

Broadcasters' Liaison Group (BLG) Meeting – 15 October 2014
Note of conclusions and action points

Present: Ric Bailey (BBC), Emily Barber (Channel 4), Nicola Cain (BBC), Heather Curley (STV), Angharad Evans (S4C), Rhys Evans (BBC Wales), Martin Forward (BBC Wales), Chris Hagan (UTV), Tabby Karamat (BBC), Peter Lowe (BSKYB), Rosalind McInnes (BBC Scotland), Jacqueline McIntyre (BBC Northern Ireland), Nick Powell (ITV Wales), Bill Ridley (Talksport), Alex Robertson (Electoral Commission), Rob Shepherd (BBC), Warren Seddon (Electoral Commission), Martin Stott (Channel 5), Chris Wissun (ITV).

Apologies: Jimmy Buckland (Talksport), Dan Cass (Local TV Network), Joan Darroch (STV), Gordon Macmillan (STV), Alasdair Macleod (BBC Scotland), Catrin Hughes Roberts (S4C).

Venue: 28 Portland Place, London, W1

1 NOTES OF LAST MEETING

These were reviewed, having been circulated and approved for publication in advance of the meeting. They do not purport to be a full record but merely a note of the conclusions and action points.

2 MATTERS ARISING

It was noted that the Electoral Commission was due to report on the outcome of its September 2013 consultation 'Standing for election in the UK', with issues of particular interest to the BLG including: an independent's entitlement to PEBs (following the complaints made by Siobhan Benita in the Mayoral Election); and, the question relating to regional broadcasts and Mayoral elections outside London (for example Liverpool).

3 RETROSPECTIVE FOR 2014

European Elections 2014

- A number of complaints had been received concerning the Scottish National Party's PEB, which was broadcast outside the referendum period but which had made the case for independence.
- The English Democrats had lodged complaints with Ofcom against 2 broadcasters about the number of PEBs they had been allocated, although these had been dismissed.

- A number of complaints had been received concerning the content of the Britain First PEB, for which they had qualified having stood candidates in Wales and Scotland.

Local Elections 2014 (England and Northern Ireland)

No particular issues had arisen following the introduction of the criterion requiring parties in Northern Ireland to be contesting 1/6th of seats.

PPBs

The BLG discussed the scheduling and content of PPBs during by-election periods and the potential for these matters to impact on achieving due impartiality. It was agreed that further consideration would be given to this issue.

RCBs in context of Scottish Independence Referendum

It was noted that the BBC and STV had allocated each side of the referendum campaign 4 RCBs over a 16 week period.

Although the issue had not arisen, concern was raised about the potential for only one side of the referendum campaign to have applied for and been granted designation and the implications this could have had for achieving due impartiality in light of the provisions of s127 Political Parties, Elections and Referendums Act 2000, which provides that only the referendum campaign broadcasts of designated organisations may be broadcast. This was noted by the Electoral Commission.

4 REPRESENTATIONS FROM POLITICAL PARTIES ON PEB CRITERIA FOR 2015 ELECTIONS

The BLG had invited written representations from political parties in the UK on the PEB allocation criteria for the 2015 General Election.

Written representations were received from the following parties:

- (i) English Democrats;
- (ii) Mebyon Kernow;
- (iii) The Green Party of England and Wales;
- (iv) UKIP; and,
- (v) Yorkshire Devolution Movement.

The BLG noted and discussed each of the parties' submissions. A number of the parties set out their evidence of past and current electoral support, which they asked the BLG to take into account when applying the criteria to determine their allocation of broadcasts in the forthcoming elections. While some parties also suggested that the evidence they had submitted ought to result in them being treated as a "major party" for the purposes of the Ofcom Broadcasting Code, this is a matter for Ofcom and representations should be made directly in response to their anticipated consultation on this issue. It was also noted that representations should be made directly to the BBC Trust in response to the consultation which it was anticipated would shortly be published concerning the BBC's draft criteria for the allocation of PEBS.

Some of the parties made a number of suggestions about the applicable criteria for allocating PEBS:

- One party proposed the introduction of an additional criterion, of the popularity of policies with the public.
- One party suggested that the criteria should specify the number of seats that would need to be contested to qualify for a GB-wide PEB.
- Two parties proposed that the threshold criterion (applicable to parties not designated as major parties in respect of broadcasters other than the BBC) for registered parties to be granted a PEB, requiring them to be contesting at least one sixth of the seats up for election, should be amended so as to permit regional or national parties who stand candidates in, respectively, (i) at least one sixth of seats in that region/nation or (ii) at least a majority of seats in that region/nation, to be granted a PEB.

5 OFCOM

A representative from Ofcom attended this part of the meeting to provide an update on Ofcom's activities including whether, as indicated in Ofcom's statement of 3 March 2014, Ofcom would conduct a review of the list of 'major parties' ahead of the May 2015 elections. There was discussion over the application of the 'major party' designation to election broadcasts and editorial coverage.

It was agreed that, in the event that Ofcom conducted a review of the list of 'major parties', the BLG members who are governed by the Ofcom rules would submit a joint response to the

consultation. Points in respect of PEBs which affect all BLG members could be endorsed by the BLG. A draft would be circulated for discussion in due course.

6 LOOKING FORWARD

English Local Elections and the General Election will take place in 2015. The possibility that there might also be elections for the Northern Ireland Assembly in 2015, in the event that the Assembly were to be dissolved early, was considered. It was noted that Parliament would be dissolved on 30th March 2015, when the election period would begin in advance of polling day on 7th May. The previous criteria for such elections were discussed and it was noted that each broadcaster would give individual consideration to the allocation of PEBs in due course. It was agreed that BLG members would consult each other regarding the scheduling of PEBs, once each broadcaster had reached its own views on allocation, and a further meeting would be scheduled as necessary.

7 LOCAL TV

No issues arose.

8 CLEARANCE OF RIGHTS, PERMISSIONS ETC

The importance of political parties ensuring that any PPBs they submitted had the relevant rights clearances, for both reproduction and communication to the public (including for online publication), was emphasised by all members. It was agreed that members would write individually to the parties to remind them of the requirements, as necessary.

9. PRODUCTION GUIDELINES

Following a review of the Production Guidelines, a series of proposed amendments were discussed and agreed, including that the deadline for submitting PPBs would be extended to no later than 10am 3 working days prior to broadcast and that the delivery methods for various broadcasters would also change (for example, for Winter/Spring PPBs the BBC would no longer be able to accept delivery by tape) and therefore the format for delivery should be confirmed 2 weeks in advance. This was necessary due to the impact of late delivery on broadcast operations. The amended Production Guidelines would be finalised and published in due course.

10. BLG WEBSITE

The BLG agreed to consider whether any further amendments to the website were necessary.

11. ANY OTHER BUSINESS

The next BLG meeting would be scheduled slightly earlier in 2015, due to 2016 being a busy election year with elections in Scotland, Wales, and Northern Ireland, as well as the London Mayoral election and elections for Police and Crime Commissioners all taking place at the same time. There would be an option for an additional meeting around mid-February 2015.