 2004, UKIP came third, with 2,650,768 votes and 12 seats.

In the general election held on 5 May 2005, the party got 605,973 votes, but no seats. In the Euro elections held on 4 June 2009, UKIP won 13 seats, coming second to the Conservatives, with 2,498,226 votes.

UKIP fielded a total of 572 candidates in the 2010 general election and attracted a total of 919,471 votes, but once again, won no seats. In the local elections held in England and Wales on 2 May 2013, UKIP fielded 1,700 candidates, gained a total of 147 councillors and averaged 25% of the vote in the wards where it stood.

UKIP’s performance in May 2013 would be described by The Guardian newspaper as the ‘biggest surge for a fourth party’ in British politics since

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\(^1\)The Sun 9 September 2014
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

the Second World War. The geographical growth of the party may be seen at both Annexes A and B.

In the European elections held on 22 May 2014, UKIP topped the polls with 4,376,635 votes and for the first time since the 1906 general election, neither the Labour Party nor the Conservatives won a national election.

The party's vote was up 5% in Scotland, 12% in the North West region, 14% in the North East, 14% in Yorkshire and the Humber, 15% in Wales, 10% in the West Midlands, 16% in the East Midlands, 10% in the South West, 13% in the South East, 6% in London and 15% in Eastern Region. UKIP had 24 MEPs elected (including one in Scotland), its highest tally to date. The party currently has 22 MEPs.

In the May 2015 general election, UKIP stood 624 candidates (out of 650 seats) and polled 3,881,099 votes, winning only one seat (Clacton). However, the party quadrupled its share of the vote, winning 14 per cent in England (and 12.6 per cent across the UK). UKIP finished second in 120 seats and won a vote share of over 20 per cent in 45 seats. Its total vote was more than the Scottish National Party, and the Lib Dems combined. The total number of seats won by those parties was 64 - for UKIP's one.

On the same day, the party won 202 council seats and took control of Thanet District Council. At that point, UKIP had 494 seats out of a total of 19,385 council seats in England (excluding the City of London). Whilst UKIP returned only one MP to Westminster in May 2015, this outcome was the consequence of the inability of the ‘first-past-the-post’ electoral system to cope with the fact that the UK now has a multi-party political landscape, rather than just the two major parties it was originally designed for.

It should also be noted that UKIP has three peers in the House of Lords. However, if Prime Minister David Cameron had honoured the pledge he made in the ‘2010 Coalition Agreement’ that: ‘Lords appointments will be made with the objective of creating a second chamber that is reflective of the share of the vote secured by the political parties in the last general election’ – UKIP would now have several dozen peers in the upper house.

Further evidence of UKIP’s growing support may be taken from the change in its vote share over the last 15 years:

1999 Euro elections: 7%.
2001 General election: 1.5% (saved deposit in one seat).
2004 Euro elections: 16%.
2005 General election: 2.3% (saved deposit in 38 seats).
2009 Euro elections: 16.5%.
2010 General election: 3.1% (saved deposit in 100 seats).
2013 local elections: won 147 seats across 35 councils in England and Wales.
2014 Euro elections: 27.49%.
2014 local elections: won 155 council seats.

http://www.politics.co.uk/comment-analysis/2014/05/26/european-elections-2014-results-breakdown
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

2015 General election: 12.6% (1 seat, 79 lost deposits, 120 second places).  
2015 local elections: won 202 council seats.

ENGLAND

In the 2010 general election, UKIP got 866,633 votes in England, but no elected representation. In the May 2014 European election, the party topped the poll in England, receiving 4,009,534 votes, (Labour 3,466,095, Conservatives 3,429,333, Greens 1,103,395 and the Lib Dems 963,383).

In the 2015 general election, UKIP got 3,611,367 votes in England (14.1%). This was more than the Lib Dems and the Greens put together. Despite getting the third-highest share of the vote, due to the vagaries of first-past the post electoral system, this resulted in only one Westminster seat. There are 2,260 council seats up for election in England on 5 May 2016 and UKIP will be standing at least 1,500 candidates.

NORTHERN IRELAND

On 22 May 2014, UKIP received 24,584 votes in the European elections in Northern Ireland. On the same day, UKIP gained 163 council seats, three of which, were at Armagh, Banbridge and Craigavon, Mid and East Antrim and Newry, and Mourne and Down in Northern Ireland. The party has also had a Member on the Legislative Assembly of Northern Ireland at Stormont since 2012. The Assembly has 108 elected members - six from each of 18 constituencies. In May 2016, UKIP will be standing at least one candidate in each of the 18 constituencies.

SCOTLAND

In the 2011 Scottish Parliament election, UKIP got 18,138 votes. In the 2014 European elections, UKIP received 140,534 votes in Scotland and for the first time, sent a Scottish UKIP MEP to Brussels. In the 2015 general election, UKIP got 47,078 votes (1.62%).

In May 2016, at the very least, the party will be standing at least four candidates in each of the eight regional lists in the election to the Scottish Parliament.

WALES

In the 2007 Welsh Assembly elections, UKIP got 38,490 votes. In the May 2010 general got 35,690 votes. In the 2011 Welsh Assembly elections, the party got 43,756 votes. In the May 2014 European elections, the party received 201,983 votes and elected a UKIP MEP for Wales. Rather unusually, the party increased its vote between that election and the May 2015 general election twelve months later, where it got 204,330 votes (13.6%). UKIP will stand a full slate of 60 candidates in the 5 May 2016 election to the Welsh Assembly and given the proportionality of the voting system used, would certainly expect to see candidates elected to the Welsh Assembly.
ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

LONDON

In recent times, UKIP's share of the vote in London has risen from 43,274 (2%) in the GLA election of 2012; 371,133 (7%) in the European election of May 2014 and 286,981 (8.1%) in the 2015 general election. (By comparison, in the latter contest, the Lib Dems got 272,544 votes in London and the Greens 171,652). At the time of writing, London has one UKIP MEP.

UKIP is standing a full slate of 25 candidates in the Greater London Assembly elections being held on 5 May 2016, as well as standing a candidate for London Mayor. Given the proportional voting system used for the GLA election, we would expect to see UKIP members elected to the London Assembly.

SUMMARY

UKIP won the 2014 European election in the UK and came third in terms of vote share in the 2015 general election. With the radical decline of the Lib Dems and the equally dramatic rise of the SNP, in the period 2010-15, the UK's political landscape can be said to have undergone radical change. In YouGov's UK opinion poll for The Times of 17 December 2015, UKIP were on 17%.

In May 2016, UKIP will stand candidates in the London Mayoral and GLA elections, the Scottish Parliament elections, the Northern Ireland Assembly elections, the Welsh Assembly Elections, other mayoral contests, the Police and Crime Commissioner elections, in addition to the normal council seats up for election, as part of the normal three, four-year, or ‘all-up’ electoral cycle.

Additionally, UKIP will also play a major role in the referendum on the UK's membership of the European Union, which Prime Minister David Cameron has stated will be held at some point before the close of 2017.

ANNEX B – RESPONSES FROM ORGANISATIONS (INCLUDING POLITICAL PARTIES)

Draft EU Referendum Guidelines response:

Ulster Unionist Party

BBC Draft Referendum Guidelines for the Referendum Campaign on the UK’s membership of the EU

The Ulster Unionist Party welcomes these Guidelines.

It is obviously crucial that in any referendum where there are two opposing sides, the BBC, as a public service Broadcaster, must ensure that a proper balance between the two sides is achieved.

The draft guidelines refer to the need to achieve a ‘broad balance’ and to demonstrate ‘due impartiality’ in terms of coverage and we consider they represent a genuine attempt to meet the BBC’s commitment to cover political issues with accuracy and fairness.

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14 January 2016

Dear Sir/Madam,

Please find below our submission to the BBC Trust’s consultation on the draft guidelines for the coverage of the referendum on the UK’s membership of the European Union.

Yours sincerely,

Matthew Elliott
Chief Executive, Vote Leave
Questions to which the BBC Trust is seeking a response

Do the proposed EU Referendum Guidelines seem relevant and appropriate for this referendum? If not, please explain why?

These guidelines are, in general, relevant and appropriate for this referendum. As the Agreement between the Secretary of State for Culture, Media and Sport and the BBC provides, ‘the BBC must do all it can to ensure that controversial subjects are treated with due accuracy and impartiality in all relevant output’. We note that the independent panel chaired by Lord Wilson of Denton in 2005 concluded that ‘there is substance to the concern’ that the BBC’s coverage ‘suffers from certain forms of cultural and unintentional bias’ on the EU issue.²

As the draft guidelines acknowledge, the BBC and other broadcasters’ coverage will come under intense public scrutiny during this referendum. We have every confidence that the BBC will fulfil its obligations to licence fee payers and welcome the draft guidelines as testament to the BBC’s determination to cover the referendum ‘with due accuracy and impartiality’.

It is commendable that the guidelines require that language used in coverage ‘does not inadvertently convey a meaning which could be construed as favouring one side’. The guidelines appear to ensure, for example, that conflation of ‘Europe’ and the ‘European Union’ will not form part of the BBC’s coverage of the referendum. On this point, we were particularly reassured by answers given by the BBC to the European Scrutiny Committee in October 2015.³ Nonetheless, we are concerned that these clear commitments are not being executed in practice, with BBC journalists repeatedly conflating the terms in recent broadcast coverage as they did during the debate over the euro.

We also welcome the commitment to take account of ‘the nature of quoted research or polling’ and the requirement ‘not to rely on the interpretation given to a poll’s results by the organisation or publication which commissioned it’. This will be particularly important in the case of business polling, where pro-euro and pro-EU campaigners have traditionally claimed (erroneously) that surveys of large multinational companies are representative of British businesses as a whole.

One of the biggest problems for the BBC, and in particular The Today Programme, in the euro debate before 2003 was the practice of putting the heads of multinational companies against backbench MPs, or marginal political figures. This gave the wholly false impression that most businesspeople wanted to replace the pound sterling. It is vital that during the referendum campaign, this is not repeated. Generally, businesspeople should be interviewed with other businesspeople, and politicians with other politicians.

It is likely that the Establishment will overwhelmingly support the status quo in this referendum. As a result, impartiality must mean there is no requirement for household names necessarily to be placed against each other. The BBC should be prepared to place an owner of a small and medium sized enterprise (SME) against the head of a multinational company. Nor, for example, should unduly favourable treatment be given to former Cabinet Ministers in one campaign if persons occupying a similar position in another campaign have not served in Government.

Do you feel there are any omissions from the Guidelines?

The statement in the draft guidelines that ‘the BBC can expect to be held to account for their implementation during the campaign’ is to be welcomed. We would appreciate clarification about the mechanism (if any) that the BBC has in place to ensure that the guidelines are adhered to. In particular,
campaigners will want to know that the BBC will have in place a system whereby any complaints that the guidance is not being followed can be speedily resolved. This will be especially important in the final weeks and days of the campaign.

We note that Lord Wilson of Denton’s report concluded that ‘the BBC needs to put in place effective arrangements for monitoring impartiality.’⁴ We would appreciate clarification about what (if any) procedures the BBC has in place to ensure that compliance with the draft guidelines is adequately monitored during the referendum campaign. In October 2015, the BBC told the European Scrutiny Committee that it was unwilling to put in place any quantitative monitoring of its coverage during the campaign.⁵

We agree, in principle, that achieving balanced coverage involves ‘finding “broad balance” between the arguments and not necessarily between the designated Campaign Groups.’ However, the draft guidelines pay insufficient regard to the fact that a designated organisation will have been ruled by the Electoral Commission ‘to represent to the greatest extent those campaigning for [a given] outcome.’⁶ We consider that the guidance should explicitly give effect to the policy of the referendum legislation passed by Parliament, namely that designated organisations are the principal representative of those campaigning for a given outcome.⁷ We welcome the BBC’s separate commitment to have monthly meetings with the designated lead campaigns.⁸ However, we consider that the guidelines should explicitly recognise the primacy of designated organisations in the referendum campaign.

There must also be a requirement to achieve balance in the coverage given to permitted participants on each side. It is highly likely that more permitted participants will register to campaign to remain in the EU than to vote leave.⁹ Total coverage given to permitted participants campaigning for ‘remain’ should not therefore exceed total coverage given to permitted participants campaigning for ‘leave’. It would be entirely improper, for example, if the BBC were in the run up to the referendum to broadcast interviews touching on the EU with the major party leaders if all of them were supporting a ‘remain’ vote.

Similarly, a majority of Cabinet Ministers are likely to support ‘remain’. This should not mean that the ‘remain’ campaign is given more airtime than ‘leave’. During the referendum campaign, the voice of a Cabinet Minister is of no more significance than that of a backbench MP or a spokesperson from campaign headquarters. This will be a referendum in which everyone’s vote is equal, unlike a general election after which putative Cabinet Ministers will implement a range of their party’s policies. The BBC needs to ensure that there is not a bias towards taking spokespeople who are household names only. Otherwise, coverage will be biased towards the ‘remain’ campaign.

We also have reservations about the temporal application of the draft guidelines. The draft guidelines state that they are to apply during ‘the formal Referendum Period’. Under the terms of the European Union Referendum Act 2015, the referendum period is to be prescribed by the Government, but must be at least ten weeks.¹⁰ This means that if the Government were, for example, to announce the date of the referendum as Thursday 30 June 2016, following the meeting of the European Council on 18-19 February, more than six weeks of campaigning could elapse before the guidelines apply.

At the very latest, additional guidance to editors must apply as soon as lead campaign groups are designated by the Electoral Commission. During the passage of the legislation, the Government gave a clear commitment to Parliament that the designation process would not overlap with the formal campaign.¹¹ The legislation permits the Government to start the designation process before the date of the referendum is known.¹² It would be most questionable if editors were not required to reflect the fact of the Electoral Commission’s designation as soon as it is made.
Do you have any other comments on the proposed Guidelines?

We welcome the statement in the draft guidelines that ‘anyone taking an active campaigning role or a public position on the referendum should be regarded in the same way as “politicians”’. This is eminently sensible in light of the fact that some pro-EU organisations, such as the Confederation of British Industry (CBI), are likely to claim to be apolitical. However, we note that in the mandatory referrals section, the definition of politicians ‘includes anyone campaigning in the referendum and any “registered campaigner”’. We query why the definition of ‘politicians’ is not consistent across the draft guidelines.

We also have queries about the interaction between these draft guidelines and the draft guidelines on elections. The draft guidelines on the referendum state that ‘there is no requirement for balance between the parties in discussing referendum issues’. However, the draft guidelines on the May 2016 elections provide that the BBC ‘must ensure that the parties... are covered proportionately over an appropriate period’.13

It is questionable whether these divergent obligations can be met, if, as seems likely, the referendum period overlaps with the campaigns for elections in May 2016. The draft referendum guidelines appear to contemplate contributors being cut off in mid-sentence if they refer to the referendum in time not allocated to the subject. Further clarification of how overlapping campaign periods would work in practice is desirable.

It is also notable that the person who was in charge of the media strategy for the issuing of these guidelines was James McGrory, who is now Head of Communications and Chief Campaign Spokesman for the BSE (Britain Stronger in Europe) campaign. We would therefore welcome reassurance that there is no conflict of interest and that he has not benefited in his new position from any insider knowledge from his time at the BBC.

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1 Department for Culture, Media and Sport, ‘An Agreement Between Her Majesty’s Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation’, Cm 6872, (July 2006), p. 20, clause 44(1).


6 Political Parties, Elections and Referendums Act 2000, s. 109(5).

7 Political Parties, Elections and Referendums Act 2000, ss. 108-110, schedule 12. The policy of the 2000 Act is expressed to apply to broadcasters, for example, by section 127(1) of that Act, which provides that a ‘broadcaster shall not include in its broadcasting services any referendum campaign broadcast made on behalf of any person or body other than one designated in respect of the referendum in question’.


9 This is in light of the fact that the Labour Party, Liberal Democrats, Scottish National Party, Green Party, and CBI are likely to campaign for ‘remain’, whereas only the United Kingdom Independence Party is likely to campaign for ‘leave’. The Conservative Party is nominally neutral.


