

Broadcasters' Liaison Group (BLG) meeting – 21 October 2019

Note of conclusions and action points

Present: Ric Bailey (BBC), Tabby Karamat (BBC), Sion Pugh (S4C), Chris Wissun (ITV), Heather Jackson (Channel 4), Meriem Anou (Channel 4), Heather Curley (STV), Alasdair MacLeod (BBC Scotland), Chris Hagan (UTV), Jacqueline McIntyre (BBC NI), Alice Hickey (BBC), Rhys Evans (BBC Wales), Nick Powell (ITV Wales), Tim Burke (BBC), Janet Maclay (Channel Five), Claire Telford (Wireless Group), Craig Westwood (the Electoral Commission- observer member) and Niki Nixon (the Electoral Commission- observer member).

Apologies: Steven Ladurantaye (STV), Joan Darroch (STV), David Lloyd (Local TV Network) and Martin Forward (BBC Wales)

The Group was joined by Adam Baxter and Stephen Taylor from Ofcom.

1 NOTES OF THE LAST MEETING

- The meeting notes of the last BLG annual meeting of 13 November 2018 and the BLG conference call of 15 April 2019 were circulated ahead of the meeting. Members were asked to review these notes and to provide any comments. Apart from a couple of comments in respect of the attendees in November 2018 both sets of notes were approved. These meeting notes do not purport to be a full record merely a note of the conclusions in action points.

2 RETROSPECTIVE FOR 2019

Northern Ireland BLG meeting

- In February 2019 members of the BLG (from the BBC and UTV) met with the political parties in Northern Ireland. The attendees from the BLG felt this had been a productive and useful set of meetings.

Local Elections May 2019

- In respect of the local elections held in May 2019, the BLG discussed the restriction on explicit visual or verbal references to a candidate's ward or electoral area in PEBs. This was to reflect the same principle behind the requirement to maintain due impartiality in constituency reports or discussions. It was agreed that the production guidelines should be reviewed to ensure this restriction was still necessary and/or whether further amendment was needed to help clarify this issue.

- It was noted that for the English local elections the number of seats being contested was not always clear until the close of nominations. This may cause some uncertainty (until late in the process) for political parties when seeking to demonstrate to broadcasters that they meet Ofcom's threshold in order to qualify for a PEB.
- The members of the BLG discussed the issue of late delivery from the political parties of their PEBs. It was agreed that the three day deadline had made some improvement on party delivery but members agreed that was still an issue particularly when the submitted PEB had a number of technical issues which still had to be resolved before broadcast.

European Parliamentary Elections 2019

- In the unique circumstances of the European Parliamentary Election broadcasters allocated one PEB to the parties that met the qualifying threshold. There had been no formal complaints from any of the political parties in these circumstances.
- The BLG discussed the issue of consent from those featured in PEBs. This had been an issue in respect of this year's PEBs and PPBs. The members agreed this was an ongoing concern despite the Ofcom upholding a complaint on this issue. There was a lack of appreciation by political parties and/or production companies acting on behalf of parties on the importance of consent especially for those featured in political broadcasts.
- There had been a number of new parties for the European Parliamentary Elections notably Brexit Party and Change UK. BLG members discussed whether it would assist to have guidance from Ofcom in respect of new parties when deciding the issue of electoral support.

PPBs

The BLG members discussed the Ofcom requirement that a party had to hold one or more seats in a particular nation in the relevant parliament or assembly in order to qualify for a PPB in addition to having evidence of their past and current electoral support. This had meant at least one party had not qualified for a PPB this year.

- It was again discussed that in Northern Ireland the DUP and Sinn Fein had not used their allocated PPBs. Instead these parties, along with some others, had posted their party broadcasts online.

3. THE ELECTORAL COMMISSION UPDATE

- The Electoral Commission gave an update on its work which included improving transparency on digital campaign activities such as imprints on digital campaign material and the delivery of two recall petitions in Brecon and Radnorshire.

4. LOOKING FORWARD TO END OF 2019 - 2020

- The BLG discussed the possibility of a snap general election. In comparison with the general election 2017 where there had been a number of weeks' notice, it was a possibility that the next general election would occur in a much shorter time period. Similar to the issues that were discussed in respect of the European Parliamentary Election of 2019, there was reason to think that there would only be a limited period to schedule PEBs ahead of any General Election. While Ofcom's rules set out the minimum number of PEBs a qualifying party should be allocated, it was a matter for the broadcasters on the maximum number of PEBs that could be assigned. Given the possibility of a truncated time period in order for the parties to prepare their party election broadcasts and for those to be scheduled, the BLG members discussed whether the maximum number should be reduced in the particular circumstances of a snap general election. It was noted that this would be a decision for each broadcaster to take on their own advice.

In 2020 there would be the Greater London Authority elections which would include a London Mayoral Election. These were last contested in 2016. In addition to television PEBs there would be radio broadcasts. It was noted broadcasters are not required to carry PEBs in respect of the Police and Crime Commissioner elections. The BLG discussed the position of independent candidates under the Ofcom rules.

- The possibility of a further referendum was discussed by the BLG. BLG had previously submitted a response to the Scottish Parliament's consultation on the issue of one-sided designation. The members discussed the regulatory position if the Electoral Commission did not call a formal referendum but one was held by particular nation.

5. OFCOM UPDATE

- Ofcom noted there had been an increase in complaints during the recent election periods.
- Ofcom had said it taken heed of the BLG feedback in the previous meeting where the broadcasters had requested earlier publication of the Ofcom digest ahead of the election period. The BLG said it had been noted and agreed the earlier publication date had been helpful.
- BLG members raised with Ofcom the issues that had been discussed earlier in the meeting including independent candidates for mayoral elections and the lack of clarity for parties on the number of seats up for election during the England local elections.
- The BLG also raise some potential issues in respect of a possible general election and the limited time period for parties and broadcasters to prepare and schedule PEBs.
- It was noted that in November 2018 BLG meeting members had raised the possibility of merging the winter and spring PPBs as the current timetable means that there are continuous party political broadcasts for the winter and spring seasons and these lead straight into an election period which usually starts in April/May.

- There was a discussion in respect of a complaint which had not been upheld by Ofcom where the introduction for the PEB had announced the wrong party.

6. PRODUCTION GUIDELINES

- The BLG discussed the restrictions in the guidelines to featuring visual or audio material of members from other parties without their consent.

7. BLG WEBSITE

- No comments from attendees.

8. ANY OTHER BUSINESS

- There was no other business discussed and there were no representations from any of the political parties.