

Review of the Rules on Party Political and Referendum Broadcasts

Thank you for the opportunity to comment on Ofcom's proposed revisions to the rules on Party Political and Referendum Broadcasts (PPRBs).

My primary purpose in writing is to request that Ofcom introduce an amendment (or addendum) to the scheduling restrictions for PPRBs on Independent National Radio (INR), allowing talkSPORT to broadcast Party Election Broadcasts for any of the parties after 10pm.

The proposed new PPRB rules state that "UK referendum campaign broadcasts and PEBs for major parties before a General Election must be carried on national radio services between 5.00pm and 9.00pm. Other broadcasts must be transmitted between 6.00am and 10.00pm." This also reflects the position outlined in the current version of the rules.

However, our preference under our current schedule is to schedule these broadcasts within the first hour of Ian Collins' programme, which is transmitted on weekday evenings between 10pm-1am. This programme is a highly reputable and popular current affairs programme, which features amongst its guests leading figures from the worlds of politics and media, including front-bench politicians.

Our proposal does not respond directly to the changes outlined in Ofcom's consultation. Furthermore, we note your statement that "Ofcom is not proposing more extensive changes of policy within the PPRB Rules [than those prompted by recent European Elections and the Electoral Commission] at the present time".

However, we believe that a limited amendment to the current scheduling rules (or small addendum outlining the circumstances in which the rules need not apply) does not constitute an 'extensive change', and therefore urge Ofcom to explore implementing such an amendment ahead of the General Election. The current review of the PPRB rules strikes us as an excellent opportunity to complete what should be a straight-forward piece of tidying up.

Our reasons for requesting the change are as follows:

1. talkSPORT – one of the three INR licensees which is subject to the current approach – is a speech radio station which leads on the strength of its sports coverage but also has significant current affairs

- output. The current scheduling rules, which require PEBs for major parties to be transmitted between 5pm and 9pm, would prevent us from broadcasting PEBs for the major parties during current affairs programming, which would be a more natural and coherent editorial fit, also reflecting establish practices on television and (in past elections) Classic FM.
2. The audience for talkSPORT remains higher after 9pm than that of many music-based radio stations, with our late evening current affairs programming attracting a substantial audience made up of voters who do not necessarily access PEBs on other broadcast channels. This suggests that the impact of PEBs would not be reduced by their broadcast after 10pm, as we propose below.
 3. talkSPORT's principal speech radio competitor, BBC Radio Five Live is subject to no requirement to broadcast Party Election Broadcasts. This is despite its licence fee funding, strong public service remit and large audience. talkSPORT is happy to continue to broadcast PEBs, but the fact that BBC Radio Five Live does not do so suggests that the health of British democracy would not be harmed by tweaking the rules to give us greater scheduling flexibility.
 4. The BBC's other leading speech radio station, Radio 4, which has around four times more weekly listeners than talkSPORT, broadcasts its Party Election Broadcasts at 10.40pm. This is due to the discretion afforded to the BBC in the area of scheduling. We believe a similar approach should be acceptable for talkSPORT, given the lack of evidence that the BBC arrangements are not working satisfactorily.
 5. The Radio Authority placed no permanent restrictions on the scheduling of PEBs (see News and Current Affairs and Programme Code, January 2002). Ofcom's 2004 consultation on its new rules subsequently failed to spell out its more prescriptive scheduling approach as a key matter for discussion. This suggests that further changes to the scheduling rule for INR is not dependent on the outcome of focused consultation.
 6. The Radio Authority's previous approach of issuing specific guidelines at each Election points towards a much more flexible and responsive regulatory approach than the fixed model outlined in Ofcom's current rules, and we encourage Ofcom to explore whether this would be more appropriate for radio.
 7. As a result of the Radio Authority's more flexible approach, talkSPORT, and its predecessor, Talk Radio, has previously broadcast Party Election Broadcasts after 10pm. This was for editorial reasons and it is a simply reversion to this approach that we now seek.

We have no significant comments to raise in relation to any other points covered in Ofcom's consultation.