

Broadcasters' Liaison Group –28 November 2024

Note of conclusions and action points

Present: Tabby Karamat (BBC) Ric Bailey (BBC) Alice Hickey (BBC), Tim Burke (BBC), Alasdair MacLeod (BBC Scotland), Gwyneth Jones (BBC NI), Ailsa Chalk (ITV), Siôn Pugh (S4C), Mark Sunderland (ITV), Martin Forward (BBC Wales), Claire Telford (Wireless Group), Mary Askew (C4), Eileen Weinert (C5) and Joan Darroch (STV).

Orla Hennessy (Electoral Commission).

Caitlin O'Brien (Ofcom) for Agenda Item 5 only.

With apologies from Chris Hagan (UTV), Rhys Evans (BBC Wales), Rosalind McInnes (BBC Scotland), David Powell and Niki Nixon (Electoral Commission).

1. Notes from last meeting

The meeting notes from the last BLG annual meeting of 23 November 2023 and the teleconference of 28 May 2024 (which had been convened following the announcement to hold a General Election on 4 July 2024) were circulated ahead of the meeting and were approved with some amendments. The meeting notes do not purport to be a full record but reflect the conclusions and action points of the meeting.

2. Retrospective English Locals and GLA Elections 2023/2024

There was a discussion on the point that candidates are not allowed to appear in their own constituency for PEBs but it was noted that does not make sense for mayoral elections. Further, the members discussed complaints received by various political parties/candidates in respect of the content of other parties'/candidates' election broadcasts. It was agreed that further clarification from Ofcom would be appreciated.

Unfortunately another (non-media) organisation gave inaccurate advice to candidates about PEBs. It was noted that there are links from the Electoral Commission website to the Broadcasters Liaison Group's website for candidates and political parties looking for further information and guidance.

3. Ofcom

(Caitlin O'Brien attending)

Ofcom explained there had been 20% increase in complaints compared to 2019 but there were not any complaints which required Ofcom to engage the Ofcom Election Committee.

Ofcom had provided presentations on Section 6 of the Ofcom Broadcasting Code in each nation and the smaller broadcasters had responded very well.

There was discussion in respect of Ofcom's decision to not uphold a complaint from Alba about the scheduling of PEBs. Ofcom referred to the relevant rule of the PPRB Rules which states that the scheduling of broadcasts offered to political parties are the responsibility of broadcasters in the first place. The PPRB Rules also require that PEBs on television must be carried between 5:30 PM and 11:30 PM. Ofcom did not agree with the position advanced by the political party that one broadcaster should align its scheduling decision with another. Ofcom clarified that it had not been their intention to set a precedent on how scheduling decisions should be made in the future.

Ric Bailey summarised some of the PEB issues that occurred during the 2024 elections (such as the content of PEBs and allocation decisions) and asked whether Ofcom would consider publishing guidance about their approach to issues such as the content of PEBs.

Ofcom noted that the publication of their digest of past and current electoral support was delayed in order to incorporate the latest polling figures for England.

4. Retrospective for the General Election 2024

Members noted that scheduling the PEBs had been a challenge given the short notice for the General Election as well as sporting events that were happening concurrently. Some broadcasters made a decision not to broadcast PEBs in the final week of the election.

A number of issues arose in respect of PEBs. Across the Nations these included:

- requests and complaints in respect of scheduling and the “batting order” i.e. which party’s PEB goes first or last;
- the distortion of stills;
- QR codes used in PEBs;
- the consent to use stock images, footage of other individuals (and whether those individuals were actors or real) or to have filmed in certain locations;
- the difficulty obtaining contacts for smaller parties;
- parties not using their allocated slot including for radio PEBs;
- the issue of parties wishing to use the soundtrack from their TV PEB for a radio PEB;
- technical transmission issues in respect of sound or visual requirements (or the absence thereof); and
- late delivery of the PEBs.

5. Electoral Commission Update

(Orla Hennessy attending)

The Electoral Commission considered that there had been high levels of confidence in the running of the 2024 elections. In respect of postal votes they noted there had not been systematic issues but there had been some problems in respect of overseas votes so there will be a review into that. This had been the first general election which had required voter ID and only 0.8% of voters had been turned away in respect of that requirement.

The Electoral Commission updated the BLG on the concern around candidate intimidation which that over half of all candidates received some intimidation whether online or in person. This particularly affected female candidates or those from an ethnic minority backgrounds. The Electoral Commission do not have powers in this regard but this is an issue that they are very interested in.

A further concern for the Electoral Commission had been the potential use of deep fakes/AI. However, this had not presented a huge issue in the end for the Commission.

The Electoral Commission gave an update on its new corporate plan which will include a focus on voter engagement in light of the second lowest level turnout. The Commission were concerned about voter apathy and therefore will be looking to voter education particularly if the 16-year-olds vote changes are made. The Commission also provided further information about policy development grants for parties.

6. Looking forward 2025

The BLG discussed the upcoming England local elections and mayorals.

7. Matters Arising

Members agreed to add Professor Dominic Wring's paper to the BLG website.

The group also discussed changes to the production guidelines in light of some of the issues identified during this year's elections.

8. AOB

Nothing material was discussed.