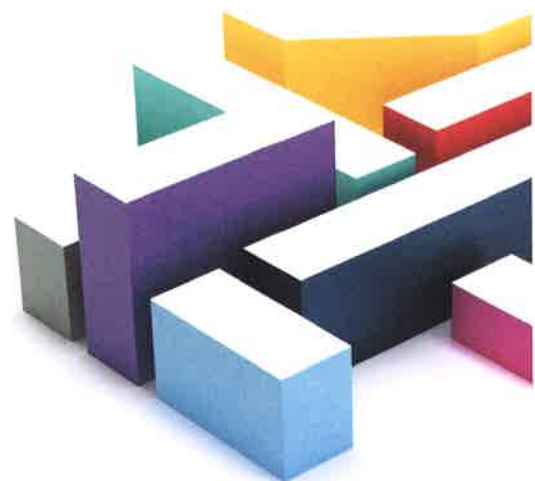


Response of Channel 4 to Ofcom's Consultation on its rules on due impartiality, due accuracy, elections and referendums



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?

Channel 4 welcomes Ofcom's proposals to give greater editorial freedom to broadcasters to take decisions in the area of elections by reference to evidence of past electoral support and/or current electoral support. We agree that this flexibility is appropriate and necessary given, what Ofcom describes as, the fragmented state of the political landscape.

Channel 4, as well as the other broadcasters, has the requisite knowledge and expertise to undertake a fair and duly impartial assessment of allocations based on evidence of past electoral support and / or current electoral support. Indeed, Channel 4 routinely undertakes this assessment in relation to the allocations of its Political Slot programmes and also in relation to the allocation of the number of PEBs to offer the parties on the list of "larger parties" and in relation to any allocations to offer to parties outside of the list, within the ambit of the rules. Channel 4 is confident that it is well placed to make duly impartial judgments by reference to past electoral support and / or current electoral support. Nevertheless we acknowledge that candidates and parties would derive additional comfort from Ofcom's proposed retention of the existing mechanisms of appeal in respect of such decisions by broadcasters.

Ofcom's proposed changes seem to be a natural progression following on from Ofcom's Review of the list of "larger" parties for the elections on 5 May 2016. As we said in our joint response in relation to Ofcom's Review, we considered that following the elections it is appropriate for Ofcom to assess the continuing suitability of this list for setting minimum allocations of party election broadcasts. As Ofcom recognises, abolishing such a list in favour of allowing broadcasters to make editorial judgments by reference to evidence of past electoral support and/or current electoral support will enable broadcasters to respond in a timely and appropriate manner to changes, in what is now a more diverse political landscape.

2. Do you agree with the proposal laid out in paragraph 3.30 that Ofcom produce an annual digest of electoral support?

We welcome Ofcom's proposal to continue to produce an annual digest of evidence of past electoral support and current support ahead of each set of elections so as to provide a uniform reference for all broadcasters to use as an evidential base for editorial decisions. Channel 4, as with other broadcasters, has relied on Ofcom's previous digests in making editorial decisions in the area of elections, for example in determining the number of allocations of PEBs to offer to parties.

3. Do you agree with the proposed amendments to Section Six set out in Annex 5, a) in relation to larger parties and b) to include BBC broadcasting services and BBC ODPS?

For the reasons set out above Channel 4 agrees with the changes proposed to Section Six of the Code in relation to larger parties.

4. Do you agree with the proposed amendments to the PPRB Rules set out in Annex 4, a) in relation to larger parties, and b) to include BBC broadcasting services?

Channel 4 largely agrees with Ofcom's proposed amendments to the PPRB Rules. However, we would question the need to retain specific references to SNP and Plaid Cymru at paragraph 14 of the proposed amendments to the PPRB Rules, which states:

"Before a General Election, and in the case of other elections where appropriate, each registered party should be offered (subject to Rules 15 and 16) one or more PEBs...This includes the SNP and Plaid Cymru on Channel 4 and Channel 5."

We appreciate that in respect of Channel 4 and Channel 5 neither the SNP, nor Plaid would meet the Rule 15 qualification criteria for a PEB, but we believe this is addressed in current formula of assessing past and/or current electoral support. The purpose of Ofcom's proposed changes is to remove the concept of larger parties (and thereby references to any specific parties), on account of a changing and fragmented political landscape and in turn, to give greater editorial freedom to broadcasters to take decisions in the area of elections by reference to evidence of past electoral support and / or current support. Therefore, the retention of the paragraph 14 reference to the SNP and Plaid seems counterintuitive. In particular, it diminishes the editorial freedom of Channel 4 and Channel 5, which Ofcom is proposing to give to broadcasters and it gives preferential treatment to both the SNP and Plaid over all other registered parties, by giving them a guaranteed PEB irrespective of their past electoral support and / or current electoral support. It may also militate against any other parties who operate in those nations and who significantly increase their current electoral support. Consequently the new PPRB Rules do not have the same flexibility for Channel 4 and Channel 5 to take appropriate decisions based on past or current electoral support for registered parties operating in Wales and Scotland, compared to England.

Channel 4 would suggest that in light of the purpose of the changes Ofcom is proposing, perhaps a more preferable solution would be to refer to Channel 4 and Channel 5 offering PEBs to registered parties in the nations of Wales and Scotland having regard to past electoral support and/ or current electoral support.

16 January 2017

Channel 4 Television Corporation