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12th January 2017

Dear Mr Baxter,

Consultation on Ofcom's rules on due impartiality, due accuracy, elections and referendums

I wish to respond to this consultation on behalf of the Conservative Party.

Larger parties

We strongly disagree with the proposals to delete the provisions for the recognition of larger parties.

Ofcom has not laid out sufficient rationale for such a change – beyond a vague reference to the unnamed ‘stakeholders’ in paragraph 3.10 of the consultation. The sole justification is the reference to the Electoral Commission, which stems from a one sentence line in its letter to Ofcom of 20 January 2016. The Electoral Commission has not consulted on this issue; it has not raised it with the Parliamentary Parties Panel and has no mandate to promote significant regulatory change.

The recognition of larger parties is a long-standing provision, which recognises that the manner in which the UK Parliament is constituted, both its operation of First Past the Post in the House of Commons, but also the greater prominence and status given to the largest opposition parties.

The suggestion in paragraph 3.25 that there is a ‘fragmented political landscape’ is incorrect and misleading. There was a majority Conservative Government elected at the last general election, with the Labour Party comfortably having the status as Her Majesty’s Opposition, albeit the SNP has displaced the Liberal Democrats as the third party.

It is a fallacy to suggest in recent years politics has become de-aligned leading to the rise of minority political parties. In the 2015 general election, Conservative and Labour collectively won 67.2% of the UK vote and 68.9% of the GB vote – higher than the 2010 general election and on a par with the 2005 general election.

All political parties are not the same: a political party with one or two elected national representatives should not be given the same status as a political party elected with 50, or even 100.

Whilst we recognise the devolved institutions have ended up with proportional representation electoral systems which over-state the status of minority parties, there is no reason why the

'larger parties' within those devolved institutions cannot still be recognised when assessing (local / regional) broadcast coverage for those individual parts of the United Kingdom.

The arguments in paragraph 3.29 dismissing the 'national' status of political parties fails to recognise the status of the UK Parliament as the United Kingdom's principal representative and sovereign democratic body. Indeed, we consider the proposed publication of an 'annual digest of electoral support' as part of a retrograde move of downgrading the status of UK general elections.

The practical effect of Ofcom's reforms would be to grant more PEB and PPB broadcasts to fringe minority parties that do not have established and substantive democratic representation. We believe an "all shall have prizes" approach is disproportionate, and reflects a flawed, political bias in the consultation which naively assumes that there are not coherent, large, broad-based political parties within the United Kingdom.

We consider the abolition of recognising larger parties a highly contentious and political regulatory move; it is likely to detract from Ofcom's role in broadcasting regulation and raise questions about making major changes to electoral processes without recourse to Parliament.

Regulating BBC editorial content

We note that Ofcom plans to publish new procedures on how it will consider and handle complaints about BBC online material.

Notwithstanding, in the context of this consultation, we believe that where a correction has been made to BBC ODPS or BBC broadcasting services content, such a correction should be also be flagged and noted on any associated BBC Online website page which hosts or links to that online content.

Such corrections should not be buried on a separate website 'corrections and clarifications' page on the BBC's corporate website. Otherwise, the correction will not have due prominence, nor would the correction be "appropriately signalled to viewers". We believe that revised Code would benefit from an explicit reference in this regard.

I hope this clearly sets out our position.

Yours sincerely,



Alan Mabbutt OBE
Director General
Conservative Party