Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Consultation on Ofcom's Rules on Due Impartiality, Due Accuracy, Elections and Referendums

To (Ofcom contact): Adam Baxter

Name of respondent: Chris Wissun

Representing (self or organisation/s): ITV and STV

Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing	X	Name/contact details/job title	
Whole response		Organisation	
Part of the response		If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation to be confidential, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here. ☐

Name Chris Wissun Signed (if hard copy)

ITV's Response to the Consultation on Ofcom's Rules on Due Impartiality, Due Accuracy, Elections and Referendums

ITV welcomes the opportunity to comment on Ofcom's proposed revision of the PPRB Rules, the proposal to remove the list of larger parties, and the proposed revisions to Section Five and Six of the Broadcasting Code ("the Code"), in the light of Ofcom's revised remit of full external regulation of content standards for the BBC's UK public broadcasting services. We have discussed the proposals with our fellow Channel Three licensee STV, and they support our response below.

We respond to the questions raised by the Consultation below.

Question 1: Do you agree with Ofcom's proposal to remove the list of larger parties from Section Six of the Code and the PPRB Rules?

Question 2: Do you agree with the proposal to produce an annual digest of electoral support?

We agree with both of these proposals. However, our support for the abolition of Ofcom's list of larger parties is very much on condition that Ofcom should continue to research and publish its annual digest for the forseeable future. Many if not most broadcasters do not have the necessary research resources to produce for themselves this very authoritative and useful digest of electoral support, which will be essential to inform their decision making, particularly in terms of election reporting.

We do however foresee that the measure to abolish the concept of larger parties is very likely to create a greater number of challenges by political parties to broadcasters' editorial decisions during election reporting, and a greater number of challenges to broadcasters' decisions concerning the allocation of Party Political Broadcasts and Party Election Broadcasts. We therefore trust that Ofcom has made a suitable assessment of the additional resources that it may require during election periods to deal with an increased volume of such complaints.

Question 3 – Do you agree to the proposed amendments to Section Six in relation to larger parties and to include BBC broadcasting services and BBC ODPS?

We broadly agree with the proposed amendments referencing the BBC and its services, and to other proposed amendments that are unconnected with the BBC, for example, the inclusion for the first time of reference to independent candidates in Rule 6.2.

However, we have some comments on how we believe the drafting of the proposed revised Section of the Code could be improved in terms of ensuring it is clear and comprehensible tool for broadcasters and for lay readers.

We consider some amendments relating to BBC ODPS are unnecessarily repetitive. For example, the proposed amendments to Rules 6.4, 6.6 and 6.7 could be dealt with in a single footnote referring to all of these Rules, rather than set out in full in the same terms in each Rule ie – *"In relation to Rules 6.4, 6.6 and 6.7, BBC ODPS are not required to remove archive content for the election or referendum period".*

Question 4 – Do you agree with the proposed amendments to the PPRB Rules in Annex 4 in relation to larger parties and to include BBC broadcasting services?

We broadly support the proposed amendment to the PPRB Rules in relation to larger parties.

However, we consider that some of the proposed revisions render the document unnecessarily legalistic and complex. For example, for purposes of ease of comprehension, the repetition of "Relevant Services" throughout could be better phrased as simply "broadcasters", since the Rules clearly set out in paragraphs 1-2 and 8 - 12 which services must carry which type of broadcast.

We consider that the abolition of "larger parties" in the name of greater editorial freedom should (indeed must) mean that no particular parties require to be named in the revised Rules. We therefore suggest that the sentence in paragraph 14 concerning the SNP and Plaid should be omitted entirely. This is not because we consider that those parties should no longer receive PEBs on the channels named in the existing Rules or from other broadcasters, but because the logic of the new Rules is that it should be for broadcasters to determine the allocation of PEBs to all relevant parties on the basis of past electoral and/or current support.

We consider that the words *"(such as the European Parliamentary Elections)"* in paragraph 15 should be omitted. Given the outcome of the Referendum last year and the timescale for Brexit, it is unlikely that the UK will take part in any further European Parliamentary Elections.

Question 5 – Do you have any comments on Ofcom's proposed amendments set out in Annex 5 for the purpose of regulating BBC broadcasting services and BBC ODPS in the area of due impartiality and due accuracy?

We largely support the proposed amendments.

However, we consider that the proposed amendment to Rule 5.2 could be stated more simply in a footnote as – *"In the case of BBC ODPS, significant mistakes should normally be corrected quickly and corrections appropriately signaled".*

13 January 2017