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21<sup>st</sup> January 2013

Dear Adam,

## **UTV Television Submission to Ofcom**

### **Review of the Ofcom Rules on Party Political and Referendum Broadcasts and Proposed Ofcom Guidance for broadcast coverage of elections consultation**

#### **Introduction**

UTV Television (“UTV”) welcomes the opportunity to respond to the consultation on the Ofcom rules on Party Political and Referendum broadcasts.

We have taken the decision not to reply to all questions in the consultation, opting specifically to approach the areas which affect us and which are within our remit as a Public Service Broadcaster in Northern Ireland. These reflect the principles’ of editorial control, due impartiality, due accuracy and undue prominence as key considerations as well as the importance of protecting our viewers. We maintain good relations with all the political parties and believe that the proposed changes will be managed appropriately with those parties.

Overall we agree with Ofcom that the PPRB rules are fit for purpose, but with changes in the electoral landscape it is an appropriate time to revisit the rules & guidance and provide clarity moving forward. We do not want the rules to be different for different areas or parties and it is highly important to remove any grey areas that exist.

We are aware that the decision to revisit the PPRB rules has come at this time due to the inclusion of Local Television Licenses being granted in the U.K., as well as the need to update the rules and guidance to reflect changes in the political landscape. If Ofcom decides to provide any further guidance in the form of workshops to Local Television Services, following the conclusion and publication of the proposed amendments to the current PPRB rules, then we suggest this should be also be available to all licensees who may wish to be in attendance.

UTV supports a submission by ITV Plc and its channel 3 licensees.

In the subsequent pages would like to make the following contributions to:

- Question 1: The list of ‘major parties’ in the PPRB rules
- Question 6: The ‘allocation’ requirements for PEBs
- Question 7: The ‘duration’ requirements for PEBs/PPBs/RCBs (i.e. lengths of broadcasts)
- Question 8: The ‘scheduling’ requirements for PEBs/PPBs/RCBs
- Question 9: The ‘timing’ of PPBs (i.e. when broadcasts outside election periods should be shown during the year)
- Question 12: The provisions of the Proposed Code Guidance

## The PPRB Rules

### Question 1: ‘Major Parties’

We agree that the current definition and list of ‘major parties’ is inflexible and while relatively fit for purpose, welcome Ofcom’s proposal to remove the list of ‘major parties’ and place in an annex for reference.

We support the proposal to provide broadcasters with a list of criteria by which they can individually judge at each election whether a party should be allocated PEBs each year. However we believe there should be clarity in the rules which commit broadcasters to such a process and in what time period exactly it would be acceptable to conduct this judgement.

We would also like to make it clear that we are in a neutral position when it comes to including the Alliance Party to the list of “major parties” in Northern Ireland, but believe it must be clear why and under what criteria this decision has been made. In Ofcom’s consultation it is noted that the party themselves object to not being included within the list because it believes it is at a disadvantage as a major party (with 8 members of the assembly and one MP) and notes that it is allocated PEBs in elections and has also now started to be allocated PPBs, even though this is not strictly required under the PPRB rules.

Therefore Ofcom should provide clarity and give clear transparency to all stakeholders who may query this or look for the same designation in Northern Ireland or in other areas of the UK, where a shift in the political landscape occurs. This may also include the decrease in support for a party, which changes their status as a “major party” and how this will be determined and revised in the list of “major parties”. We suggest Ofcom should formally review the list on a regular basis (or in advance of an election/s) and inform stakeholders that the list will be unchanged or the list has changed and for what reason.

Overall the “major parties” list should provide flexibility and “accommodate future political developments including the growth of new parties or the demise of established parties; and give greater flexibility to broadcasters to allocate broadcasts on the basis of parties’ actual support in different nations of the UK” as stated by Ofcom in its consultation.

## **Question 6: The Allocation of PEBs**

We support the “one sixth” threshold and believe that it remains fit for purpose for the political landscape in Northern Ireland. Other parties should only qualify for a PEB if they are contesting one sixth or more of the seats up for election.

We would like Ofcom to clarify and to make clear that the one sixth rule only applies to “non-major” parties, who qualify for one PEB if they are contesting one sixth or more of the seats up for election in ‘first-past-the-post’ (“FPTP”) elections as stated in the consultation. As opposed to major parties who are automatically offered “two or more” PEBs for all elections.

We support the change in wording for the major parties to be allocated “two or more” PEBs, during an election campaign to “at least two”, to counter the expectation from some political parties that would automatically be allocated three PEBs during an election campaign.

## **Question 7: The Duration of PPRBs**

We believe that one standard length of broadcasts would provide certainty and authority for the broadcaster and definition for the parties producing PPRBs or PEBs in Northern Ireland.

We do not believe that anyone else other than the broadcaster should decide the length of PPRBs, given that no other provider gets to dictate the length of any other programme content on our channel. As time is usually taken from our regional news coverage, we are in support of one single minimum length of PPRB broadcast, in order to provide certainty when scheduling such content.

We believe that a set duration of 2’40” together with a clear labelling to viewers of the PPRB presentation continues to provide an adequate distinction between PPRBs, commercial advertising and programme trailers.

We support Option C2 to set all broadcasts at 2’40” for this reason.

## **Question 8: The Scheduling of PPRBs**

For us, there is no interest in relaxing the current scheduling rules for PEBs of major parties in peak time between 6pm & 10.30pm or PPRBs & PEBs for other parties between 5.30pm & 11.30pm.

We are satisfied with the current scheduling requirements in the Ofcom PPRB rules and feel that relaxing these rules could potentially reduce or dilute audiences and/or groups of the population from viewing these. Peak time viewing at least captures a good proportion of the population and types of viewers to give a fair representation of the political parties to our audience demographic.

## **Question 9: The Timing of PPRBs**

We welcome in principle Ofcom’s proposal to change the timing of PPRBs for major parties “around other key events in the political calendar” to fall in-line with the BBC Trust’s current approach, which requires that PPRBs should be allocated on a seasonal basis.

In order to ensure that political parties in Northern Ireland are able to deliver under Ofcom’s proposed change to allocate PPRBs on a seasonal basis, which in Northern Ireland is between the

period 1 September to 30 March, we would like Ofcom to consider carefully any comments by the political parties in opposition of this proposal before a final decision is made.

We would also like to bring to Ofcom's attention a discrepancy in the proposed amendments to rule 18. In paragraph 3.101, rule 18 includes the following in connection with the offer of PPBs in Northern Ireland:

*18. "Major parties in Northern Ireland will be offered **one or two PPBs** in the period 1 September to 30 March (excluding December)."*

However in the proposed amendments to the current PPRB Rules shown in annex 2, paragraph A2.18 states the following under the heading *Seasonal Party Political Broadcasts* ("PPBs"):

*"Major parties in Northern Ireland will be offered **one or more PPBs** in the period 1 September to 30 March (excluding December)."*

Please can Ofcom review and make the necessary corrections to rule 18 and the guidance to ensure there is no discrepancy in this information.

We believe that the offer of "**one or more PPBs**" is correct and support this proposal, however if the proposal is to offer "**one or two PPBs**" then Ofcom must clarify and confirm whether broadcasters in Northern Ireland should offer one, or two PPBs to the major parties.

## **Question 12: The provisions of the Proposed Code Guidance**

We welcome Ofcom's review and update to the proposed Code Guidance to Sections Five and Six of the Code.

The addition of further information and guidance on individual rules in sections Five and Six helps to explain and clarify Ofcom's interpretation in these two sections which can become quite complex and a challenge to interpret.

The additional guidance provided in the form of direct web links to previous Ofcom adjudications will be helpful to broadcasters when broadcasting programmes or news programmes which relate to the PPRBs and provide broadcasters with an understanding of how Ofcom's interpretation of these rules is conducted.

Yours sincerely,

UTV Television

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