

Reference: 613180

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### **Freedom of Information: Right to know request**

Thank you for your request for information where you asked about the application process for a Party Election Broadcast (“PEB”).

This was received by Ofcom on 4 September and it has been considered under the Freedom of Information Act 2000.

You asked:

*Dear Office of Communications,*

*I have read that a political party needs to stand candidates in one sixth of the constituencies in an area in order to qualify for a Party Election Broadcast. Can you confirm that this is the case?*

*Also, could you clarify whether this means a sixth of the whole country or a sixth of England, Wales and Scotland independently?*

*Also, once qualified, what is the process for a registered political party applying for a Party Election Broadcast?*

Ofcom has made rules on Party Political and Referendum Broadcasts in accordance with section 333 of the Communications Act 2003 and the BBC Agreement<sup>1</sup> (“The Rules”). These can be found here: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0035/99188/pprb-rules-march-2017.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0035/99188/pprb-rules-march-2017.pdf).

These reflect minimum requirements which certain broadcasters are required to follow in determining the length, frequency, allocation and/or scheduling of party political broadcasts (including PEBs) or referendum campaign broadcasts.

In particular, you may find it helpful to read sections of this document headed ‘Political parties/Designated Referendum Organisations’ and ‘Allocation of broadcasts’.

You have raised two issues: firstly, the ‘threshold’ for qualifying for a PEB; and second, the process under which parties are allocated PEBs.

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<sup>1</sup> [http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/2016/agreement.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/2016/agreement.pdf)

### The threshold for qualifying for a PEB

PEBs may only be allocated to political parties registered by the Electoral Commission. Before a General Election, and in the case of other elections where appropriate, each registered party should be offered one or more PEBs, the length of a series offered to a particular party being determined by the relevant broadcasters.

In the case of General Elections and other elections contested under a 'first-past-the-post' system, parties will qualify for a PEB if they are contesting one sixth or more of the seats up for election within the relevant nation of the UK (i.e. England, Wales, Scotland and Northern Ireland).

In the case of elections, such as elections to the Scottish Parliament or the Welsh Assembly, which are contested wholly or partially under a proportional representation system, the minimum qualifying requirement for the allocation of one PEB should be set, reasonable and fairly for each election, according to criteria which have regard to the particular system of voting, the number of seats available for election, the number of constituencies/regions, and the number of candidates nominated by the party.

Relevant broadcasters should consider making additional allocations of PEBs to registered parties (which satisfy the above criteria for PEB qualification) if evidence of their post electoral support and/or current support at a particular election or in a relevant nation/electoral area means it would be appropriate to do so. In determining allocations of PEBs at elections, the four nations of the UK should be considered separately.

### The process under which parties are allocated PEBs

Ahead of election periods, the relevant broadcasters will typically contact the different parties concerning their allocations of PEBs. If a political party has any queries about individual broadcasters' allocations of PEBs, including if a party thinks they should be allocated a PEB (or PEBs) by a broadcaster when they have not been so given an allocation, they should contact the relevant broadcasters direct. It is then a matter for the broadcaster, in accordance with Ofcom's rules, to determine whether they should make an allocation to that political party.

Other than the setting of the minimum rules in this area, Ofcom's role is to determine unresolved disputes between relevant broadcasters and political parties regarding the allocation by broadcasters of PEBs, and the length, frequency, allocation and/or scheduling of such broadcasts under Ofcom's rules.

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Jerin John

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Jacqui Gregory  
The Secretary to the Corporation  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF