

Submission to

OFCOM

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



11th January 2017

Introduction

1. Global Radio is the UK's biggest commercial radio company and home to the country's biggest commercial radio brands Capital, Heart and Classic FM. Together with Capital XTRA, LBC, Smooth, Radio X and Gold, these brands reach over 24 million people every week on the radio, 10 million unique users every month on Global's digital platforms and six million people on Global's social media channels.¹
2. We welcome the opportunity to comment on the proposed changes made to Section Five (due impartiality) of the Code, Section Six (elections and referendums) of the Code and Ofcom's rules on party political and referendum broadcasts.
3. Our response to the consultation follows here.

Q1: Do you agree with Ofcom's proposal to remove the list of larger parties from Section Six of the Code and the PPRB rules?

4. For election coverage in programmes we would favour retaining the list of larger parties. Our reasoning is set out below.

Consistency and decision-making

5. The larger party list has been helpful to date in achieving a consistent approach across a large news network that relies on trained staff being able to make prompt, informed decisions to bring breaking news stories to air.
6. Discussions in the area of constituency reporting in particular could become lengthy and complicated. The effect of this is likely to be that stories that can be reported online instantaneously may be delayed in going to air.

Perception of bias

7. Listeners, and political parties, are often concerned with a perceived bias from broadcasters. The publication of a list of larger parties by Ofcom is useful in reducing the number of unfounded complaints.

Complaint handling

8. Leading from the two points above, a significant rise in complaints might reasonably be expected as parties, candidates, listeners and pressure groups will feel obliged to fight their corner for coverage. Whether justified or not, these complaints will all require a considered response.
9. When challenged in the past we have been able to show a clear reasoning for the decision based on the list of larger parties, poll data and past electoral

¹ RAJAR / Ipsos-MORI / RSMB, period ending September 18th 2016.

performance. A narrowing of this argument, alongside the potential for an increased volume of correspondence, represents a worrying shift for licensees lacking the resources and infrastructure of PSBs and large broadcasters. Ofcom may wish to consider whether the additional workload this would create – to the broadcaster and regulator – is proportionate to any apparent benefits of removing the list.

10. For Party Election Broadcasts (PEBs), which Classic FM as a national commercial licence holder is obliged to carry, we are open to the removal of the list. Decisions in these cases can be made easily in advance, with the help of the Broadcasters' Liaison Group, and need only be made once. This should not present a significant change in workload.

Q2: Do you agree with the proposal laid out in paragraph 3.30 that Ofcom produce an annual digest of electoral support?

11. A digest will be greatly helpful where these decisions do need to be made. However, if it is an annual digest – and only concerned with electoral support – it seems unlikely it will be able to provide the flexibility that forms part of the justification for removal of the larger parties list.

Q3: 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?

12. Our comments on the removal of the larger parties are as above.
13. We certainly advocate a consistent approach across commercial radio and the BBC in this area.

Q4: 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.

14. On the general matter of Party Political Broadcasts – which national commercial licence holders must carry for general elections and national referendums – we are keen for a review of their continuing worth in the current media landscape. At present, it appears no research exists that supports their value on radio.
15. To consider alongside this point is the administrative burden and commercial disadvantage they present to national licence holders. At the last general election 12 PEB slots to a maximum length of 2'30" were offered. This eliminated the revenue from 12 advertising breaks – as well as generating complaints from listeners and undoubtedly causing them to switch off and switch over.
16. While legislation currently acts to ensure their inclusion on national commercial radio, Ofcom does have powers to decide the length and frequency of such broadcasts, and, going forward, to decide which BBC services must carry them. We therefore wish to raise the following:

The obligation to carry PEBs and RCBs on national BBC radio

17. The revised PPRB rules indicate that few of the BBC's major national services are required to offer Party Election Broadcasts – and in particular we note Radio 3, the BBC's classical music service and closest competitor to Classic FM, does not appear to be obliged to carry them. There is little transparency behind this decision in the consultation, however, other than to note under paragraph 3.42 that Ofcom considers that the 'current range and reach of services...is appropriate'.
18. Given our concerns about PEBs – and the commercial disadvantage they present – we think this should be reconsidered, with a clear reasoning given for their omission on equivalent BBC national services.

Length of PEBs/RCBs

19. It is our understanding that the BBC has previously (and without complaint) run broadcasts at a length of 1'30". Therefore, as is within Ofcom's powers under the legislation, and based on our reasoning above, we believe the length should be reduced for all 'Relevant Services' described in the document to 1'30".
20. In the digital age, where listeners are used to social media's more 'bite sized' messages, a shorter, focused broadcast will be a far more effective way for political parties to present their policies on radio - and will be much less likely to lead to the mutually detrimental process of listeners switching over or off

Simplifying the scheduling rules

21. We welcome the proposal to simplify the scheduling rules to allow all broadcasts to be made between 6am and 10pm. However, we would favour further relaxation, such that the broadcasts can be made between 6am and midnight. This will enable stations to place the broadcasts in appropriate slots to minimise the commercial and financial impact, and the flexibility needed to avoid the 'content clash' that leads to listeners switching off.