

Rt Hon Alex Salmond
Alba Party
17 Forth St
Pollokshields
Glasgow G41 2SP

Adam Baxter
Director, Standards and Audience Protection

13 June 2024

Dear Rt Hon Alex Salmond,

Scheduling of ALBA Party Election Broadcast on STV

Thank you for your letter dated 12 June 2024 and attached correspondence between the ALBA party and STV. We have considered your complaint and whether it raises a substantive issue under Ofcom's [Rules on Party Political and Referendum Broadcasts](#) ("the PPRB Rules"). We have considered your complaint in accordance with our published [Procedures on the PPRB Rules](#) ("the PPRB Procedures"). Both the Rules and the Procedures can be found on the [Election Committee](#) page of Ofcom's website.

Background

We understand that the ALBA Party Election Broadcast ("PEB") is currently scheduled to be broadcast by the BBC on Friday 14 June 2024 at 18:55, and that STV and Border have scheduled to broadcast this PEB on Thursday 20 June 2024, at 18:20.

We note from the email correspondence you provided that STV has scheduled to broadcast the ALBA Party PEB on 20 June 2024, rather than broadcast it on the same day as the BBC, as STV is due to broadcast the Germany vs Scotland Euro 2024 football game on 14 June 2024. On this basis, STV believes "*it would be considered giving [the ALBA Party] an unfair advantage if [STV] were to schedule [the ALBA Party PEB] on this evening prior to or after the opening game*".

We understand that the ALBA Party disagrees with STV's decision to schedule its PEB on a different date, and with the alternative date of 20 June 2024 currently scheduled by STV for this PEB to be broadcast. We note that on 11 June 2024, the ALBA Party wrote to STV to raise that it considered this rescheduling to be "*unreasonable and discriminatory against ALBA*" for the following reasons:

- The dates of PEBs have traditionally been set by the BBC, with other channels broadcasting the same PEB on the same day and at a similar time to the BBC broadcast of the same PEB. Your understanding of this is to enable viewers of linear television broadcasts to view the PEB irrespective of the service being viewed.
- You believe that the audience numbers for the BBC on 14 June 2024 at the time of broadcast are "*likely to be low*". On the other hand, you believe the audience numbers for STV at this time are "*likely to be high*", and that broadcast on STV on 14 June 2024 would result in "*balance or compensation*" for the BBC audience levels. Correspondingly, you are concerned that a delay in broadcast to 20 June 2024 on STV would remove this anticipated balance.
- The ALBA Party has additional concerns that a broadcast of its PEB on STV on 20 June 2024 would be after the issue of the first tranche of postal votes, which "*introduces further discrimination*".

In response to these concerns, STV wrote to the ALBA Party on the evening of 11 June 2024, disputing that there has been “any unreasonable or discriminatory behaviour against any of the parties”. STV explained that: “The scheduling of [PEBs] is a matter for individual Public Service Broadcasters (‘PSB’)...there is no requirement for broadcasters to agree a common schedule, nor to anticipate variable audience patterns across multiple PSB services”.

On 12 June 2024, you wrote to Ofcom asking us to convene the Election Committee in order to consider this matter of dispute. In your letter you raise the following points, which you view as resulting in prejudicial treatment towards the ALBA Party by STV:

- While you acknowledge there is “no specific instruction” that channels other than BBC services must broadcast a PEB on the same day as the BBC broadcasts a PEB, you understand it is a matter of “custom and repute” that services schedule consistently with the BBC’s schedules for PEBs. You note that this is “considered fair” as “a low audience on one terrestrial channel for whatever reason would be balanced by a high audience on the other”.
- You therefore consider that deviation from this practice will result in low audience figures for the ALBA Party PEB on the BBC, without “compensation of a relatively high audience on STV”. In support of this, you note paragraph 1.7 of Ofcom’s Guidance notes to Section Six of the Broadcasting Code (“the Code”), which requires that broadcasters “should take a consistent approach to the assessment of the level of coverage given to all the candidates”.
- Given the increase of postal vote usage in Scotland, you have additional concerns about the fairness of STV’s decision to schedule its broadcast of the ALBA Party PEB on 20 June 2024, as this would be scheduled after the first issue of postal votes. You add that this is a particular concern, due to the earlier commencement of the holiday period.

For these reasons, you have asked the Election Committee to convene and instruct STV to broadcast the ALBA Party PEB on Friday 14 June, prior to the Germany vs Scotland Euro 2024 football game.

Our decision

In accordance with paragraph 9 of our published [Procedures on the PPRB Rules](#), we have consulted the Chair of the Election Committee about our view in relation to your complaint.

Rule 4 of our PPRB Rules states: “Within the terms of these Rules, decisions as to the precise length, frequency, allocation and/or scheduling of broadcasts offered to political parties/designated organisations are the responsibility of Relevant Services in the first place.” Rule 25 makes the following specific provision in relation to the scheduling of PEBs: “PEBs...on television must be carried between 5.30pm and 11.30pm.”

We note in your letter to us that you cite paragraph 1.7 of our Guidance notes to Section Six of the Code. This paragraph relates to the amount and balance of coverage of candidates in the context of broadcasters’ own election programming, and not to the scheduling of PEBs. We therefore do not consider this paragraph is relevant to the issue which is the subject of your complaint. We have however taken account of the Guidance set out in paragraph 1.7 of our most recent [Digest of past electoral support and evidence of current support](#), published on 29 May 2024.

We have considered within this framework whether there is an arguable case that STV should align its scheduling decision with the BBC. We have taken into account your submission that this is normal practice for the broadcasters. However, as noted, subject to the requirements of Rule 25, scheduling decisions are a matter for the individual broadcaster. We have also considered that on Friday 14 June 2024 STV will be broadcasting Germany vs Scotland, the opening match in UEFA Euro 2024, and it expects to attract a particularly high audience both before and during the match. We agree with STV’s assessment, noting that our most recent [Media Nations report for Scotland in 2023](#) found the

World Cup match between England and France was the most-watched programme in Scotland in 2022, attracting a significantly higher audience than any other programme other than the State Funeral of HM Queen Elizabeth II. We therefore agree with STV's position that there would be potential unfairness to other political parties if it were to schedule the ALBA Party PEB at a time likely to attract a particularly high audience because of its UEFA Euro 2024 broadcast.

In our view, STV's timing of its broadcast of the PEB on 20 June 2024 is compliant with Rule 25 of the PPRB Rules. We note your concern that STV has scheduled the PEB after the first issue of postal votes. It is our understanding that voters may register to submit their vote by post up to 5pm on 19 June 2024, and may submit their postal vote up to the date of the General Election on 4 July 2024.

For all these reasons, following consultation with the Chair of Ofcom's Election Committee, we do not consider that your complaint about STV's decision to broadcast the ALBA Party's PEB on 20 June 2024 rather than 14 July 2024 sets out a sustainable case for the Election Committee to determine under the PPRB Rules. Ofcom will therefore not be taking any further action in relation to your complaint.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adam Baxter', written over a light blue rectangular background.

Adam Baxter