

Note of conclusions and action points

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Present: Ric Bailey (BBC), Tabby Karamat (BBC), Sion Pugh (S4C), Chris Wissun (ITV), Heather Curley (STV), Chris Hagan (UTV), Jacqueline McIntyre (BBC NI), Alice Hickey (BBC), Nick Powell (ITV Wales), Tim Burke (BBC), Janet Maclay (Channel Five), Claire Telford (Wireless Group), Alasdair MacLeod (BBC Scotland), Joan Darroch (STV), Dominic Harrison (Channel 4), Kirsty Warwood (Channel 4), Mark Sunderland (ITV) and Martin Forward (BBC Wales)

Craig Westwood (the Electoral Commission- observer member) and Niki Nixon (the Electoral Commission- observer member).

Apologies: Rhys Evans (BBC Wales) and Iestyn Morris (S4C)

For item 8 only, the Group was joined by Adam Baxter and Stephen Taylor from Ofcom.

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## **1 NOTES OF THE LAST MEETING**

- The meeting notes of the last BLG annual meeting of 21 October 2019 were circulated ahead of the meeting and were approved. These meeting notes do not purport to be a full record merely a note of the conclusions in action points.
- The notes from the 2019 meeting reminded the BLG there were a couple of matters they had considered revisiting such as whether to review the production guidelines to ensure the restriction around explicit visual or verbal references to a ward or electoral area were sufficiently clear. However, on discussion it was now felt that parties and independent reduction companies were cognizant of this restriction. Further, the issue that for some elections the number of seats being contested was not clear until close of nominations and this led to some uncertainty for those involved whether a party had reached the required Ofcom threshold.

## **2 RETROSPECTIVE FOR 2020**

### **General Election 2019**

- There was a discussion among the members on the number of additional PEBs that could be awarded should a party meet the threshold criteria and the requirements of rule 16 of the Ofcom's PBRB rules i.e. that evidence of their past electoral support and/or current support at a particular election or in a relevant nation/electoral area means it would be appropriate to do so. It was considered that there was no set number and it was a matter for each broadcaster.
- The members also discussed the content of a couple of the PEBs noting that parody had been used for one PEB as well as an issue of possible issue around factual accuracy in a PEB.

The tension between providing airtime to political parties whilst also having concerns about the content of a PEB was raised by some members. The SNP case was noted in this context where Ofcom only has remit in respect of the broadcasters and not the parties should there be an issue with a PEB.

- Members had varying experiences of on the issue of timely delivery by parties. This included one member refusing to broadcast due to the very late delivery by two parties. It was a respect of the parties' second broadcasts and according to member they had been given plenty of prior notice.
- One member felt that now parties use production houses to produce PEBs this had lessened the likelihood of technical difficulty on receipt of PEBs.
- It was noted that for the majority of parties that radio broadcasts of PEBs appeared to be an afterthought. The availability of radio broadcasts are communicated to parties but it is ultimately up to them if they want to take up that offer. However, it was queried whether it is a concern for Ofcom that some parties do not avail themselves of that opportunity.

## **PPB 2019**

- Given the heavy demands on all parties in late 2019 including the PEBs for the General Election, there was discussion whether the parties still wanted to take up their Winter PPBs (scheduled for January 2020). The parties would still have the Spring PPBs (scheduled for February/March 2020) and of course the PEBs for the May elections would proceed as normal. However, as two parties had stated they wanted to retain their Winter PPBs the suggested approach was not adopted.

## **Ministerial Statements**

- In the last year a number of broadcasters needed to consider the issue of ministerial/government statements in respect of the pandemic. This is clearly a matter of where each broadcaster takes their own view with reference to their own particular requirements and editorial guidelines. For example the BBC has requirements under the Charter and its editorial guidelines on how it approaches such issues. However, it was discussed that should the statements become more politicised the onus on broadcasters to meet impartiality was an important concern.

## **3. THE ELECTORAL COMMISSION UPDATE**

- The Electoral Commission gave an update on some of the legislative changes to be introduced on the issue of voting during the pandemic. Although research had demonstrated that most people wanted to vote in person.
- It was also noted that there had been a number of new party or change of name applications which usually take six weeks. The Commission considered that such applications would continue right up to the election.

- The BLG raised with the Commission the issue of candidates appearing in their own ward or electoral area in political broadcasts. It was noted it was a perennial issue. However, the production guidelines are clear and specifically noted local landmarks so there was no intention on amending the guidelines at this time.

#### **4. PARTY REPRESENTATIONS**

- The BLG had not received any party representations for this meeting. The Yorkshire Devolution Movement had sent a letter to Ofcom which had been copied to the BBC.

#### **5. LOOKING FORWARD**

- Next Spring there would be the following elections:
  - Scottish Parliament
  - Welsh Parliament (Senedd)
  - GLA elections
  - English Locals
- The BLG discussed the criterion used by each Broadcasters in the last set of corresponding elections as well as how the recent elections may have affected those parties' electoral support. For example it was discussed how much weight should be provided to parties in respect of votes cast in the European Parliamentary elections. Further the issue on how to approach parties that had rebranded or had a series of defections when considering a party's previous electoral support was discussed. As always it is a matter for each broadcasters on how they want to decide such an issue and the broadcasts allocated to each qualifying party.

#### **6. OFCOM UPDATE**

- Ofcom noted that most of the complaints during the General Election had been in respect of editorial coverage and a small number had raised significant issues. There had been approximately two thousand complaints about election coverage.
- Ofcom had been considering their position in respect of independent candidates. Ofcom were minded to circulate note to broadcasters to reiterate Ofcom's position in respect of independent candidates in light of the Electoral Commissions interpretation of the relevant statutory framework. In short in the absence of a change in law, Ofcom did not think independent candidates were eligible to be allocated PEB.
- Ofcom would be responding to the Yorkshire Devolution Movement's letter to them which had been copied to the BBC which sought equivalent treatment between parties in a Nation and parties in a region.
- The meeting went on to discuss the topic of "new parties" which included the rebranding of existing parties, defections and how such parties were seeking to represent themselves currently.

- It was reflected that the situation was slightly different in respect of PBBs as the qualifying threshold required that the party holds one seat in the relevant Parliament.
- Members also raise the topic of accuracy in political broadcasts. Ofcom stated that such broadcasts were non-news so accuracy provisions for news programme did not apply but Rule 2.2 of the Ofcom Code material misleadingness was a relevant consideration.
- Ofcom is also communicated some staffing changes at the organisation and who would be the day-to-day contact for broadcasters.

## **7. BLG WEBSITE**

- The website had been revamped and was under the BBC banner.

## **8. ANY OTHER BUSINESS**

- There was no other business discussed.