

## Broadcasters' Liaison Group (BLG) meeting – 23 November 2021

### Note of conclusions and action points

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Present: Tabby Karamat (BBC) Ric Bailey (BBC) Alice Hickey (BBC) Joan Darroch (STV), Tim Burke (BBC), Alasdair MacLeod (BBC Scotland), Chris Hagan (UTV), Jacqueline McIntyre (BBC NI), Ailsa Chalk (ITV), Non Tudur Williams (BBC), Niki Martin, Meriem Anou (Channel 4), Heather Curley (STV), Linda Grimes (STV), Sion Pugh (S4C), Mark Sunderland (ITV), Martin Forward (BBC Wales), Natalie Threlfall (BBC) and Claire Telford (Wireless Group)

Niki Nixon (the Electoral Commission- observer member).

For item 5 only, the Group was joined by Natalie Rose from Ofcom.

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

- The meeting notes of the last BLG annual meeting of 17 November 2020 and the extraordinary meeting of 12 April 2021 following the death of His Royal Highness Prince Philip Duke of Edinburgh 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 BLG reflected on the meeting of the 12 April and noted that each broadcaster would take its own view on what was appropriate if parties suspend campaigning following a national event.

### **2 RETROSPECTIVE FOR 2021**

#### **Scottish Parliament**

- There was a discussion among the members on the issue of parties falling short of qualification thresholds.
- Candidates appearing within their electoral areas in party broadcasts was a recurring issue. This was a particular issue when PEBs were delivered late with little time for editing. The BLG noted that it was disappointing that it appeared that parties had not read the guidelines.
- Late delivery was a consistent problem, though it was noted that things had improved on requiring delivery three days in advance of broadcast.

#### **Welsh Parliament (Senedd)**

- Broadcasters noted that the parties had been flexible in rearranging slots following the death of the Duke of Edinburgh.
- In Wales a number of parties had qualified.
- Similar issues had been faced in terms of late delivery and candidates appearing within their own electoral area, as well as confirmation of necessary music permissions.

## **English Locals and GLA**

- Members noted issues in respect of radio PEBs in London.

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

- The Electoral Commission gave a retrospective on this year's elections, which had been well run despite the challenges of the pandemic. The restrictions had caused uncertainty for campaigners but they had got the message out.
- It was also noted that there would be a lot to communicate to voters in terms of the upcoming elections in terms of changes in the Elections Bill, including voter ID requirements.
- Membership of the Electoral Commission Cross Regulator Group; the broadcasters discussed whether the BLG should continue to attend as an observer. The broadcasters agreed it may be time to step back, and the Electoral Commission would report anything relevant to this group. The BLG would be invited back if there was another referendum.

## **4. PARTY REPRESENTATIONS**

- The BLG discussed correspondence from the Cooperative Party, which it agreed to discuss with Ofcom.

## **5. OFCOM UPDATE**

- The BLG welcomed the new representative from Ofcom.
- Ofcom had dealt with two complaints in relation to the last election, neither were upheld.
- The upcoming elections would be a suite of local elections and elections in Northern Ireland. Ofcom will be publishing their digest as usual. There were no plans to revise any rules and though the guidance would be refreshed and the precedent cases would be updated Ofcom were not changing the substance in any way.
- The BLG members expressed their enthusiasm for the digest and wondered if there were anything that could be done to bring its publication forward, given how useful it was and that the parties needed a lot of notice on their entitlement to PEBs.
- Ofcom noted that there were no immediate plans to further clarify the rules on the entitlement of independent candidates to PEBs following their statement ..
- The BLG raised with Ofcom the perceived lack of enthusiasm for radio PEBs and the difficulties parties had in delivering radio PEBs of a different length to TV PEBs.
- Ofcom and the BLG members discussed the application of the Ofcom Broadcasting Code to party broadcasts such as material misleadingness (Section 2 of the Ofcom Code)..
- Ofcom and the BLG discussed the dates for election periods.
- The BLG raised communication from the Cooperative Party on entitlement to PEBs.

## **6. MATTERS ARISING**

- The BLG discussed that a number of parties had not taken up their PPBs. It was noted that some parties believed that the PPBs were linked to party conferences. It was agreed that this

was not the case, and the broadcasters discussed whether this could be made clear to the parties. This would be taken forward to the next BLG.

- The BLG discussed the law around fair dealing and the use of parliamentary footage by parties. It was noted that there was currently some ambiguity around whether parties could use this material and it would need to be clarified whether the omission of referendum broadcasts was deliberate.

## **7. LOOKING FORWARD**

- Next Spring there would be the following elections:
  - Northern Ireland Assembly
  - English Locals
  - Scottish Locals
  - Welsh Locals
- The BLG discussed the upcoming elections, including two elections under the Single Transferrable Vote system. The broadcasters discussed the timing of each broadcaster finalising their proposed allocation criteria for the PEB and notifying the parties of the same. As always it is a matter for each broadcaster on how they want to decide such an issue and the broadcasts allocated to each qualifying party.

## **8. PRODUCTION GUIDELINES**

- The BLG discussed whether the guidelines should be clarified in respect of the restriction on explicit references to a candidate's constituency where that individual featured in the party broadcast. It was felt the guidance on parties' use of stock footage were sufficiently clear but that the guidelines could be updated in respect of the use of music and the associated compliance issues in political broadcasts.
- Further to the events in April, the members queried if the production guidelines should explain that the position in respect of scheduling of party broadcasts when there is a major news event. The BLG would consider writing to the parties to remind them to check the guidelines which were subject to change.

## **BLG WEBSITE**

- The website would be adjusted and brought up to date.

## **8. ANY OTHER BUSINESS**

- There was no other business discussed.