

Dalen cyflwyno ymateb i ymgynghoriad gan Ofcom

MANYLION SYLFAENOL

Teitl yr ymgynghoriad: **Ofcom's rules on due impartiality, due accuracy, elections and referendums**

At (cyswllt yn Ofcom): **Adam Baxter**

Enw'r ymatebydd: **Elin Morris, Corporate and Commercial Director**

Yn cynrychioli (eich hun neu sefydliadau(au)): **S4C**

Cyfeiriad (os na chafwyd ef drwy'r e-bost): **S4C, Parc Tŷ Glas, Llanishen, Cardiff CF14 5DU**

CYFRINACHEDD

Ticiwch isod i ddangos pa ran o'ch ymateb rydych yn ei hystyried yn gyfrinachol, a rhowch eich rhesymau am hynny

Dim byd

Enw/manylion cyswllt/teitl swydd

Yr ymateb cyfan

Sefydliad

Rhan o'r ymateb

Os nad oes atodiad ar wahân, pa rannau?

Os nad ydych am i ran o'ch ymateb, eich enw neu enw'ch sefydliad gael eu cyhoeddi, a gaiff Ofcom barhau i gyhoeddi cyfeiriad at gynnwys eich ymateb (gan gynnwys, yn achos unrhyw rannau cyfrinachol, crynodeb cyffredinol nad yw'n datgelu'r wybodaeth benodol nac yn golygu bod modd eich adnabod)?

DATGANIAD

Rwy'n cadarnhau bod yr ohebiaeth sydd gyda'r ddalen gyflwyno hon yn ymateb ffurfiol i ymgynghoriad y caiff Ofcom ei gyhoeddi. Fodd bynnag, wrth roi'r ymateb hwn, rwy'n deall y gallai fod angen i Ofcom gyhoeddi'r holl ymatebion, gan gynnwys y rheini sydd wedi'u marcio'n rhai cyfrinachol, er mwyn cyflawni rhwymedigaethau cyfreithiol. Os wyf wedi anfon ymateb drwy'r e-bost, caiff Ofcom ddiystyru unrhyw destun e-bost safonol ynghylch peidio â datgelu cynnwys neges e-bost ac atodiadau.

Mae Ofcom yn ceisio cyhoeddi ymatebion wrth iddynt ddod i law. Os nad yw eich ymateb yn gyfrinachol (yn gyfan gwbl neu'n rhannol), ac y byddai'n well gennych i ni beidio â chyhoeddi'ch ymateb nes bod yr ymgynghoriad wedi dod i ben, ticiwch yma.

Enw: **Elin Morris, Corporate and Commercial Director**

Llofnod (os darperir copi papur)

S4C's response to the consultation on Ofcom's rules on due impartiality, due accuracy, elections and referendums

Question 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? Give reasons for your answer.

Answer 1:

Under paragraph 18 of Schedule 12 to the Communications Act 2003, the S4C Authority has a duty to prepare a policy in relation to party political broadcasts on S4C services. In formulating that policy, the S4C Authority has a duty to show regard to the rules made by Ofcom under section 333 of the Communications Act 2003.

Ofcom's list of 'Larger Parties' has been useful to S4C as a guide to identify the parties that Ofcom consider are entitled to a series of Political Broadcasts and a series of Election Broadcasts.

In addition, the 'Larger Parties' list that has been published has been useful for producers of S4C programmes during election periods, as a guide to identify the parties who are entitled to 'due importance' in programmes.

Without a list that is consistent between broadcasters, each broadcaster will need to decide upon and publish an independent perspective to other broadcasters on which parties should be considered to be entitled to equal attention in programmes, and to be entitled to a set of Political and Electoral Broadcasts. If one broadcaster's decision diverges from the decisions of other broadcasters, it is possible that broadcasters will be more vulnerable to complaints from parties due to any variation in the way they are treated.

S4C, in the same way as a number of smaller broadcasters, doesn't have the internal resources to conduct a detailed analysis of electoral support in the past and ongoing support before each election and political broadcast periods. Therefore, S4C does not oppose removing the list of 'Larger Parties' on the condition that Ofcom will publish the proposed annual summary, ensuring that such a summary takes account of the matters set out in S4C's response to question 2 below.

Question 2:

Do you agree with the proposal laid out in paragraph 3.30 that Ofcom produce an annual digest of electoral support? Give reasons for your answer.

Answer 2:

S4C agrees with the proposal that Ofcom publishes an annual summary of electoral support. We would like to ensure that the report provides sufficient detail so that broadcasters will be able to draw firm conclusions based on the information contained therein. The summary should include clear data with regards to support to parties and independent candidates in the past and ongoing support to parties and independent candidates.

Data should be presented with a detailed analysis that enables broadcasters to draw conclusions in relation to Wales specifically - in accordance with current Ofcom rules in the 'Rules on party political and referendum broadcasts', which states, when deciding on the allocation of PEBs in elections, that the four UK nations should be considered separately.

In this context, please note that S4C is comfortable with the level of detail and the layout of the data that was included in 'Ofcom's Consultation on the list of major political

parties for elections taking place on 7 May 2015' which was published on 8 January 2015, for example.

We also wish to ensure that Ofcom will publish the summary in a timely manner and at least 12 weeks before the start of the election period in order to ensure that the broadcasters have sufficient time to draw conclusions, to inform the relevant parties that are entitled to electoral broadcasts and, in the case of S4C, time to secure the approval of S4C's Authority on S4C's policy.

S4C also wants assurances that Ofcom will publish a summary each year, even when an election is not held in any one year, for the purpose of assessing the allocation of slots for Political Broadcasts.

In addition, S4C would like assurances that the information contained in the most recent summary published can be relied upon until the publication date of Ofcom's next summary.

S4C wishes to ensure that Ofcom Rules clearly state when it considers that the period of 12 months in Rule 21 for Political Broadcasts begins – i.e. does the procedure cover autumn, winter, spring? Given that the election result could affect the assessment of 'ongoing support', and the number of seats held by different parties, does Ofcom consider that broadcasters should carry out an assessment of the Political Broadcasts' allocation following the latest election result?

Would Ofcom consider publishing a supplementary summary following an election for the purpose of assessing the allocation of Political Broadcasts? It would be good to have a comprehensive document before each set of Political Broadcasts which sets out the number of seats each party has and information about electoral support in the past and ongoing support.

Question 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? Give reasons for your answer.

Answer 3:

- a) S4C does not object to the changes.
- b) No comments.

Question 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? Give reasons for your answer.

Answer 4:

- a) S4C wishes to ensure that the sections of the Rules concerning the allocation of Political Broadcasts (i.e. the new section 21 and section 22) clearly specify that broadcasters are required to determine the allocation of broadcasting slots to parties on the basis of an annual assessment (12 months), and that there is no requirement for the broadcasters to make an assessment for the three periods (autumn, winter and spring) separately.

In general, in order to ensure transparency and to avoid confusion for parties, S4C would like to ensure that the Rules specify to what extent they relate to S4C. Would it be possible, therefore, for the Rules to refer to Schedule 12 of paragraph 18 of the Communications Act 2003?

b) No comments.

Question 5:

Do you have any comments on Ofcom's proposed amendments set out in Annex 5 for the purpose of regulating BBC broadcasting services and BBC ODPS in the area of due impartiality and due accuracy?

Answer 5:

No comments.