

Head of Content Policy  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

17 July 2009

Dear Steve

### **Review of Ofcom's Rules on Party Political and Referendum Broadcasts**

Thank you for your letter of 25 June 2009 and for making the Commission aware of the consultation in advance and canvassing our views.

I am afraid that I am not in a position to respond in detail at the moment to the specific points you raise, as we would want to consider these more carefully. We will of course provide a detailed response as part of the wider consultation. However, the Commission does welcome the review and is pleased that Ofcom is addressing some of the specific points raised by us in the past. The review is also timely, as you suggest, given the recent disputes referred to Ofcom.

Many of the points we raised in our consultation response of August 2004 remain pertinent. We agree that it is appropriate to review the definition of "major parties" and would welcome a more flexible approach to this definition.

We also remain of the view that more detailed guidelines for determining the number of broadcasts to be offered to qualifying parties would be helpful. And we continue to believe that greater transparency and clarity would be beneficial as to how the eligibility criteria can be applied to elections where systems other than first-past-the-post are used.

One further issue on which we would wish to comment on concerns the frequency of referendum broadcasts. In our 2004 consultation response, we expressed a view that the rules should make clear that designated organisations should receive a series of broadcasts (as opposed to “one or more” as specified in the rules). We pointed out that this would ensure consistency in the treatment of designated organisations with the approach to “main parties” elsewhere in the rules. The Commission is likely to remain of the view that designated organisations should receive more than one referendum broadcast.

Regarding Ofcom’s representation at meetings of the Broadcasters’ Liaison Group, this is clearly a matter for Ofcom, although I think the argument that this might compromise the independence of the dispute-resolution function is well-made. From the Commission’s point of view, it is helpful that the broadcasters consult extensively with the parties over how the criteria should be applied at any election, but this is essentially a matter for discussion between the broadcasters and the parties. It would seem perfectly reasonable for Ofcom not to be present at those discussions. Of course, it is self evident that the parties should be properly consulted over the criteria themselves, and they will no doubt wish to respond to your consultation over the Rules.

I am sorry not to be able to provide a fuller response at present, but thank you again for canvassing our views at this stage. We look forward to responding in more detail in due course. In the meantime, do feel free to contact me if you would like to discuss these issues further.

Yours sincerely,

Stephen Rooney  
Director of Communications  
Electoral Commission