Consultation on Party Political Broadcasts

Outcome of Consultation

February 2012
Consultation Statement

Background

The BBC must include party political broadcasts (referred to here as PPBs) in some, or all, of its UK Public Broadcasting Services.¹

The BBC Trust (which is responsible for general oversight of the work of the BBC and is separate and independent from the day-to-day management of the BBC by the BBC Executive) must determine which UK Public Broadcasting Services are in principle to include PPBs and the basis on which, and the terms and conditions subject to which, they should be included (the latter being referred to as PPB allocation criteria).²

The BBC Executive Board (the Executive) is responsible for applying the PPB allocation criteria approved by the BBC Trust to determine which registered political parties will receive PPBs in any given period. Therefore, the Trust's role is to establish the criteria by which parties are allocated a PPB and the basis on which they should be broadcast. It is the role of the BBC Executive to apply the criteria set by the Trust as to which political parties qualify for a PPB and then liaise with the political parties around the specific scheduling of their broadcast or broadcasts.³

The Trust proposed putting in place a policy detailing the criteria for the allocation and timing for party political broadcasts to registered political parties and determined, in the circumstances of this case, that it was appropriate to consult on that policy. The Trust therefore ran a public consultation between 8 December 2011 and 20 January 2012 on its draft policy for the allocation and scheduling of PPBs.

The Trust received seventeen responses from individuals and organisations to its consultation. The Executive has also provided its views on this matter. The main points raised in the responses deemed relevant by the Trust are summarised below along with the Trust’s decision on the policy itself. The views of the Electoral Commission on the draft policy were also sought.

¹ UK Public Broadcasting Services is defined in clause 104 of the Agreement to be ‘those UK public services which consist of television programme services and radio programme services’.
² see Clause 48 of the Agreement.
³ Any complaints regarding allocation are directed to the Executive in the first instance. If the complainant remains dissatisfied, the Executive's decision may be subject to appeal to the Trust. Please see http://www.bbc.co.uk/bbctrust/assets/files/pdf/our_work/rcb/complaints_process.pdf for the complaints process.
The Trust’s Editorial Standards Committee (which has delegated authority in respect of PPBs) took into account the consultation responses, points made by the Executive and the views expressed by the Electoral Commission, as it considered relevant and appropriate to finalising the Trust’s policy.

The Consultation

On 8 December 2011, the Trust published its consultation on its draft PPB policy. It also asked a series of questions about its proposed policy and invited responses.

In summary, the consultation proposed⁴:

- Removing the link between the time of broadcast of PPBs and specific political events (such as party conferences and the Queen’s Speech). Instead it was proposed that relevant political parties in England, Scotland and Wales would receive three ‘seasonal’ PPBs in autumn, winter and spring.
- In Northern Ireland, the consultation asked whether the political parties should continue to have one PPB or whether it should be raised to two.
- As a consequence of potentially moving to seasonal PPBs the Government and the opposition parties would no longer receive Budget broadcasts, though of course PPBs may still be broadcast at Budget time (subject to considerations of scheduling, including the timing of election periods).
- The consultation proposed no change to the allocation criteria for PPBs (i.e. the criteria on which it is judged that a political party can receive a PPB). The existing criteria state, in summary, that to qualify for a PPB a political party i) must hold more than one seat in the relevant legislative chamber and ii) can demonstrate substantial levels of electoral support across a series of elections (in the relevant nation).

The consultation asked the following questions:

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<th>Scheduling</th>
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<td>1. Is the proposed switch to ‘seasonal’ broadcasts for PPBs in England, Scotland and Wales relevant and appropriate? If not, explain why?</td>
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<td>2. Do you have any other comments on the proposed ‘seasonal’ approach to PPBs in England, Scotland and Wales?</td>
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3. Do you think the current allocation of one PPB to qualifying parties in Northern Ireland is appropriate? Also, do you consider that qualifying parties should continue to be offered one PPB per year or two?

Allocation Criteria

1. Are the criteria by which the Executive will decide which parties will be allocated PPBs clear and appropriate?

2. Do you have any other comments on the proposed Criteria?

Budget broadcasts

1. Do you have any comments about the proposal to end Budget broadcasts?

Responses

The Trust received seventeen responses to the consultation. The following political parties and organisations responded to the consultation:

- Alliance Party of Northern Ireland
- Democratic Unionist Party
- Green Party in Northern Ireland
- Independent Federation UK
- Plaid Cymru
- Social Democratic and Labour Party
- The Electoral Commission
- The Liberal Institute
- The Voice of the Listener and Viewer
- Traditional Unionist Voice

In addition, eight individuals also responded to the consultation. The views of the Electoral Commission were also provided to the Trust.

Before reaching a decision on its PPB policy, the Committee considered, in full, all the responses to the consultation and took into account the points it considered were relevant to its decision. It also took into account clarifications from the Executive on a number of points. A summary of the responses relevant to the consultation is below, together with the Trust’s decision.

Is the proposed switch to ‘seasonal’ broadcasts for PPBs in England, Scotland and Wales relevant and appropriate? If not, explain why?

Do you have any other comments on the proposed ‘seasonal’ approach to PPBs in England, Scotland and Wales?
Five responses indicated they were in favour of, or had no objection to, the proposal to switch to ‘seasonal’ broadcasts.

One of these responses had no objection in principle to the proposal, but raised three concerns related to it:

i) That the proposals might prove detrimental to levels of party political coverage during key political events (such as the Budgets), particularly in the devolved nations.

ii) That UK-wide political parties qualifying for a PPB should broadcast their PPBs in Wales, Scotland and England simultaneously, to avoid people living on the borders potentially viewing two PPBs, at different times, by switching between different channel variants in the nations (for example BBC1 Wales and a BBC regional broadcast).

iii) That as HDTV (High Definition Television) has no variation in the nations, viewers of BBC One and Two in HD will need to change channel to see Welsh programming (and therefore Welsh PPBs).

One individual suggested that three PPBs was too many and another suggested they should be replaced by televised Q&A sessions. One individual thought that PPBs should continue to be linked to key political events.

Ten responses did not comment directly on this aspect of the proposals.

**The Trust’s decision:**

Having taken into account all the responses, the Trust considered that the proposal to move to seasonal broadcasts is appropriate and should be implemented. In doing so, the Trust noted and took into account that:

- Moving to seasonal broadcasts would give more flexibility to the political parties in the scheduling of PPBs and would recognise the realities of devolution (where for instance, the Scottish Parliament has some control over fiscal policy). It also provides for greater consistency and certainty.

- Coverage of political parties in editorial programmes, such as the news, is a separate matter to the scheduling and allocation of PPBs. PPBs are an opportunity for political parties to speak, unmediated, to the public. The Trust, however, recognises the importance of ensuring that network coverage of news events, especially around events perceived to be politically important such as the Budget, is impartial (consistent with BBC Editorial Guidelines) and that, if appropriate, editorial judgments should take into account coverage to be afforded to parties in the devolved nations.

- The new seasonal arrangements would discontinue the anomaly where, in the past, parties specific to the devolved nations would have the opportunity to broadcast only to the specific nation but other UK-wide
parties only broadcast to the UK as a whole. (With the result that UK-wide parties cannot ‘tailor’ their PPBs to the nations.)

- The Trust recognises that, in theory, there is the possibility that viewers who live in ‘border’ areas may be exposed to two PPBs by UK-wide parties. However, the Trust recognised the point made by the Executive that the number of people affected is extremely small and that these broadcasts are transmitted on different regional versions of BBC channels. It is not therefore, in the Trust’s view, a material issue or one that represents a risk to preserving the BBC’s impartiality. The Trust concluded that to require parties to transmit their PPBs simultaneously would be a disproportionate approach and was outweighed by the importance of political parties being offered an opportunity to organise their broadcasts at a time (subject to scheduling considerations) more determined by national rather than UK-wide factors. Further, it is noted that broadcasts in each of the nations are scheduled independently of each other, including during election periods, owing to the nature of separate qualification and different numbers of qualifying parties.

- The Trust noted concerns about the possibility of those viewers who watch BBC HD channels, missing PPBs (as these channels do not have regional opt-outs and do not carry PPBs). The Trust welcomed the Executive’s willingness to explore the practicalities of redirecting viewers from HD channels to relevant services when PPBs are scheduled.

**Do you think the current allocation of one PPB to qualifying parties in Northern Ireland is appropriate? Also, do you consider that qualifying parties should continue to be offered one PPB per year or two?**

Seven responses made specific comments on the proposals in Northern Ireland.

The Electoral Commission stated that generally it welcomes any increase in opportunities given to parties to explain their policies to voters. However, in this case, the Commission raised concerns that an increase to two PPBs in Northern Ireland could lead to financial difficulties for some parties. This raised possible impartiality issues and therefore careful consideration should be given before the final decision is made.

Two further responses made specific reference to the expense of PPBs and indicated that one PPB was sufficient. One of these responses indicated that the party would ideally prefer extended coverage of annual conferences to any allocation of PPBs.

One response opposed any proposed increase to two PPBs without change to the allocation criteria.

One response thought that PPBs should be allocated in Northern Ireland on the same terms as proposed in England, Wales and Scotland, i.e. three per year, on a seasonal basis. This response referred to a 2004 Department for Culture,
Media and Sport (“DCMS”) consultation on PPBs which noted that parties in Northern Ireland are “not offered party political broadcasts other than at elections” and that “Northern Ireland parties should be offered similar opportunities”.

Four responses raised the possibility of a different number of PPBs being allocated according to levels of legislative representation or electoral support, for example potentially allocating two PPBs to parties with greater levels of representation/support and one PPB to smaller parties.

One response suggested that, in years where no elections are being held, the window for broadcasting PPBs in Northern Ireland (September – March), be extended to include April.

**The Trust’s decision:**

The Trust noted that the system of PPBs in Northern Ireland was only recently introduced, following the 2004 DCMS consultation referenced in one of the responses.

The Trust noted that with the exception of one response, no one argued for all political parties to receive an increase in PPBs. It therefore considered that there was no evidence of a widespread demand for a second PPB in Northern Ireland. The Trust took into account the Executive’s concerns that such an increase in PPBs could raise issues of impartiality, both because of the burden it placed on parties with very limited resources and because of an increased disparity between those parties within the Northern Ireland Executive and those outside. The Trust also took note of the Electoral Commission’s view on this matter.

The Trust did not think it appropriate to amend the criteria so that different numbers of PPBs are offered to different sized parties in the same nation. The different levels of electoral support are recognised at the more appropriate time of an election period, when larger parties are offered more Party Election Broadcasts (“PEBs”) than smaller ones. PPBs serve a different purpose from PEBs. The Trust accepted the Executive’s view that giving more PPBs, in Northern Ireland, to larger parties would be a significant step and would have ramifications across the UK.

The Trust therefore decided to keep the allocation to qualifying parties in Northern Ireland to one PPB per year.

However, the Trust agreed with the suggestion by one consultee that the window for broadcast of PPBs in Northern Ireland could, in exceptional circumstances and in years when there are no elections, be extended to April if appropriate.
Are the criteria by which the Executive will decide which parties will be allocated PPBs clear and appropriate?

Do you have any other comments on the proposed Criteria?

Three responses felt that the term 'substantial levels of support' required further clarity.

Two responses suggested that the requirement for parties to have at least two representatives at a legislative level is too high and that the requirement should be reduced to one.

An individual suggested that the criteria of holding more than one seat in the legislative body and also having 'substantial levels of support' should be an either/or condition. Another individual suggested that any party with 5% of local council seats that was putting up a candidate should have a PPB. One further suggestion was that the criteria for allocation should be changed to a requirement for a party to have at least 2% representation in the relevant legislative body to qualify for a PPB.

The Electoral Commission welcomed the approach of putting PPB criteria on a more formal footing and supported the suggested criteria relating to the level of representation that parties would need to qualify for a broadcast.

The Trust's decision:

The Trust noted some responses felt the criterion for ‘substantial levels of electoral support’ required further clarity. The Trust recognises that a balance needs to be struck between ensuring the system has sufficient flexibility in it to appropriately take into account changing political circumstances and the need to be fair and transparent in how the policy will be applied. The Executive argued that any attempt to impose mathematical formulae or fixed definitions to be applied consistently would risk restricting the ability to make appropriate judgments in unforeseeable potential political circumstances. The Trust agreed that, given the potential for the political landscape to change, it was important and necessary to have a system which could adapt to changing circumstances.

Further, the Trust noted that the term ‘substantial electoral support’ as a criterion has been used for the last 18 months in respect of PPBs and for a number of years in respect of Party Election Broadcasts (PEBs) - so establishing some precedent as to approach and practice. The Trust had requested, at the time of the consultation, that the Executive provide information on what evidence it would take into account when deciding what constituted ‘substantial electoral support’. This evidence, published in the consultation, would take into account, as in the past, for example performance in different types of elections in terms of number of seats held and share of the vote; levels of support in
recent elections; changed circumstances (for example, the formation of new parties or party splits). This was a non-exhaustive list of examples. The Trust noted, however, that the weight given to that evidence by the Executive on allocation may differ because PEBs are tied to a particular election whereas PPBs are not. Taking all the evidence and responses into account, the Trust concluded that ‘substantial electoral support’ is well-established and understood by those eligible for a PEB and a PPB and that it is appropriate to adopt this criterion in respect of the PPB allocation policy.

In Northern Ireland the Trust considered that broad electoral support should remain key to the qualification for PPBs and that changing the criteria to a single seat in any Parliament or Assembly would significantly lower the current threshold of electoral support across a nation. The Trust believes it is important that those receiving PPB airtime must be able to demonstrate an appropriate level of support. The Trust also noted that reducing the qualification to a single seat may also raise issues of fairness in relation to single independent incumbents.

The Trust believes that the combination of a level of representation in the legislative chamber and relevant electoral support are proportionate criteria for allocating PPBs.

The Trust therefore concluded that the proposed allocation criteria were appropriate and should be implemented.

**Do you have any comments about the proposal to end Budget broadcasts?**

Fourteen of the responses either did not comment or raised no objection to this proposal. One of the responses, while raising no objection in principle, reasserted their concern that this should not result in a decrease in levels of party political coverage around the time of the Budget.

Three individuals indicated that the government and opposition should still have the opportunity for a budget broadcast and response.

**The Trust’s decision:**

The Trust noted the individuals’ comments. However, it felt that the opportunities outlined in the consultation paper, namely that viewers and listeners could now see and hear the Budget and the Budget debate from the House of Commons on various formats, would offer parties a chance to communicate their views on this specific event. Further and importantly, the Trust also took in to account that PPBs may be broadcast at “budget-time” (subject to considerations of scheduling, including the timing of election periods).
The Trust therefore agreed that Budget broadcasts should be replaced with the proposals outlined in the PPB policy.

Having taken into account all the responses it received to its public consultation the Trust agreed its PPB policy. The final policy is attached an Annex A and comes into effect immediately.