

Decision of the Election Committee on two disputes referred to Ofcom by the English Democrats relating to the allocation of PEBs to it by ITV and Channel 5 ahead of the 22 May 2014 European Parliamentary elections

1. On Thursday 1 May 2014, Ofcom’s Election Committee (“the Committee”) considered two disputes referred to Ofcom on 25 April 2014 by Mr Robin Tilbrook, chairman of the English Democrats party (“the Party”) (“the Disputes”). The Disputes concern the number of allocations made to the Party of Party Election Broadcasts (“PEBs”) by (a) ITV plc. (“ITV”) and (b) Channel 5 Broadcasting Limited (“Channel 5”) (together “the Licensees”) in advance of the 22 May 2014 European Parliamentary elections.
2. The Committee consisted of the following members: Tim Gardam (Chairman of the Committee, Chairman of the Ofcom Content Board); Glyn Mathias (Member for Wales of Ofcom’s Content Board); Janey Walker (Member of Ofcom’s Content Board); and Tony Close (Ofcom Director for Content, Standards, Licensing and Enforcement).
3. For the reasons set out below, having considered all the submissions and evidence before it and the relevant paragraphs of *Ofcom’s rules on Party Political and Referendum Broadcasts* (“the Rules”)¹, the Committee decided that both Disputes should be dismissed and that (a) ITV was entitled to refuse to allocate an additional PEB to the Party, and (b) Channel 5 was entitled to refuse to grant any PEBs to the Party.

Statutory Framework

4. Under section 333 of the Communications Act 2003 (“the 2003 Act”), Ofcom is required to ensure that Party Political Broadcasts (“PPBs”), including both Referendum Campaign Broadcasts and PEBs on behalf of registered political parties and designated referendum organisations, are included in every licensed public service television channel (regional Channel 3, Channel 4 and Channel 5), every local digital television programme service and every national analogue radio service and their digital simulcast services.
5. Further, Section 333(2) of the 2003 Act provides that the Rules, as made by Ofcom for the purposes of implementing Section 333, should include provision for determining:
 - a. the political parties on whose behalf party political broadcasts may be made;
 - b. in relation to each political party on whose behalf such broadcasts may be made, the length and frequency of the broadcasts; and

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

- c. in relation to each designated organisation on whose behalf referendum campaign broadcasts are required to be broadcast, the length and frequency of such broadcasts.
6. The Rules have effect subject to sections 37 and 127 of the Political Parties, Elections and Referendums Act 2000.

Ofcom rules on party political and referendum broadcasts

7. The Rules reflect the minimum requirements which licensees are required to follow in determining the length, frequency, allocation and/or scheduling of political party or referendum campaign broadcasts. Paragraph 4 of the Rules provides that where there is an unresolved dispute between a Licensee and a political party in relation to any of these matters, it may be referred to Ofcom by either party for determination under the Rules.
8. Under paragraph 7 of the Rules, broadcasts for European Parliamentary elections should be carried by regional Channel 3 services and Channel 5.
9. Paragraph 11 of the Rules provides that PEBs and PPBs will only be allocated to political parties registered by the Electoral Commission and paragraph 13 states that major parties will be offered at least two PEBs in relation to the General Election and other elections, where appropriate. For the 2014 European Parliamentary elections, Ofcom has decided that the major political parties are the Conservative Party, the Labour Party, the Liberal Democrats and the United Kingdom Independence Party.² In addition, major parties in Scotland and Wales include the Scottish National Party and Plaid Cymru respectively.³
10. Paragraph 14 provides that, for proportional representation systems of election (such as the European Parliamentary elections), the minimum qualifying requirement for the allocation of one PEB should be set, reasonably and fairly for each election, according to criteria which have regard to the particular system of voting, the number of seats available for each election, the number of constituencies/regions, and the number of candidates nominated by the party.
11. Paragraph 15 provides that licensees should consider making additional allocations of PEBs to other registered parties, assuming they meet the criteria devised under paragraph 14, if evidence of their past 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.

² The United Kingdom Independence Party is, however, only a major party in England and Wales, and not in Scotland.

³ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

12. According to paragraph 16 of the Rules, the four nations of the UK should be considered separately when determining the allocation of PEBs. Parties which qualify for at least one PEB in one of the four nations will be offered PEBs on the Channel 3 licensee in the appropriate regions of those nations.⁴
13. Paragraph 18 addresses the UK-wide broadcasters (Channel 4 and Channel 5) and states that parties which qualify for a PEB in England, Scotland and Wales will additionally be offered a PEB on Channel 4 at General Elections and Channel 5 at both General and European Elections, provided that the broadcasters in question are carrying the relevant series of broadcasts.

Licence conditions

14. Section 333 of the 2003 Act, as referred to above, imposes a licence condition on public service broadcasters, requiring that they observe any rules made by Ofcom relating to party political broadcasts and referendum campaign broadcasts.
15. According to section 4(2) of the Broadcasting Act 1990 (“the 1990 Act”), Ofcom may also include in any licence issued under the 1990 Act a condition requiring the licensee to comply with any direction given by Ofcom which relates to matters specified or described in the licence.
16. These provisions have been given effect in the Television Licensable Content Service (“TLCS”) licences held by both ITV and Channel 5.⁵

Dispute between the Party and ITV

Summary

17. ITV has allocated one PEB to the Party. In summary, the Party’s Dispute with ITV is that it believes it should be awarded an additional PEB.

Submissions of the Parties

The Party’s submissions

18. The Party made the following points:
 - a. The Party said it had “met the threshold” for being allocated a single PEB by ITV. The question was whether it would be allocated a second PEB by virtue of the criterion “decided upon by the Broadcasters’ Liaison Group”⁶ whereby an additional PEB will be offered to parties who “...can demonstrate substantial levels of

⁴ Paragraph 17 of the Rules.

⁵ See conditions 14 and 26 of the Channel 5 TLCS licence. Equivalent conditions are also included in the regional variations of the Channel 3 licence.

⁶ The Broadcasters Liaison Group (“the BLG”) comprises the broadcasters who make airtime available to registered political parties.

past and/or current electoral support across England". In the Party's view, it had fulfilled this criterion because:

- it was "the 7th largest party in terms of votes in England and the 8th in the United Kingdom"; and
 - at the 2009 European Parliamentary elections, the Party had polled 279,801 votes, "with a spend of under £25,000 on that occasion".
- b. According to the Party, the BLG's criterion for an additional PEB is not dependent on a party actually winning seats in an election, rather it states that "'electoral support'...ought to be interpreted as meaning exactly what it says and neither more nor less".
- c. The Party said that in the 2009 European Parliamentary elections, it had achieved twice the number of votes of Plaid Cymru "albeit over England...rather than the single 'region' of Wales". It added that it had been "not all that far behind" the total votes achieved by the Scottish National Party ("the SNP") in the 2009 European Parliamentary elections. The Party argued that if Plaid Cymru is classed as a major party "with their EU vote", then the Party's previous electoral performance at the European Parliamentary elections "clearly demonstrated 'substantial electoral support'".
- d. The Party said it had done "quite well" in a range of other elections with results suggesting, in the Party's view, that it would win at least one seat in the 2014 European Parliamentary elections. For example, it said that it had come second in the 2012 South Yorkshire Police and Crime Commissioner ("PCC") election and had saved all its deposits in the 2012 PPC elections it had contested.
- e. The British National Party ("the BNP") and the Green Party "clearly" qualify for a second PEB based on their electoral performance. The Party said that it too had demonstrated "substantial electoral support".
- f. According to the Party, the only other party to have qualified for a single PEB was "an Independence Party"⁷ which the Party said "has no track record of electoral support". The Party said that "It would make no sense for us to be categorised with a wholly new party" and therefore it should be allocated a second PEB by ITV.
19. The Party submitted that ITV had "blatantly attempted to confute 'electoral success' with the different idea of 'electoral support'. In the Party's view, "By almost any sensible or reasonable criteria c.280,000 votes in the last EU election is substantial

⁷"An Independence party" is actually called "An Independence From Europe".

electoral support". Citing paragraph 15⁸ of the Rules, the Party said "there is no mention anywhere in this criterion of Electoral success, only of support".

20. The Party said that its support had been achieved with "almost no resources or help and despite the resistance of media establishment people like" ITV.
21. The Party highlighted its performance in various elections, stating that it had: won the 2009 Doncaster Mayoral election; come second in the South Yorkshire 2012 PCC election, with 16% of first preference votes; and come second in the 2013 Doncaster Mayoral election.
22. It also stated that ITV had not given the Party "any mention at all in their News coverage".

ITV's submissions

23. ITV argued that the Party had not "demonstrate[d] substantial levels of past and/or current electoral support". Whilst noting the Party's performance in the 2009 European Parliamentary elections⁹ was an improvement on their performance in the same set of elections in 2004¹⁰, ITV said this performance did not compare to the next highest performing parties in terms of votes, the Green Party and the BNP, who polled 1,223,303 and 943,598 votes respectively throughout Great Britain. ITV added that considering votes in England only, the BNP and Green Party achieved "substantially more support" in England than the Party. ITV stated that the Party came "nowhere near winning a seat in 2004 or 2009".
24. ITV said that the Party appeared to be contesting Ofcom's determination that Plaid Cymru be categorised as a major party in Wales. In addition, ITV said that the Party's comparison of itself with Plaid Cymru was not "persuasive" in determining whether the Party had demonstrated substantial levels of past electoral support. This was because Plaid Cymru only contests elections in Wales, and in the 2009 European Parliamentary elections it had achieved 18.5% of the vote in that country, winning one of the six available seats, and being the largest party "in seven of the Welsh Westminster constituencies in that election". In addition, Plaid Cymru had demonstrated substantial past electoral support in General Elections, local elections and elections to the Welsh Assembly; and been designated by Ofcom as a major party for the 2014 European Parliamentary elections. By contrast, ITV argued that the Party

⁸ Paragraph 15 states: "Licensees should consider making additional allocations of PEBs to other registered parties (which satisfy the criteria at Rule 14) if evidence of their past 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 this regard, Licensees should consider whether other registered parties should qualify for a series of PEBs and/or peak-time scheduling, as major parties do".

⁹ ITV noted that in 2009, the Party had achieved 279,801 votes, standing in all nine electoral regions in England, and becoming the seventh largest party in England in those elections in terms of votes.

¹⁰ ITV noted that in 2004, the Party had achieved 130,056 votes, standing in five electoral regions in England.

“did not secure anything like [Plaid Cymru’s] share of the vote in any electoral region in England in which they stood in the 2009 European Parliamentary Elections”.

25. ITV said it had considered the Party’s performance in various elections since 2009. It said the Party had:
 - a. achieved 64,826 votes, representing 0.3% of the vote, in England in the 2010 General Election, with only one of its 107 candidates saving their deposit;
 - b. polled between 0.2% and 3.3% of the vote in Parliamentary by-elections;
 - c. fielded five candidates in one region and achieved 1.1% of the vote in the 2011 Welsh Assembly elections. In addition it had stood in one constituency in that election, achieving 2.5% of the vote;
 - d. fielded 101 candidates in the 2012 English local elections, winning no seats and losing the two seats the Party was defending that ITV understood had been held “by defectors from other parties who had not been elected originally as [the Party’s] candidates”.
 - e. contested five PCC elections in 2012, coming last or second to last in all but one of those elections;
 - f. achieved 1.42% and 3.6% of the vote in the 2012 Liverpool and Salford Mayoral elections respectively; and
 - g. in addition, ITV was not aware of any evidence of current support (i.e. opinion poll data) which would suggest that the Party enjoys “substantial” current support, nor had the Party referred ITV to any such data.
26. ITV confirmed that it had allocated two PEBs to the Green Party and BNP for the 2014 European Parliamentary elections. ITV said it considered these allocations to be “appropriate and reasonable, and properly apply Ofcom’s Rules and our own criteria regarding allocation of broadcasts”.
27. ITV confirmed that it had allocated one PEB to An Independence From Europe for the 2014 European Parliamentary elections. ITV said it considered this allocation to be “appropriate and reasonable, and properly appl[ies] Ofcom’s Rules and our own criteria regarding allocation of broadcasts”.
28. ITV stated that it did not simply equate electoral success, in terms of seats obtained, with electoral support, but confirmed that it does consider electoral success to be one “useful indicator of the degree of electoral support for a party”. Although it would usually take into account other available evidence which might indicate electoral

support, such as results in other elections since the previous European Parliamentary elections, ITV added that it had not discovered useful polling data specific to the Party and noted that none had been provided to Ofcom.

29. ITV considered that the relative lack of resources available to the Party is not directly relevant to the objective assessment of the evidence of past or current electoral support.
30. It disagreed that the 280,000 votes secured by the Party in the 2009 European Parliamentary elections (which represents 1.8% of votes cast in the UK and 2.1% of votes cast in England) constitutes “substantial electoral support”, particularly when compared to the percentage of votes achieved by the major parties in these elections.
31. ITV referred to Ofcom’s Statement on 3 March 2014 following its review of the major party list which states that the suitable approach is to look at electoral results over two election cycles, as well as other evidence of electoral support such as results in other elections, and opinion polling. ITV stated that this is the approach it has taken.
32. ITV stated that it did not consider the 2009 Doncaster Mayoral election to be evidence of “significant present electoral support” since the Party’s winning candidate has since resigned from the Party and its candidate in the 2013 Mayoral election came third with 7.5% of the first round vote, being thereby eliminated from the second round
33. Finally, ITV said that it did not consider the Party’s assertion that it has not received any mention in ITV’s news coverage as being relevant to the Dispute which the Party has referred to Ofcom, as it relates to editorial coverage of the election, not to the allocation of PEBs.

Dispute between the Party and Channel 5

Summary

34. The Party’s Dispute was initially that it should have a second PEB. However, Channel 5 confirmed that it has not allocated any PEBs to the Party. In its second submissions, the Party challenged Channel 5’s threshold criterion as being unreasonable and unfair.

Submissions of the Parties

The Party’s submissions

35. The Party made the same points that it had made in relation to the ITV Dispute (as set out in paragraph 18(a) – (f) above), and argued that it should be allocated a second PEB by Channel 5. The Party made the following additional points in relation to the Channel 5 Dispute:

- a. given that the Party had achieved 279,801 votes at the 2009 European Parliamentary elections, being “the 8th largest party” in those elections, the Party argued that “if we did not qualify for that additional [PEB] it is difficult to envisage any party being likely to do so”;
 - b. its results meant that if it were fielding candidates in Scotland or Wales it would be entitled to not just one additional PEB but the same number of PEBs to which a major party would be entitled; and
 - c. it cited other evidence of its past electoral support: it had won the directly elected Mayoral election in Doncaster “and the 2012 referendum”. In addition it said that it had “won the referendum which triggered a referendum to give Salford City an Elected Mayor”.
36. The Party said that its support had been achieved with “almost no resources or help and despite the resistance of media establishment people like” Channel 5.
37. The Party highlighted its performance in various elections, stating that it had: won the 2009 Doncaster Mayoral election; come second in the South Yorkshire 2012 PCC election, with 16% of first preference votes; and come second in the 2013 Doncaster Mayoral election.
38. Citing paragraph 14¹¹ of the Rules, the Party said that Channel 5 appeared to have adopted a threshold criterion that was not compliant with paragraph 14. The Party said that by standing full lists of candidates in all nine electoral regions in England, the Party had stood in three quarters of all the electoral areas in the UK. Therefore, in the Party’s view, it would be neither reasonable nor fair to state that it had not met the “threshold criteria”. In addition, the Party said it was fielding “significantly more than one sixth of the seats up for election” in the 2014 European Parliamentary elections¹².
39. The Party submitted that Channel 5 had not given the Party “any mention at all in their News coverage”.

Channel 5’s submissions

40. Channel 5 said it had not allocated the Party any PEBs for the European Parliamentary elections 2014. It said that following its correspondence with the Party, the period for

¹¹ Paragraph 14 states: “Other registered parties should qualify for a PEB if they are contesting one sixth or more of the seats up for election in the case of first-past-the-post, multi-constituency elections such as a General Election. For proportional representation systems of election (such as the European Parliamentary Elections), the minimum qualifying requirement for the allocation of one PEB should be set, reasonably 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”.

¹² The Party said that this argument also applied to Channel 4, which the Party said: “have failed so far even to communicate with us”.

nominations in the elections had passed. As the Party had not stood a full list of candidates in Wales and Scotland for the 2014 European Parliamentary elections, in addition to its candidates in England, the Party did not qualify for a single PEB on Channel 5. Channel 5 said it had made clear these criteria in letters sent to the Party dated 20 March 2014, 26 March 2014 and 14 April 2014, and the criteria were the same as Channel 5 had had in place for the 2009 European Parliamentary elections. Therefore, in Channel 5's view, there could not have been "any reasonable doubt as to how many candidates the [P]arty needed in order to qualify for a Broadcast on Channel 5".

41. According to Channel 5, given that the Party did not qualify for a single PEB, the issue as to whether it qualified for a second PEB "does not arise". However, Channel 5 said that, at the time it was corresponding with the Party, before the close of the period for nominations "it did not know for sure whether [the Party] would qualify for a single Broadcast". Channel 5 noted that at no point had the Party challenged the requirement that it would need to stand a full list of candidates in Wales and Scotland, as well as England, in order to qualify for a PEB on Channel 5.
42. Channel 5 said that the Party had achieved "just two per cent" of votes in Britain in the 2009 European Parliamentary elections, which was "considerably lower" than the votes achieved by parties to which Channel 5 had allocated three PEBs for those elections (Conservative Party, 28%; Labour Party, 16%; and Liberal Democrats, 14%) and lower than those parties to which it had allocated two PEBs (UKIP, 17% and the Green Party, 9%).
43. Channel 5 said it was not reasonable to compare Plaid Cymru and the SNP to parties standing on a UK-basis, and additionally Plaid Cymru and the SNP are granted major party status because of their standing in their respective nations. For example, in the 2009 European parliamentary elections, Plaid Cymru had achieved 19% of the vote in Wales and the SNP had achieved 29% of the vote in Scotland. In Channel 5's view, "it is not meaningful to compare [Plaid Cymru's and the SNP's] results with the total number of votes achieved by the [Party] across the UK as a whole". In addition, Channel 5 said it is the status of Plaid Cymru and the SNP, as major parties, which obliges Channel 5 to offer those parties PEBs.
44. Channel 5 said that it had taken account of the Party's performance at various elections and in opinion polls. Channel 5 said it did not consider evidence put forward by the Party, and in particular the Party's "political successes in Doncaster and Salford and in the Police and Crime Commissioner elections to be sufficient to justify more than one Broadcast on a UK wide basis".
45. Channel 5 stated that, pursuant to paragraph 14 of the Rules, broadcasters decided that the minimum qualifying requirement for the European Parliamentary elections should be that parties must "stand a full list of candidates in all the constituencies

covered by their geographic footprint". It confirmed that, for Channel 5, this means Great Britain as a whole, as it does not split its programme signal between the different nations.

46. Channel 5 added that paragraph 18 of the Rules means that the requirement on Channel 5 for European elections is to "offer a broadcast to parties that qualify for PEBs "in all three nations", not just in one nation".
47. It stated that it believes its approach to PEB allocations has been fair and reasonable and added that it informed relevant parties of its allocation criteria "in good time".

The Committee's Decision

48. The Committee carefully considered all the submissions provided by the Party and the Licensees in their helpful and prompt correspondence to assist the Committee within a necessarily limited timeframe.

Dispute between the Party and ITV

49. The Committee was satisfied that the Party qualified for the allocation of one PEB by ITV in England on the basis that the Party is standing a full list of candidates in every electoral region in England in the 2014 European Parliamentary elections.
50. In relation to whether the Party should qualify for an additional PEB on ITV, the Committee considered the application of paragraph 15 of the Rules (as set out above) and the ITV criteria for allocation, which states that "parties may qualify for additional PEBs if they can demonstrate substantial levels of past and/or current electoral support across England".
51. The Committee believed that "substantial electoral support" should be interpreted in a straightforward way and that broadcasters should take account of all relevant evidence of such support including, for example, electoral results over two election cycles, as well as evidence of other electoral support such as results in other elections, and current opinion polling.
52. The Committee carefully considered all the Party's submissions which it claimed supported its contention that the Party can demonstrate substantial levels of past and/or current electoral support. In summary, this was that in the European Parliamentary election in 2009, the Party had polled 279,801 votes; it had achieved twice the number of votes of Plaid Cymru, albeit in England rather than in Wales; "it was not all that far behind" the total number of votes achieved by the SNP; it had done "quite well" in a range of other elections (e.g. it had won the 2009 Doncaster Mayoral election, come second in the 2012 South Yorkshire PCC election, had saved all its deposits in the 2012 PCC elections it contested, and had come second in the 2013 Doncaster Mayoral election) which led it to believe that the Party would win at least one seat in the 2014 European Parliamentary elections.

53. The Committee noted that in the 2009 European Parliamentary elections, the Party had secured 1.8% of the votes cast in the United Kingdom and 2.1% of the votes cast in England. The Committee did not consider that the comparison with Plaid Cymru and the SNP supported the Party's claim that it had substantial electoral support. Both Plaid Cymru and the SNP are designated major parties in Wales and Scotland.¹³ In the 2009 European Parliamentary elections, Plaid Cymru achieved over 18.5% of the vote in Wales and the SNP achieved 29% of the vote in Scotland. Further the Committee did not agree that the results in the Mayoral and PCC elections suggested that the Party "may well win at least one seat in this EU election".
54. Taking all submissions of the Party and ITV into account, in the Committee's view the Party was not able to show that it had evidence of sufficient past or current electoral support such that ITV was required to allocate to it an additional PEB in accordance with paragraph 15 of the Rules. The Committee concluded that ITV is not obliged to allocate an additional PEB to the Party.
55. The Committee considered the fact that another political party "An Independence From Europe" was the only other party not to have been allocated a second PEB by ITV was not relevant to the question of whether the Party had demonstrated a "substantial" level of past or current electoral support.
56. The Committee did not consider the level of news coverage attributed to the Party by ITV to be relevant to the Dispute referred by the Party.

Dispute between the Party and Channel 5

57. The Committee considered whether Channel 5's criterion that the minimum qualifying requirement for parties to stand a full list of candidates in all the constituencies covered by its geographic footprint (Great Britain as a whole) was reasonable and fair as per paragraph 14 of the Rules. The Party argued that it was not as by standing in all 9 regions of England it said that the Party was standing in three quarters of all the regions in the entire UK and therefore should be entitled to a PEB on a GB-wide broadcaster such as Channel 5. In the Committee's view, Channel 5's criterion is a reasonable and fair one for dealing with parties which are not recognised as major parties as it reflects the GB-wide nature of the Channel 5 broadcast which itself is taken into account in paragraph 18 of the Rules.
58. The Committee considered that paragraph 18 of the Rules clearly states that only parties which qualify for a PEB in all three nations of England, Scotland and Wales will additionally be offered a PEB on Channel 5 at European elections. The reason for this is that Channel 5 does not split its programme signal between the different nations.

¹³ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

59. As noted in relation to the ITV Dispute (see paragraph 49 above), the Party is entitled to the allocation of one PEB by the regional Channel 3 licensees in the appropriate regions of England under paragraph 14 of the Rules, since it is standing a full list of candidates in England.
60. However, given that the Party is standing a full list of candidates in England only (with no candidates standing in Scotland or Wales), it does not qualify for the allocation of PEBs in those nations. The Committee concluded that, consequently, Channel 5 was not required by paragraph 18 of the Rules to allocate any PEBs to the Party.
61. The Committee noted the comparisons the Party made with Plaid Cymru and the SNP. However as explained above in the ITV decision (see paragraph 53), both Plaid Cymru and the SNP are designated major parties in Wales and Scotland due to their respective levels of past electoral and current support in Wales and Scotland. They are both entitled to PEBs on Channel 5 (under paragraph 13 of the Rules) due to their status as a “major party”.
62. The Committee considered the Party’s submissions in relation to evidence of its past electoral and/or current support as it did in the ITV decision (see paragraphs 52 to 53 above) and concluded that it was not relevant to the issue of whether Channel 5 was entitled to refuse to allocate to it any PEBs under paragraph 18 of the Rules. The Committee concluded that Channel 5 was not obliged to allocate any PEBs to the Party.
63. The Committee did not consider the level of news coverage attributed to the Party by Channel 5 to be relevant to the Dispute referred by the Party.

Conclusion

64. For the reasons set out above, the Committee therefore decided that:
 - a. ITV is not required to allocate an additional PEB to the Party; and
 - b. Channel 5 is not required to allocate any PEBs to the Party.

Ofcom Election Committee

2 May 2014