

HOUSE OF LORDS

Select Committee on Communications

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2nd Report of Session 2013–14

# Broadcast general election debates

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## CONTENTS

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	<i>Paragraph</i>	<i>Page</i>
<b>Summary</b>		5
<b>Chapter 1: Introduction</b>	1	7
Acknowledgments	18	11
<b>Chapter 2: Review of broadcast Prime Ministerial debates in 2010</b>	19	12
Were the 2010 debates a success?	20	12
Viewing figures	22	12
Figure 1: Election debates on BBC/ITV achieved much higher audiences than typical BBC current affairs programmes in 2010		13
Figure 2: Audience breakdown for each Prime Ministerial debate by quarter-hour		14
Informed audiences	23	14
Box 1: Sample of evidence of how the 2010 Prime Ministerial debates served the public interest		15
Increased voter turnout?	25	15
Expectation that the debates will happen again	30	16
Reservations about the success of the debates	34	17
The debates “presidentialised” the general election	35	17
Debates dominated the campaign	38	17
The public expectation of election debates in 2015	42	18
<b>Chapter 3: Regulatory context</b>	44	20
Why it matters	44	20
The regulatory frameworks in outline	53	22
Ofcom and its licensed broadcasters	54	22
Box 2: The PPRBs stand apart from the broadcasters’ wider election coverage		23
The BBC Trust and the BBC	59	24
The impact of the regulatory framework on participation in the debates	63	25
In the beginning: An idea for a television programme	65	26
Determining who has a realistic prospect of becoming the Prime Minister	72	28
Achieving due weight within each debate	82	31
Achieving due impartiality with respect to the coverage of other political parties	85	32
Summary	92	34
Challenges to the regulatory framework	93	34
<b>Chapter 4: Proposals for change</b>	107	40
Proposals to make the debates independent of the broadcasters	108	40
Box 3: The US Commission on Presidential Debates (CPD)		41
Reforms to the debates under the editorial stewardship of the broadcasters	123	44

Better working between the broadcasters involved in the debates	124	44
Voter information and encouraging the public's interest in the electoral process	125	44
A clearer, better communicated set of processes and principles	134	47
An online portal or hub for the debates	140	48
A 'wash-up' and review exercise following the broadcast of the debates	143	49
Proposals for change to specific editorial aspects of the debates and their format	146	49
Gender and ethnicity of the debate moderators	152	50
Greater involvement of the public	161	51
Box 4: Evidence received on ways to involve the public in the debates		52
Audience to ask follow-up questions?	168	53
An increased role for the moderator	173	54
Conclusion	176	55
<b>Chapter 5: Summary of recommendations</b>	177	56
<b>Appendix 1: Select Committee on Communications</b>		58
<b>Appendix 2: List of witnesses</b>		60
<b>Appendix 3: Call for Evidence</b>		62
<b>Appendix 4: References</b>		65
<b>Appendix 5: Summary of the Broadcast General Election debates in 2010</b>		66
<b>Appendix 6: Prime Ministerial Debate—Key Principles agreed 21 December 2009</b>		70
<b>Appendix 7: Prime Ministerial Debates—Programme format agreed by all parties 1 March 2010</b>		72
<b>Appendix 8: Chancellors' Debate—Programme format</b>		77

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References in footnotes to the Report are as follows:  
Q refers to a question in oral evidence

## SUMMARY

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This Report is published in May 2014, almost exactly a year before the next general election on 7 May 2015. As stories begin to emerge about the permutations of the imminent campaign and the political parties' prospects in it, televised election debates are proving to be central to the speculation: Who will be on the podium? How many debates will there be? Who will benefit?

The most cursory glance through the history books would show this speculation to be quite remarkable and perhaps premature. Ever since the televised Nixon–Kennedy encounter in the United States of America in 1960, there have been countless attempts to introduce broadcast debates to the UK, to see Prime Ministerial candidates exposed to scrutiny and pressure, all from the comfort of our living rooms. Until 2010, however, all of these attempts have ended in failure, with negotiations collapsing before the debates could ever reach our screens.

Nonetheless, it is clear that for some, if not all, this fixture now has the status of an established, even inevitable landmark in the electoral calendar. Evidence which we consider in this Report shows that a majority of the general public positively expect that broadcast general election debates should happen again before the next general election. After 2010 this is understandable. The 2010 debates reached and held large audiences; academic research indicates that a majority found the debates informative, substantial and interesting enough to talk about afterwards. Amidst perennial concerns about 'Americanisation' and 'presidentialisation'—formally, voters make a direct choice between local candidates, not Prime Ministers, after all—the picture captured in research presented to our inquiry is clear: the broadcast general election debates helped to energise and engage the public in the electoral process, with the most striking impact on the young and relatively disengaged.

The public's expectation should certainly make it more likely that the debates do happen again, not least because vetoing them will now rightly be much more difficult for reluctant party leaders and their strategists. No one should be in any doubt, however. The road to broadcast general election debates in 2015 is unlikely to be smooth. Experience from 2010 suggests that there will be disputes and these will be hottest on the question of participation: who is invited by the broadcasters to debate?

For some political parties in 2010, the proposed debates were to be the decisive and crucial events in the electoral calendar. However, we recognise that the way in which the debates are currently set up provides for important safeguards, ensuring that all political parties are given due weight in broadcast election coverage.

With televised election debates growing in prominence, we consider it important to cast some light on this topic. This Report does not contain recommendations to the Government. Instead, we publish it for the benefit of the House and hope it may be of wider interest. It contains a reference to the range of codes, statements and guidelines which constitute the legal and regulatory framework around broadcast general election debates and which collectively ensure *inter alia* that all political parties are given due weight across the patchwork of coverage laid on by the broadcasters during an election period. Under the current arrangements, these

safeguards follow from an important characteristic of the debates which is easily forgotten: they are television programmes. Despite the attention they receive, they are from a legal and regulatory perspective like any other broadcast content. A proper understanding of this framework is not only important because it may answer some of the perennial and understandable—though not necessarily warranted—questions which have been raised about the propriety of broadcasters' judgements over who can participate, but also to provide the crucial point of comparison with a number of alternative models for the operation and management of the debates which have been proposed.

For example, the potential for the debates to be operated and managed under the auspices of an independent body has acquired some currency in public discussion. However, on a proper understanding of the current arrangements, we have found that the case for an independent commission on debates in the UK is insubstantial. Introducing such a body on the US model, for example, could either have a dramatic impact because, implausibly, the entire system would have to change around it. Alternatively, it would have no impact, as it would have to assimilate into the prevailing UK system anyway, falling into line with the safeguards for due impartiality provided by the legal and regulatory framework which already exists around broadcasting. Political parties hoping that the idea will provide the basis for participation to be determined differently will find that the broadcasting rules are the gatekeepers, not the broadcasters themselves.

We have also considered a number of proposals which are more evolutionary, identifying potentially important reforms to the debates under the continuing editorial stewardship of the broadcasters. Taking these up, we make recommendations to the broadcasters and would welcome their written responses on our views in a number of areas. Should broadcast election debates take place again in 2015 and beyond, the broadcasters should collectively make more of the opportunity to inform voters and to encourage the public to be interested in the electoral process; they should adopt a clearer, better communicated set of processes and principles during their organisation; they should establish an online portal or hub for the debates to ensure their easy discoverability alongside other election resources; and the broadcasters should conduct a 'wash-up' and review exercise after the event to ensure lessons are learned. On the editorial side, we respect the broadcasters' independence. However, in giving food for thought, we recommend that the broadcasters make sure they consider the balance of gender and ethnic diversity among the moderators.

Overall, we have become acutely aware during this inquiry, that—quite against the grain of public assumption—the future of broadcast general election debates in the UK cannot be taken for granted. A whole range of obstacles could stand in their way. Chief amongst them, of course, is the risk that one of the political parties decides to withdraw. We note, however, that it is far from certain whether this would necessarily mean that the debates cannot proceed, while still remaining compliant with the broadcasters' legal and regulatory obligations. Quite apart from that, we cannot suppose that the political parties will deem it is in their best interests to withdraw, against a backdrop of wide public support and manifest expectation that the debates do take place again.

# Broadcast general election debates

## CHAPTER 1: INTRODUCTION

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1. On 15 April 2010, the first ever broadcast general election debate between the UK's Prime Ministerial candidates was televised on ITV, followed one week later by a second debate on Sky News and a third, one week after that, on the BBC. Although Channel 4 had been involved in discussions early on, it was not among the broadcasters to televise a Prime Ministerial debate in 2010.<sup>1</sup> This precedent has prompted discussion about the debates' impact in 2010 and whether they should take place again in 2015 and beyond. There is also a prior question: why did they not happen before?
2. The answer comes down to a range of factors, considered closely in a report<sup>2</sup> for the Reuters Institute for the Study of Journalism by Ric Bailey, Chief Adviser, Politics at the BBC who was a representative for the Corporation, alongside Sue English, the BBC's Head of Political Programmes, Analysis and Research, on the negotiating team which set up the 2010 Prime Ministerial Debates. From his report emerge four principal factors which played a part in keeping the debates from our television screens until 2010.
3. Firstly, "ever since the contrasting images of Senator John F. Kennedy and Vice-President Richard M. Nixon became the template for winners and losers in gladiatorial politics, the UK associated election debates with the United States and with Presidents."<sup>3</sup> This association strengthened concerns that if the UK followed where the United States had led, it would be a further erosion of our parliamentary democracy—the 'presidentialisation', the 'Americanisation' of our politics.
4. Secondly, there was the perception of television itself—"a byword among many in the political classes (who don't watch it much) for shallowness and vulgarity, with its ever-reducing sound-bites, its game-show culture, and its preference for image over substance."<sup>4</sup> This is a concern which ceases to go away, not least because candidates in debates have in the past been evaluated differently by those who watched them on television compared to those who heard them on the radio.<sup>5</sup>
5. Thirdly,  
"a dozen general elections came and went without televised debates between the party leaders [because] even though all of the UK's major political parties said they supported the idea ... The snag was, they never

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<sup>1</sup> Channel 4 did, however, televise an 'Ask the Chancellors' debate in 2010.

<sup>2</sup> Ric Bailey, Reuters Institute for the Study of Journalism, February 2012. *Squeezing out the oxygen—or reviving democracy? The history and future of TV election debates in the UK*. Available online: [https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Working\\_Papers/History\\_and\\_Future\\_of\\_TV\\_Election\\_Debates.pdf](https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Working_Papers/History_and_Future_of_TV_Election_Debates.pdf)

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> There was a famous difference between the way in which those listening and those watching evaluated Kennedy and Nixon in their 1960 debate. More recently, news stories about the debates held between Nick Clegg and Nigel Farage in the run-up to European Parliamentary Elections on May 22 2014 have sometimes focussed on their visual characteristics rather than substance.

all called for them—and meant it—at the same time. It is no criticism of party politicians to say that their priority in an election campaign is, on the whole, to win, or at least to maximise their results. They also appreciated from the start that televised election debates would have the potential to transform a campaign in unpredictable ways. So the chances of all the key parties believing—at the same election—that debates would improve their own electoral prospects were always quite low.”<sup>6</sup>

6. The fourth factor is the approach taken by the broadcasters involved. Acting independently of each other and vying to be first to host these debates, the broadcasters have in the past been accused of a “self-defeating and somewhat inappropriate jockeying for position” and more generally of a “rather casual approach.”<sup>7</sup>
7. Each of these factors conspired to make the process of setting up debates at each election “a fragile and painstaking business, vulnerable to the storms and vagueries of political evolution, accident, and determined self-interest”<sup>8</sup>—and ultimately unsuccessful. The pattern was only broken in 2010 because—for once—all of the UK political parties whose leaders were in contention to become Prime Minister concluded there was electoral advantage in debates and—also for the first time—the broadcasters involved worked closely together to overcome the significant practical obstacles.
8. This latter point touches on a real curiosity. Ordinarily, the broadcasters are devoted defenders of their own individualism: commissioning, producing and broadcasting programmes independently of each other with different objectives and purposes in mind. When it came to the Prime Ministerial debates in 2010, as Professor Purvis told us,
 

“it is best to understand that the three broadcasters decided to do certain things jointly. They decided which political parties to invite, they negotiated the rules with them and then they published the rules. The broadcasters then agreed the locations, the themes of the debates and which of them would produce each debate. Then they did things individually. They chose one of their own anchors as the anchor or the moderator of their debate. They designed their own branding and their own sets around their own debate. They organised selection panels for audience questions and they provided all the production facilities and they paid for it all. Each transmitted its own debate.”<sup>9</sup>
9. The broadcasters’ decision to “pool”<sup>10</sup> their editorial judgement—on some but not all matters—in order to remove known historical obstacles to the debates taking place underlines that these television programmes are the outcome of an unusual collaboration.
10. The first act of this collaboration was to agree the purpose of the debates television programme; to decide on that basis whom to invite; and in that invitation to set out the outline of a proposal—the number of debates, their

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<sup>6</sup> *Op. Cit.*

<sup>7</sup> David Butler and Anthony King, Nuffield Studies, Macmillan, 1965, *The British General Election of 1964*.

<sup>8</sup> *Op. Cit.*

<sup>9</sup> Q 70

<sup>10</sup> BBC



timing and so on.<sup>11</sup> With an acceptance by the invited parties to take part in negotiations, a process was set in train, involving 13 negotiators, two from each of the three broadcasters, BBC, ITV and BSkyB, two from the Conservative Party, two from the Labour Party and three from the Liberal Democrat party. Their discussions led first to a published set of principles,<sup>12</sup> and ultimately to an agreement on the format of the debates, summarised in a list of 76 “rules.”<sup>13</sup> These specified how the audience was to be selected and presented on television, what role the audience would play in the debate, the structure of the programme, the role of the moderator and the layout of the set. In addition, this document specified the three themes and their order: Domestic affairs, International affairs and Economic affairs. These would take up half of each debate with the rest of the time devoted to general policy issues.

11. This agreement highlights another unusual collaboration. A consensus on a whole range of matters was achieved among the political parties involved, hammered out between their negotiators and the broadcasters. The odds, at the start, that this consensus could be achieved cannot have been favourable. Even in 2010, a disagreement over the order of the three debates threatened to scupper the process at the last minute, and there can be little doubt that a decision by one political party to withdraw would have been likely in 2010 to cause the whole house of cards to collapse. The fact that none did and a consensus was found masks how unusual and unprecedented the collaboration was.
12. Altogether, it is remarkable that an election-based television programme whose evident fragility has for so long led negotiations to collapse now appears to many of us an established and inevitable landmark in the electoral calendar. Clearly, however, the future of broadcast election debates in the UK cannot be taken for granted, though it must be said that it seems more likely than not, given the weight of public expectation that they do happen (the evidence for which we consider in Chapter 2), that publicly vetoing debates in the traditional way will now be much more difficult for reluctant party leaders and their strategists.
13. For some, of course, the consensus and collaboration which was achieved indicated a cosy and exclusive process—an invitation-only club bouncing at the door other parties such as smaller UK-wide political parties and those with significant electoral standing in one of the devolved nations. In 2010 this concern prompted complaints to the broadcasting regulators, and ultimately an appeal for judicial review. The concern also lies behind calls received during this inquiry for the whole process to be lifted free of the political parties and broadcasters, and handed over to a new body, an independent commission on general election debates.
14. There is clearly a whole range of profound questions to explore in connection with the debates, and we take up a number of them in this Report. In Chapter 2 we consider the impact of the debates in 2010, not whether they should happen again but the evidence we have heard about their impact on

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<sup>11</sup> BBC Press Office, 2 October 2009, *Joint BBC, ITV and Sky press statement*. Available online: [http://www.bbc.co.uk/pressoffice/pressreleases/stories/2009/10\\_october/02/statement.shtml](http://www.bbc.co.uk/pressoffice/pressreleases/stories/2009/10_october/02/statement.shtml)

<sup>12</sup> See Appendix 6

<sup>13</sup> See Appendix 7. A similar but significantly shorter set of ‘rules’ were agreed for Channel 4’s Ask the Chancellors Debate; these can be found in Appendix 8.

the electorate. Although there are dissenting voices, we note that this evidence, *inter alia*, suggests that the public expects they should happen again in 2015. In Chapter 3, we pick through the dense regulatory and legislative structures which set the context in which the debates are broadcast. We have found that these tend to be poorly understood and yet any proposals for change must follow from a proper understanding of the arrangements as they are now.

15. In particular, we explore the current legal and regulatory framework around broadcasting which contains requirements for broadcasters to uphold due impartiality in their coverage of political parties: an obligation to which they must be especially sensitive during election periods. Indeed during such periods, this obligation applies to their whole ‘grid’ of coverage, including debates between the parties’ departmental spokespeople, any one-on-one interviews and indeed any broadcast content, rather than just to a single television programme like a debate between Prime Ministerial candidates. It is important to recognise that party political and referendum broadcasts (PPRBs)<sup>14</sup> stand somewhat apart from the broadcasters’ wider election coverage. They are not exempt from the legal and regulatory framework with which all broadcast material must comply but the decision to broadcast them is different: they represent a mandated—albeit decreasingly watched—form of programming to which the broadcasters are obliged to cede time in their schedules (see Box 2).
16. By contrast, the obligation to uphold due impartiality across election coverage more generally is met through the broadcasters’ creative and nuanced editorial judgements about the nature and weight of coverage they provide, featuring each political party in different ways and to different extents across an election period. One of the ways in which the broadcasters sought to meet this obligation in 2010 is occasionally forgotten: televised debates took place not only between the leaders in the running to become Prime Minister but also between the leaders of the main parties in the devolved nations—in the midst of which, of course, there was a whole range of other programming in which smaller UK-wide parties also gained coverage. In exploring this framework in Chapter 3, it is clear that it sits over not only the Prime Ministerial debates but broadcast general election debates—and other election coverage in the broadcasters’ grid—as a whole. This lies behind our decision to call our Inquiry and Report “Broadcast General Election Debates” rather than “Broadcast Prime Ministerial Debates.” Although our focus is on the Prime Ministerial debates, the framework which we explore applies to all of the broadcast debates and other election coverage as a whole. Finally, in Chapter 4, we consider a number of proposals for change to the current arrangements: both proposals which imagine a fundamental overhaul and those which are more evolutionary, identifying potentially important reforms to the debates under the continuing editorial stewardship of the broadcasters.

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<sup>14</sup> PPRBs is Ofcom’s term for party political and referendum broadcasts as a broad category. The broadcasters on air use three different terms, depending on the context. During an election campaign, they are called Party Election Broadcasts; during a referendum they are called Referendum Campaign Broadcasts, and when there are no election or referendum campaigns pending (eg, around the party conferences) they are called Party Political Broadcasts. The Broadcasters’ Liaison Group (BLG) is the group which meets from time to time to co-ordinate the criteria which each broadcaster applies in determining the amount of airtime to be made available to registered political parties to help them promote their manifestos to the electorate and to designated organisations in referendum campaigns.

17. Finally, we acknowledge that this Report is unusual. Ordinarily, select committee reports make recommendations to the Government, who in turn respond to the Committee's report in writing within two months.<sup>15</sup> The subject of this Report is not the direct responsibility of the Government and we do not make a single recommendation to the Government in it. Our intention has been to provide the House with a reference document, setting out the legal and regulatory framework around broadcast general election debates. This will we hope help to clarify—if not settle—a number of questions which have shown a perennial tendency to emerge. In addition, we provide recommendations or at least “food for thought” for the broadcasters to consider with regard to any broadcast general election debates potentially to take place in 2015 and beyond. Accordingly, we do not anticipate a written response from the Government to this Report, though we will seek a debate in the House. However, we have written to the broadcasters from whom we received evidence on this inquiry, inviting them to submit brief responses to this Report. We will publish these responses on our website.

### Acknowledgments

18. We would like to thank everyone who gave evidence to us, both at oral evidence sessions, which we held between 11 February and 18 March 2014, and in writing.<sup>16</sup> We also wish to thank our Specialist Adviser, Professor Richard Tait, whose expertise greatly enhanced our work.

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<sup>15</sup> Cabinet Office, 21 September 2010, *Departmental evidence and response to select committees: guidance*. Available online: <https://www.gov.uk/government/publications/departmental-evidence-and-response-to-select-committees-guidance>

<sup>16</sup> See Appendix 2 for a list of all those who submitted evidence

## CHAPTER 2: REVIEW OF BROADCAST PRIME MINISTERIAL DEBATES IN 2010

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19. In our call for evidence we made it clear that we would not focus on whether broadcast general election debates should take place again in 2015 and beyond. During the course of the inquiry however we received a considerable amount of evidence on whether the 2010 debates could be considered a success. This evidence merits proper consideration. In this chapter therefore we briefly review the 2010 general election debates and summarise the evidence we received about the success or otherwise of those debates.

### Were the 2010 debates a success?

20. Broadly speaking, our witnesses were of the view that the 2010 debates could be considered a success. Dr Stephen Barber summed up their success in general terms, “While far from perfect and emphasising presentation skills, the debates also allowed for a fairly open discussion of policy and in place of the negative campaigning which has become a feature of British general elections, opened up space for party leaders to identify commonalities.”<sup>17</sup> In the following section we set out first the specific reasons put forward for judging them a success and then the reservations about them expressed to us.
21. That the broadcast general election debates took place at all was seen by some as a major achievement and was a big first both in British broadcasting and electoral terms.<sup>18</sup> Ric Bailey’s Reuters Institute report makes clear that hitherto the process had been fragile and ultimately unfruitful.

### Viewing figures

22. Many witnesses pointed to the viewing figures for the debates as being the clearest proof of their success. The 2010 broadcast Prime Ministerial debates reached and held large audiences—the reach of the debates overall was over 15 million viewers and the total of the three audiences was above 22 million.<sup>19</sup> The average viewing figures for each of the debates was 9.4 million (ITV), 4 million (Sky) and 8.1 million (BBC).<sup>20</sup> These viewing figures “were noticeably higher than the average rating for political TV programmes like Question Time and Newsnight.”<sup>21</sup> <sup>22</sup> The relative audience figures for these programmes are shown in Figure 1. A House of Commons Library note on this subject points out that “even though the second debate only averaged 4 million viewers across the television networks, it gave Sky News its biggest ever peak audience of 4.6 million.”<sup>23</sup> Figure 2 shows the audience breakdown for each Prime Ministerial debate by quarter-hour. In comparison with 2005,

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<sup>17</sup> Dr Stephen Barber

<sup>18</sup> Q 72 Phil Harding

<sup>19</sup> Q 1 Michael Jerney, ITV

<sup>20</sup> HC Library, 2 February 2011, *General Election 2010, Final Edition, Research Paper 10/36*. Available online: [www.parliament.uk/briefing-papers/RP10-36.pdf](http://www.parliament.uk/briefing-papers/RP10-36.pdf)

<sup>21</sup> David Muir

<sup>22</sup> For comparison purposes note that Coronation Street had an audience of around 9 million per episode in April 2010 and Match of the Day around 4.5million.

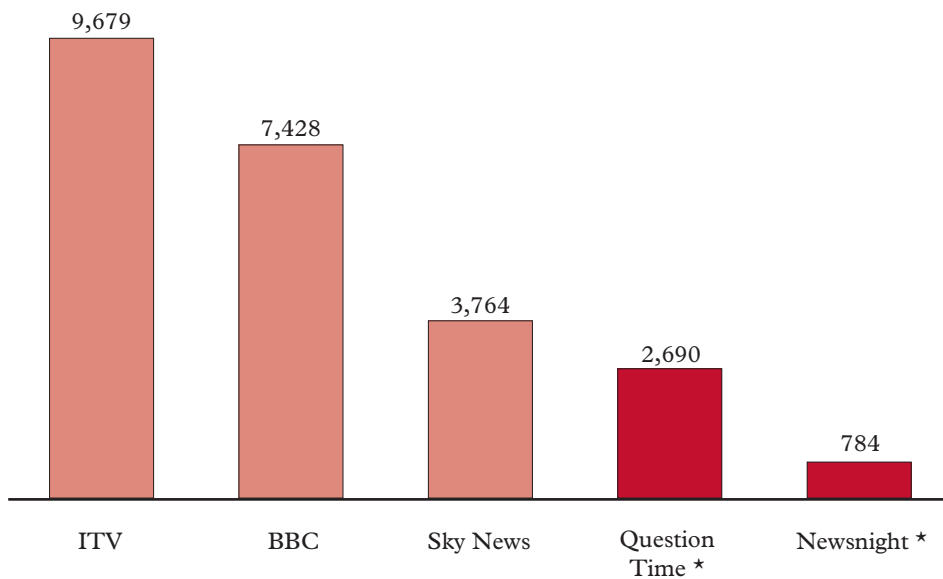
<sup>23</sup> HC Library, 2 February 2011, *Op. Cit.*

the biggest audience for any election current affairs programme was 4.1 million for the special edition of Question Time, where the three main party leaders appeared one after another to answer questions from an audience but did not debate. That audience was far larger than the leaders' interviews with Jeremy Paxman, which averaged 2.5 million. Of course, viewing figures for such programmes have tended to decline further since then. In a nutshell, apart from the debates, the only substantial television audiences for election coverage came from the comparatively short packages on the campaign in the main news bulletins.

**FIGURE 1**

**Election debates on BBC/ITV achieved much higher audiences than typical BBC current affairs programmes in 2010**

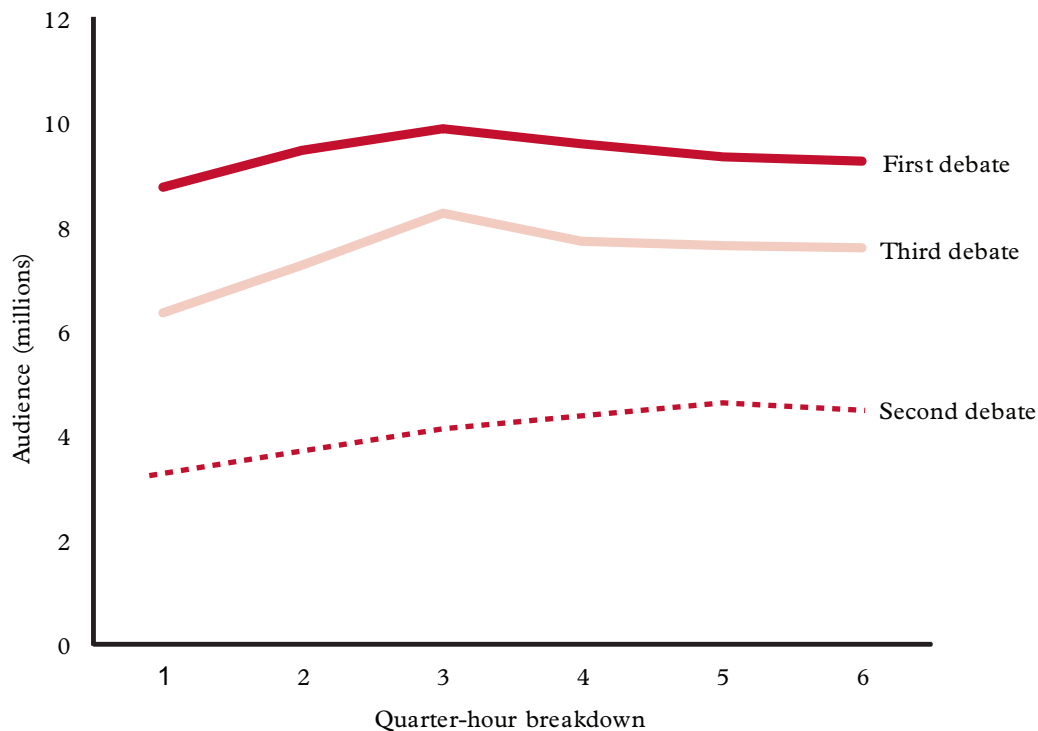
**Average audiences (Individuals aged 4+ 000s)**



\* Based on average audience's Feb-Apr 2010

Source: David Muir

FIGURE 2

**Audience breakdown for each Prime Ministerial debate by quarter-hour**

Source: HC Library, 2 February 2011, *General Election 2010, Final Edition, Research Paper 10/36*

*Informed audiences*

23. Witnesses told us that the broadcasts helped to inform audiences and helped a significant proportion to make up their minds about how to vote, including those normally disengaged from the political process, “The real success and what we are all jointly proud of is that the debates reached people who would not normally perhaps have become engaged in the election.”<sup>24</sup> Tim Gardam, expanding on this told us that:

“the most powerful evidence for the argument that they had a public value was the impact on ... the marginally attentive voter, or marginally attentive citizen: the sort of person who otherwise would not have encountered the arguments that were central to the campaign and to the decision, but did so because of the debates. There were clearly differential responses from the marginally attentive citizen, who often are younger voters.”<sup>25</sup>

24. We received a considerable amount of data supporting this point much of which referred back to figures contained in the Reuters Institute *Leaders in the Living Room Report*.<sup>26</sup> In Box 1 we have reproduced a sample of evidence from this report supporting the view that the 2010 broadcast general election

<sup>24</sup> Q 1 Ric Bailey

<sup>25</sup> Q 87

<sup>26</sup> Ed. Stephen Coleman, Reuters Institute for the Study of Journalism, 2011, *Leaders in the living room: The Prime Ministerial debates of 2010: evidence, evaluation and some recommendations*. Available online: [https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Challenges/Leaders\\_in\\_the\\_Living\\_Room.pdf](https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Challenges/Leaders_in_the_Living_Room.pdf)

debates served the public interest by increasing engagement in the general election campaign and helping people decide how to vote.

### BOX 1

#### Sample of evidence of how the 2010 Prime Ministerial debates served the public interest

- Half of the viewers of each of the debates stayed with it to the end, while many of the rest had seen at least an hour of the 1.5 hour broadcast; only 4% of the first debate's viewers said it had made them 'less interested' in following the rest of the campaign.
- Approximately two-thirds of survey respondents said that they had learnt something new from the debates; three-quarters felt that they knew more about 'the qualities of the party leaders' after seeing the debates; and large majorities (between 58% and 70% across the surveys) felt that they knew more 'about the policies of each party'.
- Watching the debates seemed to have energised first-time voters. For example, as many as 55% of the 18–24 year-olds said that, as a result of having seen the first debate, they had become 'more interested' in the campaign, compared with 44% of the 25–39 year-olds, 31% of the 40–54 year-olds and only 24% of the respondents aged 55 and older. Of the 18–24 year-olds 74% considered that they had learnt something about the parties' policies from the debates, compared with 63% of those aged 55 and older.
- More important perhaps is the fact that 50% of the 18–24 year-olds and 51% of the 25–39 year-olds said that the debates had helped them to make up their minds how to vote—compared with 46% and 42% of the two older age groups.
- 87% of respondents said that they had talked about the debates with others. Interestingly, this figure was higher amongst younger voters (92%) than over-55s (84%).

#### Increased voter turnout?

25. Turnout in UK general elections fell sharply in the years after 1992. In the 1992 general election turnout was 77.7%.<sup>27</sup> This had fallen to 59.4% in 2001.<sup>28</sup> Turnout in 2005 was a little better at 61.4%.<sup>29</sup> Electoral turnout in 2010 rose to 65.1%.<sup>30</sup> Some witnesses suggested that there was a correlation between the public interest generated by the broadcast debates and the increase in voter turnout in 2010. Of course no one is in a position to prove beyond doubt that this was causal and to the extent that it played a role at

<sup>27</sup> HC Statistical Section, 1993, *General Election Results 9 April 1992*. Available online: <http://www.parliament.uk/documents/commons-information-office/m13.pdf>

<sup>28</sup> HC Library, 18 June 2001. *General Election results 2001*, Available online: <http://www.parliament.uk/documents/commons/lib/research/rp2001/rp01-054.pdf>

<sup>29</sup> HC Library, 10 March 2006, *General Election 2005 Research Paper 05/33, Final Edition*. Available online: <http://www.parliament.uk/documents/commons/lib/research/rp2005/rp05-033.pdf>

<sup>30</sup> HC Library, 18 May 2010, *General Election 2010 Preliminary analysis, Research paper 10/36*. Available online: <http://www.parliament.uk/documents/commons/lib/research/rp2010/RP10-036.pdf>

all, other factors may have been important too such as the perceived closeness of the election.

26. David Muir suggested however that the debates played a significant role in increasing turnout<sup>31</sup> and Phil Harding explained that the debates seemed, “to have engaged viewers and voters and there may or may not be some evidence that it helped put the turnout rate up as well.”<sup>32</sup> Similarly Tim Gardam told us, “None of this is evidence for the debates driving turnout, but I think it implies that the debates upped the level of political engagement, political articulacy and political confidence, and turnout did increase.”<sup>33</sup>
27. It was put to us that the debates may have had an impact on not just whether some people voted but also who they chose to vote for and that the debates may have had a particular impact on young people.
28. Sky News pointed to research by the consultancy firm Deloitte which found that among those who said the debate had an impact on the way they chose to vote, 12 per cent said they had changed their vote as a result, and 7 per cent decided to vote when previously they had planned to abstain.<sup>34</sup>
29. Turnout amongst 18–25 year-olds increased by 7 percentage points in 2010 which was 3 points higher than the average increase in turnout compared with 2005.<sup>35</sup> Plaid Cymru told us that whilst surveys on the impact of the debates showed that more than half of viewers’ election choice was impacted by the series of debates, this figure rose to over two-thirds of younger people (aged 18–24).<sup>36</sup>

### **Expectation that the debates will happen again**

30. There is strong evidence that the majority of the public would like broadcast general election debates to take place during the 2015 general election campaign. A number of witnesses pointed to this as being the most convincing proof available that the debates in 2010 were a success.
31. John Ryley of Sky told us that Sky News had carried out some polling with YouGov in August 2013, “About 1,700 people were polled online; ... 15% said they did not really know; and 16% said they did not want them to happen. But 69%, nearly seven out of 10 people, wanted those debates to happen again.”<sup>37</sup>
32. ITV pointed to a more recent poll carried out by YouGov in February 2014 which found that “57% of adults in the UK agreed with the proposition that live debates should happen before the next election. This increased to 63% among 16 to 24 year-olds, and only 8% of adults disagreed with the proposition.”<sup>38</sup>
33. Professor Coleman explained that the corollary of this public expectation that the debates should happen in 2015 was that “the big loser in the debates

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<sup>31</sup> David Muir

<sup>32</sup> Q 72

<sup>33</sup> Q 87

<sup>34</sup> Sky News

<sup>35</sup> *Leaders in the Living Room. Op. Cit.*

<sup>36</sup> Plaid Cymru

<sup>37</sup> Q 1

<sup>38</sup> Q 1 Michael Jerney



not happening next year would be turnout, because I think people would feel let down; they would feel that the political leaders had not bothered to appear before them and provide them with the opportunity to do what they could do in 2010.”<sup>39</sup>

### Reservations about the success of the debates

34. Reservations were expressed to us by some witnesses about claiming that the debates in 2010 were an outright success. We examine the general criticisms below.

#### *The debates “presidentialised” the general election*

35. Dr Stephen Barber told us that prior to the 2010 debates, sceptics had thought that they would mark “another shift towards presidential politics in Britain.”<sup>40</sup> Phil Harding acknowledged that the series of debates did not “reverse the trend towards it being a more presidential type of contest.”<sup>41</sup>
36. Tim Gardam did not think that the 2010 debates were evidence of a creep towards a more presidential political system. He told us that,
- “the two elections in the 1970s, and 1974 in particular, can be seen as the height of presidential politics in Britain because you have a Prime Minister and a leader of the Opposition, both of whom had been our Prime Minister ... Remembering those elections, they were absolutely dominated by that sense of the two of them. I think they were as presidential as anything today.”<sup>42</sup>
37. We did not receive a significant amount of evidence on this point—indeed it was our intention to steer clear of any assessment of the constitutional impact of the debates. **We simply note here that this concern exists and that there may be a role for the broadcasters to play in helping the public to understand that they are not electing a president or even, for that matter, a Prime Minister.** In particular, we recognise that our electoral system invites voters to make a direct choice between local candidates, not Prime Ministers, and that the broadcast of other debates between departmental spokespeople as occurred in 2010 may be important in mitigating the effects of ‘presidentialisation’.<sup>43</sup>

#### *Debates dominated the campaign*

38. Phil Harding told us that the debates “came to dominate the campaign too much ... there is a danger that the debates become the whole campaign and there is no other campaign; and that ... wouldn’t be in the public interest.”<sup>44</sup> Doctors Allen, Bara and Bartle warned that a series of debates “can dominate a campaign, suffocate other forms of electioneering and, in the process, unfairly privilege the three parties taking part.”<sup>45</sup>

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<sup>39</sup> Q 88

<sup>40</sup> Dr Stephen Barber

<sup>41</sup> Q 90

<sup>42</sup> Q 90

<sup>43</sup> See Appendix 5, containing a summary of the general election debates broadcast in 2010.

<sup>44</sup> Q 72

<sup>45</sup> Dr Nicholas Allen, Dr Judith Bara and Dr John Bartle

39. Whether or not this suggestion accurately reflects what happened in 2010, we heard that the alleged dominance may become less of an issue in the future as the debates' novelty wears off.<sup>46</sup> Dr Nicholas Allen, Senior Lecturer in Politics, Royal Holloway, University of London, Dr Judith Bara, Senior Lecturer in Politics, Queen Mary, University of London and Dr John Bartle, Reader in Politics, University of Essex, also pointed to the timing of the debates—taking place in each week of the campaign—and the heavy advertising that preceded them as reasons why they dominated the general election campaign in 2010.<sup>47</sup> Of course, the debates also generated a great deal of further coverage in print and broadcast media more widely and triggered considerable comment in social media. The broadcasters told us that they had not cut back on the rest of their election coverage and indeed the evidence that we received of debates in the devolved nations, between the prospective Chancellors and front bench spokespeople suggests that there was more and more varied election coverage than in 2005.
40. Since the 2010 general election, the Fixed-term Parliaments Act 2011 has come into force and so the date of the next general election is known. In 2015 this will be 7 May. In addition the Government has brought into force the provisions of the Electoral Registration and Administration Act 2010 relating to the lengthening of the United Kingdom's Parliamentary election timetable before the next general election—this will make the campaign period longer: 25 rather than 17 days. It seems likely to us that these legislative changes might have an effect on the dominance of the debates on the wider campaign because the timing of the debates across a less concentrated time period might mitigate to some extent the risk of the debates crowding out the wider campaign.
41. We recommend that the broadcasters and parties should seek to ensure that the debates do not crowd out the other opportunities that voters have to inform themselves about the policies of all political parties, not just those parties taking part in the debates. This should not be used as a pretext for arguing that the debates do not happen at all.

### **The public expectation of election debates in 2015**

42. We have not focussed on whether broadcast general election debates should take place again in 2015 and beyond. During the course of the inquiry however it became clear that an assessment of the management and operation of broadcast general election debates in the UK had to include a review of the debates in 2010 and a broad assessment of their success or otherwise.
43. **There is a high level of public expectation that broadcast debates will happen again in 2015. We understand that the BBC, ITV and Sky are interested in repeating the debates in 2015, and that Channel 4 wishes to join them which the other broadcasters welcome.**<sup>48</sup> Further, whilst the debates in 2010 were not without their critics, we are persuaded

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<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> Quite what role each broadcaster will take on when four of them are involved in the debates remains an open question. Michael Jermy told us that "We welcome Channel 4's desire to be involved in the process this time, and I think that falls into the great category of 100 practical issues that we need to resolve between now and next spring." (Q 17).

**that they served the public interest by increasing engagement with the electoral process and perhaps contributed to a higher voter turnout. The recommendations that we make in the remainder of this Report reflect the public's view that broadcast general election debates should take place during future campaigns.**

## CHAPTER 3: REGULATORY CONTEXT

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### Why it matters

44. On 2 October 2009 a statement was released by the BBC, ITV and Sky, reporting a letter they had sent “to the leaders of the Labour, Conservative and Liberal Democrat parties with a joint proposal for three live televised debates during the next general election campaign.”<sup>49</sup>
45. In the weeks and months to follow, news stories about the debates came often to focus on two questions: why these particular political parties and why not others? Certainly some of the parties not invited to take part felt that these were important questions. Alex Salmond, leader of the Scottish National Party [SNP], later told a press conference that the proposal would “deprive large ... sections of opinion [of] the opportunity to have their voice heard in a key part of an election campaign.”<sup>50</sup> Ieuan Wyn Jones, erstwhile leader of Plaid Cymru, suggested that there would be inevitable consequences at the ballot box “if one party ... is excluded from what is going to be seen as the context [in which] politics is being considered in the UK.”<sup>51</sup>
46. Similar news stories have already begun to appear in connection with debates potentially to take place in 2015. Taken at face value, these stories depict the proposed debates as the decisive and crucial events in the electoral calendar, and the broadcasters and political parties involved as their impervious gatekeepers. If only, like the man standing ‘*before the law*’ in Kafka’s parable in *The Trial*,<sup>52</sup> parties who have been ‘excluded’ could succeed in persuading the gatekeepers, they might overcome an important struggle for legitimacy and inclusion.
47. While superficially persuasive, this narrative fails to capture both the way in which the debates are currently set up and the safeguards thereby provided for ensuring that all political parties are given due weight across the patchwork of coverage laid on by the broadcasters during an election period. Under the current arrangements, these safeguards follow from an important characteristic of the debates which is easily forgotten: they are broadcast television programmes.
48. This is a crucial distinction and perhaps less obvious than it sounds. The debates in 2010 were both produced and distributed by the broadcasters. While the broadcasters involved certainly considered the debates to be in the public interest, serving to fulfil in the case of the PSBs their public service remit, they also thought the debates would make for good television.
49. This does not mean that the broadcasters had to produce the programmes themselves. Their production could conceivably have been handed to a body independent of the broadcasters. Indeed, much broadcast content is already produced by independent production companies. Equally, the debates could have been run as electoral events independently of any broadcaster; on this

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<sup>49</sup> BBC Press Office. *Op. Cit.*

<sup>50</sup> ‘Anger from Plaid and SNP over televised debates’, *BBC News*, 10 March 2010. Available online: [http://news.bbc.co.uk/1/hi/wales/wales\\_politics/8560022.stm](http://news.bbc.co.uk/1/hi/wales/wales_politics/8560022.stm)

<sup>51</sup> *Ibid.*

<sup>52</sup> Franz Kafka, (1953), *The Trial*, Penguin Books.

model, they might have been televised in a similar way to the finals of Wimbledon or the FA Cup or other such events; in these examples, the broadcasters may augment the experience of watching with commentary, interviews and so on, but these events do not necessarily happen on the broadcasters' initiative, nor do the broadcasters necessarily have full editorial control over their format or over who can participate.

50. No matter the way in which the debates are set up, the UK system of broadcast regulation places obligations on the broadcasters for what is broadcast. Whether they produce the content, buy it in or are televising an event, the rules are the same; they apply to actually broadcast television programmes. So even if YouGov polls indicate public appetite for the inclusion of certain political parties,<sup>53</sup> even if former television executives think the inclusion of certain political parties would make the “the entertainment factor ... shoot up,”<sup>54</sup> even if the debates were to be set up and run independently of the broadcasters as some sort of electoral event, it is important to recognise that the broadcasters may not be able to broadcast all or any of the content if the debates are set up in such a way that broadcasting them would not be compliant with the law. The broadcasting rules are the gatekeepers, not the broadcasters themselves.
51. Accordingly, the debates, if broadcast, operate by definition under a legal and regulatory framework which imposes obligations on the way in which broadcasters produce all television programmes during election periods. As the BBC clarified in their written evidence, “in principle the debates were no different to the many other TV election programmes which broadcasters produce. They were subject to the normal regulatory and legal framework in the context of which each of the broadcasters operates during election periods.”<sup>55</sup> This includes a number of safeguards to ensure that broadcasters uphold due impartiality and that they make a special effort in their election coverage to give all political parties due weight.
52. We have learned that the way in which this framework applies to the debates—and in particular, the question of who participates in them—is not widely appreciated or understood. Media reports have regularly appeared during our inquiry, containing misconceived speculation of the way in which judgements over participation in Prime Ministerial debates are made. The gap in understanding may arise in part because of the range and number of codes, statements and guidelines which constitute it—upwards of four documents under the auspices of different regulatory authorities; more if their associated guidance notes are included, and more still if the regulatory and legal challenges which have tested the framework are included as well.<sup>56</sup> For that reason, we seek in the rest of this chapter to summarise this framework and its influence over the determination of who can participate in the debates. A proper understanding of this framework is not only important because it may answer some of the understandable—though not necessarily warranted—

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<sup>53</sup> YouGov Cambridge Programme, Peter Kellner, October 7 2013, *Who should take part in TV election debates?* Available online: <http://cambridge.yougov.com/news/2013/10/07/a/>

<sup>54</sup> Selwyn College, Cambridge, Roger Mosey, March 2014, *With Farage or without, we must have TV debates.* Available online: <http://www.sel.cam.ac.uk/development/Roger%20Article%20Sunday%20Times%20Mar14.pdf>

<sup>55</sup> BBC

<sup>56</sup> See Appendix 4, containing a reference list of documents which should aid those seeking a full understanding of the framework around broadcast general election debates.

questions which can be and clearly have been raised about the propriety of broadcasters' judgements over who can participate, but also because a number of alternative models for the operation and management of the debates have been proposed. A sensible analysis of these alternative models—to follow in the next chapter—has to begin with a proper understanding of the way in which the framework operates now.

### **The regulatory frameworks in outline**

53. There are two regulatory frameworks with a bearing on participation in broadcast general election debates: one for the commercial broadcasters licensed by Ofcom and one for the BBC overseen by the BBC Trust. Before unpacking how these come to influence participation in the debates, we provide sketches of these frameworks in outline.<sup>57</sup>

#### *Ofcom and its licensed broadcasters*

54. Under the Communications Act 2003, Ofcom is required to set standards for programmes on television and radio in order to secure a range of objectives, and is also required under the Act to put these standards in a code. This Broadcasting Code applies to all broadcasters licensed by Ofcom<sup>58</sup> and includes sections which are relevant at all times as well as sections which apply only during election or referendum periods. For example, among obligations applying at any time, section five of the Code relates to due impartiality and requires broadcasters to ensure that they reflect alternative viewpoints in their output when they are dealing with “matters of political or industrial controversy and matters of current public policy.”<sup>59</sup> Due to their importance, elections are automatically recognised under the Broadcasting Code as such<sup>60</sup> and the provisions of section five therefore apply during election periods. Ofcom also publishes extensive guidance which assists in the application of the Code.
55. In addition, special rules also apply during election periods.<sup>61</sup> These rules affect two types of broadcast content about elections: coverage of an election in general and constituency/electoral area coverage. For the coverage of an election in general, the Broadcasting Code requires broadcasters not only to report elections with due impartiality but also to give “due weight” to the coverage of “major parties.” For constituency/electoral area coverage, the rules are slightly different: the Code requires broadcasters to ensure that they offer the opportunity to take part in the same broadcast item to all the candidates of the “major parties” and also to all candidates of other parties (and independent candidates) with previous significant electoral support or where there is evidence of significant current support.

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<sup>57</sup> This largely summarises written evidence given to us by Ofcom and the BBC Trust.

<sup>58</sup> This includes the commercial broadcasters reported to be involved in discussions over election debates potentially to be broadcast in 2015: ITV, Channel 4 and BSkyB.

<sup>59</sup> Ofcom, *Section 5, Broadcasting Code*. Available online:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf>.

Ofcom's published Guidance to Section Five of the Code is also available online:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>

<sup>60</sup> Rule 6.1 of the Broadcasting Code

<sup>61</sup> These are laid in section 6 of the Broadcasting Code

56. In either case, the important point is that the definition and designation of “major party” status is clearly critical. Ofcom’s list of major parties is in fact an annex both to Section 6 of the Broadcasting Code as well as to the Ofcom Rules on Party Political and Referendum Broadcasts (PPRBs). In the latter case, its role is to indicate to the broadcasters the political parties to which their minimum requirements to cede time for PPRBs applies. In the former case, its role is to indicate the political parties to which the broadcasters must give due weight in their wider coverage.

## BOX 2

### **The PPRBs stand apart from the broadcasters’ wider election coverage**

It is important to recognise that party political and referendum broadcasts (PPRBs) stand somewhat apart from the broadcasters’ wider election coverage.<sup>62</sup> They are not exempt from the legal and regulatory framework with which all broadcast material must comply but the decision to broadcast them is different: they represent a mandated—albeit decreasingly watched—form of programming to which the broadcasters are obliged to cede time in their schedules. The broadcasters licensed by Ofcom are set “minimum requirements ... to follow in determining the length, frequency, allocation and/or scheduling of party political or referendum campaign broadcasts.”<sup>63</sup> Further, representatives of each of the broadcasters, including the BBC, who make airtime available to registered political parties and to designated organisations in election and referendum campaigns also meet from time to time with the Electoral Commission, under the auspices of the Broadcasters’ Liaison Group (BLG), to share advice, ensure a consistent approach and to co-ordinate the criteria which each broadcaster applies in determining the amount of airtime to be made available to these broadcasters. Ultimately, the criteria which inform their judgements about how to achieve due impartiality with respect to PPRBs are similar to those which inform their editorial approach to achieving due impartiality in their coverage of political parties more generally—taking into account a range of factors including previous and current electoral support. However, the statutory footing and formal requirements placed on the broadcasters to cede time in their schedules with respect to PPRBs clearly means that these broadcasts stand somewhat apart from the wider election coverage which the broadcasters lay on during an election campaign, although ultimately they must comply with the wider legal and regulatory framework which applies to all content actually broadcast.

57. From March 2013, in response to stakeholder concerns that the existing list of major parties was too inflexible, Ofcom began a new practice of reviewing its list of major political parties when there are cogent reasons for doing so, for example in anticipation of a given forthcoming election, taking account of relevant evidence, such as changes in the electoral landscape across a range of elections. Under the current arrangements, Ofcom must have regard to any views expressed by the Electoral Commission before changing the major

<sup>62</sup> These are sometimes given different terms. See footnote 11.

<sup>63</sup> Ofcom, 21 March 2013, *Ofcom rules on Party Political and Referendum Broadcasts*. Available online: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

party list.<sup>64</sup> Ofcom recently conducted its first consultation under its new practices, inviting views about the list of major parties for elections taking place on 22 May 2014—European Parliamentary elections (UK-wide), English local government elections (in some parts of England) and English mayoral elections (in five areas).

58. In carrying out its duty to regulate broadcast content related to elections, Ofcom may convene its Election Committee.<sup>65</sup> This is a committee of the Ofcom Board whose delegated role is to consider and adjudicate on complaints received with regard to election coverage. In assessing complaints, it is important to recognise that Ofcom is a post-broadcast regulator. This means that Ofcom has no role in determining the structure, format and style of any broadcast general election debates, or other programmes for that matter, that might take place in future. Rather, Ofcom's concern would be whether any election debates complied with the rules once they had been broadcast.

### *The BBC Trust and the BBC*

59. In accordance with its Royal Charter,<sup>66</sup> the BBC Trust is responsible for exercising a general oversight of the work of the BBC Executive<sup>67</sup> and is the sole regulator for impartiality and accuracy and thus of election coverage in BBC output. However, it is fair to say that the BBC Trust has a different relationship with the BBC Executive than do licensed commercial broadcasters with Ofcom. For example, Ofcom produces the Broadcasting Code with which its licensed broadcasters must comply, while the BBC Executive produces its own Editorial Guidelines, which must then be approved by the Trust. To take another example, while Ofcom is strictly a post-broadcast regulator, the BBC Trust occasionally considers complaints prior to transmission, though in the examples they gave in evidence of this taking place, the Trust did not seek to substitute its own editorial judgment for that of the Director-General. Despite the differences, broadly similar standards are applied, captured in both a generalised set of Editorial Guidelines and election-specific Election Guidelines.
60. Reviewed at least every five years, the BBC Editorial Guidelines<sup>68</sup> are approved by the Trust, apply to the content of the BBC's services and are designed to "secure appropriate standards."<sup>69</sup> In particular, the Agreement,

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<sup>64</sup> The 'major party' list has relevance not only to general electoral coverage but also to Party political and referendum broadcasts (PPRBs). The list is published not only as an annex to section six of the Broadcasting Code but also as an annex to the PPRB rules. Ofcom has a requirement under Section 333(5) of the Communications Act (2003) to have regard to any views expressed by the Electoral Commission with regard to its rules on PPRBs.

<sup>65</sup> Ofcom, Election Committee. Information available online: <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/election-committee/>

<sup>66</sup> BBC Charter. Available online:

[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/charter.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf)

<sup>67</sup> It is also worth noting that the Trust is responsible for securing the effective promotion of the Public Purposes of the BBC which are set out in the Charter in Article 4 and include sustaining citizenship and civil society (which is of particular relevance to this inquiry). The BBC's public purposes are available online:

<http://www.bbc.co.uk/aboutthebbc/insidethebbc/howweare/publicpurposes/citizenship.html>

<sup>68</sup> BBC, *Editorial Guidelines*. Available online: <http://www.bbc.co.uk/editorialguidelines/>

<sup>69</sup> Article 24(2)(d) of the Charter, and clause 43(1) of the Agreement 34



which sits alongside the Charter and provides detail on many of the topics outlined in the Charter, requires the BBC to do all it can to ensure that controversial subjects are treated with due accuracy and impartiality. This includes drawing up a code giving guidance as to the rules to be applied and doing all it can to secure compliance with it. The code is included within the Editorial Guidelines. The Trust also approves extensive guidance which assists in the application of the Guidelines. The guidelines which are particularly applicable to any general election debates are Accuracy, Impartiality, Politics, Public Policy and Polls and Editorial Integrity and Independence from External Interests.<sup>70</sup>

61. Separately, the BBC Trust's Editorial Standards Committee (ESC)<sup>71</sup> approves Election Guidelines for every election. Prior to approval, the guidelines are placed on the BBC's Editorial Guidelines website and are brought to the attention of relevant political parties who are invited to submit comments. These comments are reviewed by the ESC alongside correspondence with the Electoral Commission. The BBC must have regard to the views of the Electoral Commission before approving the Election Guidelines.<sup>72 73</sup>
62. The Trust has a role in overseeing and enforcing the BBC's compliance with the Editorial Guidelines through the BBC's complaints process. The overarching Complaints Framework is contained in a Trust protocol beneath which sit specific procedures for particular types of complaint such as an editorial complaints procedure which is the procedure which would be applicable to complaints about the election debates.<sup>74</sup> During an election significant complaints about election coverage are fast tracked. Generally the Trust considers complaints on appeal regarding broadcast content after it is transmitted. However, there have been occasions where the Trust has considered complaints prior to transmission.

### **The impact of the regulatory framework on participation in the debates**

63. As sketched out, the basic tenets of how the regulatory framework applies to participation in the debates are reasonably straightforward. Any election debate broadcast by the BBC would have to comply with both the Editorial Guidelines and its in-built code on due impartiality and accuracy as well as General Election Guidelines, applying to the coverage of political parties in a given election. Equally, for broadcasters licensed by Ofcom, any election debate must ensure that the programming complies with the Broadcasting

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<sup>70</sup> BBC, *Editorial Guidelines. Op. Cit.*

<sup>71</sup> The Editorial Standards Committee (ESC) of the BBC Trust has primary responsibility for the exercise of the Trust's functions in relation to editorial standards and policy. This includes leading the Trust's reviews of the Editorial Guidelines; monitoring of editorial standards, especially accuracy and impartiality; considering serious breaches of standards reported to it by the Executive; and determining appeals about editorial issues. The appeals function can lead it to investigate in some depth issues raised by audience complaints.

<sup>72</sup> Representation of the People Act 1983, section 93(3)

<sup>73</sup> The standards protocol which explains the procedure for setting election and other guidelines is available online:  
[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2013/b2\\_editorial\\_standards.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2013/b2_editorial_standards.pdf)

<sup>74</sup> The BBC's complaints framework is available online here:  
[http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory\\_framework/protocols/2012/complaints\\_framework\\_complaints.pdf](http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2012/complaints_framework_complaints.pdf)

Code, taking particular account of section six of the Code and its annex containing a list of major parties.

64. However, the way in which this framework comes in practice to influence broadcasters' judgements about participation in the debates is a more nuanced matter which in the past has been subject to legal and regulatory challenge and which during this inquiry has received criticism from both interested parties and neutral observers alike. The next section considers this criticism and whether or not it is based on an accurate understanding of how the framework works.

*In the beginning: An idea for a television programme*

65. The starting point for the debates in 2010 lies in the apparently obvious but nonetheless critical fact that the debates are television programmes.<sup>75</sup> As set out at the start of this chapter, the debates began as an invitation from the BBC, ITV and Sky "to the leaders of the Labour, Conservative and Liberal Democrat parties with a joint proposal for three live televised debates during the next general election campaign."<sup>76</sup>
66. Michael Jerney, Director of News and Current Affairs, ITV told us that from the very beginning the idea was based on the belief among the broadcasters that "the electorate wanted to watch and wanted to see what the leaders who were aspiring to be Prime Minister had to say on [the] major issues"<sup>77</sup> Accordingly, when it came to deciding to whom the invitation to participate should go, Ric Bailey, Chief Adviser, Politics, BBC told us that "we were taking a judgment initially on who were the candidates to be Prime Minister of the Westminster Parliament in a Westminster election."<sup>78</sup> In a nutshell, the judgement about participation was determined by a prior editorial decision to focus the television programme on the leaders of parties with a realisable or realistic prospect of becoming the Prime Minister following the election in question. This distinction lay behind the BBC's decision to adopt the programme title 'The Prime Ministerial Debates,' and with each broadcaster seeking to bring a more distinctive identity to their otherwise similar programmes, ITV understandably branded theirs 'The First Election Debate' and Sky stuck simply to 'The Leaders' Debate'. Nonetheless, they all presented their debates in the same way. The moderator of the ITV debate, for example, expressly introduced it with the words "...we'll be hearing from three men, each hoping to be the leader of the next UK government..."<sup>79</sup>
67. Focussing a television programme on candidates with a realistic prospect of becoming the Prime Minister raises two separate but connected questions: how should we refer to them, and what method should be used for establishing who these people are?
68. On the first point, we have chosen in this Report to refer to them as candidates with a realistic prospect of becoming the Prime Minister after a

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<sup>75</sup> See Paragraph 47

<sup>76</sup> BBC Press Office. *Op. Cit.*

<sup>77</sup> Q 2

<sup>78</sup> Q 8

<sup>79</sup> Ofcom, 15 April 2010, *Decision of the Election Committee on a Due Impartiality Complaint Brought by the Scottish National Party in relation to the "First Election Debate,"* ITV1. Available online: [http://licensing.ofcom.org.uk/binaries/tv/updates/election10\\_snp.pdf](http://licensing.ofcom.org.uk/binaries/tv/updates/election10_snp.pdf)

given general election. While we recognise that this language is imperfect due to its scope for being interpreted in different ways, we have found no better alternatives and continue to use it in this Report to refer to the candidates which broadcasters should be expected to invite to a Prime Ministerial debate. We note that this is the language adopted by Ofcom in its guidance notes to section 6 of the Broadcasting Code. Further, it seems to us that the important point is less about perfect language and more about being clear what is meant by what we say.

69. On the second point, therefore, the broadcasters' decision to focus a programme on candidates with a realistic prospect of becoming the Prime Minister clearly obliges them to have some method for establishing who these people are, while avoiding the business of making predictions. Accordingly, it is critical that their method for deciding who to invite to a Prime Ministerial debate is objective and defensible. We set out the account given to us by the broadcasters of the sort of analysis they undertake in this respect from paragraph 72 below.
70. While it is not an argument which we have heard in evidence, we can see that there is a logically coherent position to be advanced by political parties which feel excluded from the Prime Ministerial debates. In 2010 some maintained, for example, that the fact they were not invited to the Prime Ministerial debates could not be "corrected merely by the introduction of a Welsh-level debate which provides equivalent coverage for all four major political parties in Wales," in part because these debates are likely "subsequently [to] receive substantially fewer viewers and third-party media interest."<sup>80</sup> Accordingly, they might argue that if a Prime Ministerial debate television programme were likely to receive a large audience and dominate the wider political news agenda, and if the legal and regulatory framework were such that an objective analysis could defensibly leave them without an invitation to it, then such a debate simply should not happen at all.
71. It does not seem to us that this is a strong argument but it is at least a logically coherent one. Its weakness lies in two main points. First, there is a clear and legitimate public interest argument in the idea of a Prime Ministerial debate television programme. We recognise that our electoral system invites voters to make a direct choice between local candidates,<sup>81</sup> not Prime Ministers. However, that does not remove the public interest in voters being able as well to see a substantive debate between candidates with a realistic prospect of becoming their Prime Minister, setting out their policy position and demonstrating—or not—their ability to stand up to pressure and scrutiny. Secondly, the broadcasters are not able—no doubt, much to their professional frustration—to determine whether a television programme receives a large audience. As Michael Jerney told us, "None of us should forget that there is individual choice in this. We scheduled other programmes about politics and about the election in peak time that people did not come to in such large numbers."<sup>82</sup> The fact that a television programme whose broadcast is in the public interest happens to interest the public does not

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<sup>80</sup> Plaid Cymru

<sup>81</sup> Arguably, they also make an indirect choice over the electoral college who play an important part in selecting the party leader.

<sup>82</sup> Q 10

mean that the broadcasters can be held responsible where other television programmes which are in the public interest do not.

### **Determining who has a realistic prospect of becoming the Prime Minister**

72. Deciding to produce a Prime Ministerial debate prompts an obvious question: how do the broadcasters go about determining who has a realistic prospect of becoming the Prime Minister? It is important to recognise that each of the broadcasters is responsible for coming to a judgement on this themselves and is under some considerable pressure to do so in a defensible way. They are individually accountable to their respective regulator and ultimately, as ITV put to us in written evidence, “for the commercial broadcasters, compliance with the Ofcom Broadcasting Code ... is fundamental to their continued possession of their broadcast licences, without which they cannot operate,” so as Michael Jerney added later, “we each individually will have to make a judgment at each election as to what we think is compliant with the code and the law and the way we are regulated.”<sup>83</sup>
73. It appears nonetheless to be the case that each of the broadcasters goes about determining who has a realistic prospect of becoming Prime Minister on the basis of similar data and similar forms of analysis. As set out above, it is critical that in doing so the broadcasters do not get into the business of making predictions or trying to anticipate the actual result of a forthcoming general election. The risk is that some might criticise the broadcasters for not acting on the possibility of an unpredictable and meteoric rise of a political party without significant past electoral support. However, there is an equal risk of criticism for giving too much coverage to a political party which will later prove not to have merited it. Accordingly, the broadcasters’ have reached the conclusion that it is most important that their method for deciding who to invite to a Prime Ministerial debate must be objective and defensible. So while remaining responsive to changes in the political landscape, and taking opinion polls into account, particularly as these become more accurate as a general election draws close, the broadcasters’ priority is to ensure that their decision is based on a nuanced, thorough and balanced analysis of a range of facts. This involves undertaking an analysis which encompasses a wide set of available data, drawing in relevant information on voters’ behaviour in equivalent past elections, supplemented with contextual understanding such as the recognition that people vote differently in European elections, by-elections, council, devolved assembly and general elections, and taking into account robust trends in opinion polling. This seems to us to be a reasonable approach, and as we go on to explore later on in this chapter, one that has stood up to regulatory and legal challenge.
74. For the BBC, Ric Bailey told us that deciding whom to invite to a Prime Ministerial debate involves “at each election [making] that judgment based on consistent, objective evidence.”<sup>84</sup> There is no single determinative measure used to inform their judgement. Instead, a range of factors are taken into account, as revealed in the BBC’s 2010 Election Guidelines:

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<sup>83</sup> Q 7

<sup>84</sup> Q 5

“Previous electoral support in equivalent elections is the starting point for making judgements about the proportionate levels of coverage between parties. However, other factors can be taken into account where appropriate, including evidence of variation in levels of support in more recent elections, changed political circumstances (e.g. new parties or party splits) as well as other evidence of current support. The number of candidates a party is standing may also be a factor.”<sup>85</sup>

75. Ric Bailey clarified this when giving evidence to the Committee:

“the best way to make a judgment about these things is to look at how real people vote in real elections. Our starting point would be the last general election, but we would also look at subsequent elections. We would also look at any other evidence that might be relevant to setting out the political context. That might include a consistent, robust trend in opinion polling. All of those things we will take into account and, just as we do with any other election and any other coverage, we would make an editorial judgment based on that. That is something that we do at each and every election.”<sup>86</sup>

76. Michael Jerney told us that

“a similar process happens in ITV. We will look at the evidence of what we think are the relevant elections ... We would take cognisance of Sections 5 and 6 of the Ofcom code that sets out the appropriate weight and due impartiality that we are under an obligation to follow through, and we would make that decision at a timely moment.”<sup>87</sup>

77. John Ryley clarified that the process at Sky News is “very similar. Sky as a broadcaster will make the final decision about who would take part in a debate” and he added that “we would be guided by the guidance from Ofcom.”<sup>88</sup>

78. This last point, touching on guidance given by Ofcom, highlights an important difference in the broadcasters’ processes. As set out earlier in this chapter, the BBC produces Election Guidelines; and if these meet the approval of The Trust, they provide a clear, established view on the factors to be considered by editorial executives and programme makers when determining how to preserve due impartiality in the coverage of parties during an election period. The Trust oversees and approves the BBC’s Guidelines for reaching these decisions and may in light of complaints review specific editorial judgements made under them. Still, the important point is that the BBC clearly carries a great deal of the responsibility for getting these decisions and the basis for them right. The commercial broadcasters licensed by Ofcom, as explained above, also carry the ultimate responsibility for their decision but by contrast with the BBC, they arguably have a little more help from their regulator in reaching their decision. They are required to comply with the Broadcasting Code and in particular, during election periods with section six of the Code whose annex contains a list of the parties with “major party” status across a given electoral and geographical footprint. For example, point three of the current Ofcom list of major parties reads: “At

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<sup>85</sup> BBC Election Guidelines for Elections taking place on 6 May 2010

<sup>86</sup> Q 5

<sup>87</sup> *Ibid.*

<sup>88</sup> Q 6

present in Great Britain, major parties are defined as: the Conservative Party; the Labour Party; and the Liberal Democrats.”<sup>89</sup>

79. According to Ofcom, its “list of major parties reflects the fact that some political parties have a significant level of electoral support, and number of elected representatives, across a range of elections within the UK or the devolved nations.”<sup>90</sup> In other words, much like the analysis which the broadcasters say that they undertake, it is based on a range of objective measures with a particular emphasis placed on past electoral support in recent equivalent elections. The figures for votes cast in the 2005 election, which formed the context for the 2010 general election, shows the three main parties some way ahead of all others: Labour, 9,552,436; Conservative:8,782,197, Liberal Democrat 5,985,454, while UKIP polled 605,973, SNP 412,267 and Green 283,414.<sup>91</sup>
80. As Michael Jerney explained, when it comes to “a debate ... including the major parties, [we apply] a set of criteria and judgments that are very similar to those that Ofcom apply when determining a major party.”<sup>92</sup> As a result, he told us that he would be surprised “to find circumstances in which our decision about who to include was very different from Ofcom’s definition of a major party”<sup>93</sup> although “at least in a theoretical world I could think of circumstances and ways in which you could broadcast—compliant with the code and compliant with the law—debates that did not absolutely mirror Ofcom’s major party rules.” Accordingly, there is no suggestion that the broadcasters licensed by Ofcom simply copy their regulator’s homework. As he put it, the list “is not determinative ... in a mechanistic way” and as Ofcom underlined in their written evidence to us, they are a post-broadcast regulator. As noted in above, the list of major parties may set minimum requirements when it comes to PPRBs, but for the broadcasters’ wider electoral coverage, it simply sets out the political parties to which due weight must be given—how the broadcasters follow through on this latter aspect comes down ultimately to their nuanced editorial judgement. Nonetheless, it is presumably of no small assistance to the broadcasters it licences, who are conscious of their responsibility to determine which parties have a realistic prospect of their leader becoming the Prime Minister in a way which will satisfy their regulatory obligations, that a list like this produced by their regulator already happens to exist.
81. The key point, as Ric Bailey put to us is that the broadcasters are all “looking to find due impartiality and, although we have different routes to it, in the end we are looking at the same sort of evidence to make those judgments, so it is not surprising that we will come to a similar conclusion. It is not about collusion. It is about looking at the same sort of evidence.”<sup>94</sup>

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<sup>89</sup> Ofcom, 3 March 2014, *Ofcom list of major parties*. Available online:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

<sup>90</sup> Ofcom

<sup>91</sup> HC Library note, General Election 2005. *Op Cit*. The equivalent data for the 2010 general election is as follows: Conservative: 10,683,577; Labour: 8,601,349; Liberal Democrat: 6,827,312; UKIP: 917,581; BNP: 564,003; SNP: 491,386; Green: 284,823. HC Library note. General Election 2010. *Op. Cit*.

<sup>92</sup> Q 6

<sup>93</sup> Q 6

<sup>94</sup> Q 6

*Achieving due weight within each debate*

82. Having determined on their own analyses which parties have some realistic prospect of their leader becoming the Prime Minister following the election in question, the broadcasters must come to a view on how to achieve due weight for the coverage to be given to each of the invited parties during the debates themselves. This issue has the potential to arise for the following reason: even if a given political party has a realistic prospect of its leader going on to become the Prime Minister—and that party must therefore be invited to participate—its prospects of doing so may be measurably more optimistic than is the case for its fellow invitees. On that basis, it has been argued in the past that, if debates are to proceed, such a party should accordingly and on the prevailing regulatory logic be given less airtime during the debates. Historically, this decision has been one of the most susceptible to disagreement between the invited political parties and has even, on numerous occasions, led to the collapse of discussions about the debates altogether.<sup>95</sup> This is why in 2010 the broadcasters set out their position on this issue early in the process. As Ric Bailey explains,

“aware of the myriad subcomplexities which could derail progress before it had begun, the first priority was to establish the simple basic principles and format through which the broadcasters could present a united front and hope the parties would accept, rather than unpick. The most obvious of these ... was that the three largest UK parties should be treated equally.”<sup>96</sup>

83. In 2010 this was arguably easier to defend than in 1997 when discussions around the debates ran into disagreements over the weight of coverage to be given to the Liberal Democrat party during the debates as compared to the Conservative and Labour parties. As Ric Bailey explains:

“Two elections later, the Liberal Democrats had three times as many MPs and even if—as critics maintained—it was fanciful to suggest that Nick Clegg was a genuine candidate for the premiership, nevertheless, his party was streets ahead of all the ‘other’ parties in terms of UK-wide electoral standing and, crucially, was putting up candidates throughout England, Scotland and Wales—enough at least to demonstrate an aspiration for Downing Street.”<sup>97</sup>

84. The broadcasters had learned a crucial lesson. On sheer intellectual principle, the awarding of more or less coverage during the debates themselves could provide a form of ‘fine tuning’, allowing the broadcasters to give different weight to the invited parties, all of whom have a realistic prospect of their leader becoming the Prime Minister but who may differ in terms of their probability of doing so. However, in practice, the presence of this complication in the past has served only to ensure that discussions around the debates end in disagreement and failure. The lesson which the broadcasters had learned was not to accept negotiation on this point. As Ric Bailey put it, “the three watchwords for the broadcasters—to misquote another Prime Minister—were ‘simplification, simplification, simplification.”<sup>98</sup> It seems to us that the implication for the future is that if

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<sup>95</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

similar issues were to arise again, the broadcasters may be wise to look to alternative ‘fine tuning’ mechanism and other ways of meeting their regulatory obligations if it proves necessary, but not to allow this kind of negotiation on coverage of the parties within the debates themselves.

*Achieving due impartiality with respect to the coverage of other political parties*

85. The broadcasters must also find a way to achieve their obligations to uphold due impartiality with respect to the coverage of other political parties, ie. those not judged to have a realistic prospect of having their leader become the Prime Minister after the election in question. As Ofcom notes in its most recent review of the Ofcom list of major parties, “to date, the major parties have been of two types:
- political parties that field candidates typically across England, Wales and Scotland, in other words, the nations making up Great Britain<sup>99</sup> (i.e. the Conservative Party, the Labour Party and the Liberal Democrats); and
  - political parties that only field candidates within one of Wales, Scotland, or Northern Ireland (i.e. the Scottish National Party, Plaid Cymru and the Northern Ireland parties).”
86. In the first category, there are a number of UK-wide parties judged in 2010 not to have a realistic prospect of their leader becoming the Prime Minister, such as the Green Party, the United Kingdom Independence Party (UKIP) and the British National Party (BNP). According to Ric Bailey, “the BBC... constructed an elaborate mechanism to ensure that all the parties with some level of UK support—UKIP, the Greens and the BNP, as well as the nationalists—were given reasonable opportunities around the debates to have their voices heard across BBC TV and radio channels.”<sup>100</sup> The broadcasters licensed by Ofcom are required simply to “consider giving ‘appropriate coverage’ to non-major parties and independent candidates with ‘significant views and perspectives’ [but] it is an editorial decision for the broadcaster as to what constitutes ‘appropriate coverage’ and ‘significant views and perspectives’.”<sup>101</sup>
87. There are several nuances involved in ensuring due weight is given to political parties in the second category. The broadcasters are obliged to take steps to ensure that audiences in those nations are given an appropriate opportunity to hear about the different political issues at stake there during a Westminster election, compared to England. Each of the broadcasters has to deal separately with this issue because of the UK’s broadcasting architecture and each broadcaster’s footprint across it. While BBC One transmits separately to the English regions, Scotland, Wales, and Northern Ireland and the ITV1 network also broadcasts by nation and region, Sky News and Channel 4 transmit their programming across the UK/Great Britain. This complication lies behind the apparently vague closing line of the statement released by the three broadcasters in 2009: “Each of the broadcasters will seek to make suitable arrangements for ensuring due impartiality across the

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<sup>99</sup> Parties from Great Britain rarely field candidates in Northern Ireland, and as a consequence do not have significant levels of support in Northern Ireland.

<sup>100</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>101</sup> Ofcom, *Section 6, Broadcasting Code*. Available online:

<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>



UK.”<sup>102</sup> This was, as Ric Bailey admitted in his Reuters Report, “shorthand for sorting out the problem of the ‘others’ without complicating the joint approach for UK-wide debates.”<sup>103</sup>

88. In the event, the broadcasters sought to achieve their obligations for due impartiality to the parties in the devolved nations in a number of ways. According to their written evidence, they offered separate debates between the main parties respectively in Scotland, Wales and Northern Ireland; and sought to ensure that this coverage was prominently trailed elsewhere including during the debates between the leaders in the running to become the next Prime Minister.<sup>104</sup> To take one example, Sky told us that

“during the course of the election campaign in April 2010, Sky held three debates in Cardiff, Belfast and Edinburgh on successive Sundays where the key parties in those areas were given 90 minutes to discuss the issues that were relevant to those parts of the UK. They were trailed very heavily across our output in the preceding days.”<sup>105</sup>

89. The efforts of the BBC and ITV in this regard are particularly noteworthy, not because they were strikingly different to those of Sky, but because they were subject to challenges, all ultimately dismissed by the regulators. With regard to ITV:

“Ofcom received separate complaints from the Scottish National Party (“the SNP”) and Plaid Cymru concerning the ITV1 Debate, broadcast on 15 April 2010. In summary, the two parties each considered that ITV1 had breached the Code rules on due impartiality by not including the SNP and Plaid Cymru in this Election Debate. In response to these complaints, Ofcom convened its Election Committee. In summary, the Election Committee decided that the SNP and Plaid Cymru’s complaints should not be upheld. This was because principally this Election Debate was presented as an opportunity to hear from the three major UK political parties, one or more of which had a realistic prospect of forming the next UK Government. In addition, ITV1 signalled to the audience for the Election Debate that viewers in the devolved nations could see separate televised debates between leading figures of the major parties in those nations (including the SNP and Plaid Cymru as appropriate) on issues of policy most relevant to those nations.”<sup>106</sup>

90. ITV argued in its written evidence that “the significance of these adjudications is not to be underestimated” because it means that their approach to due impartiality with respect to the debate between the party leaders in the running to form the UK Government and in “associated programming was tested in 2010 and found by the regulator to have been in keeping with the public interest tests established in the Code.”<sup>107</sup> The BBC Trust received a similar joint complaint from the SNP and Plaid Cymru and stated in its decision that “in light of the public interest in hearing from the party leaders who may be the next Prime Minister, it was entirely appropriate

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<sup>102</sup> BBC Press Office. *Op. Cit.*

<sup>103</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>104</sup> See Appendix 5, containing a summary of the general election debates broadcast in 2010.

<sup>105</sup> Sky News

<sup>106</sup> Ofcom

<sup>107</sup> ITV

to include in the ‘Prime Ministerial’ debate only the leaders of the Labour, Conservative and Liberal Democrat parties.”<sup>108</sup> The Trust noted that,

“in the context of a UK general election, the SNP and Plaid Cymru are not UK-wide parties with substantial electoral support in the UK. They are not standing sufficient candidates to aspire to win a majority in the House of Commons. Nor are their leaders seeking to become the next Prime Minister of the UK.”

91. The Trust therefore concluded that “the DG’s [Director General’s] approach to achieving impartiality was appropriate. That is that SNP and Plaid Cymru have not been included in the Prime Ministerial debate programme but in associated and clearly signposted coverage agreed by the BBC.”<sup>109</sup> The Trust’s decision gained legal reinforcement when an application for judicial review of the exclusion of the SNP and PC leaders was ultimately rejected by the Scottish courts.<sup>110</sup>

### Summary

92. This chapter began by reviewing the nature of some of the news stories which accompanied the build-up to the debates in 2010 and which have already begun to appear in connection with debates potentially to take place in 2015. These show that a lack of clarity tends to permeate discussion of the debates; speculation about who will be ‘allowed’ to participate has arguably proceeded on an ill-informed basis; and there also appears to be confusion about the nature of the current arrangements among experts and attendant disagreement over whether these should change in certain ways. A degree of confusion is entirely understandable. Indeed, it was in part a lack of certainty about whether participation in the debates is determined on a basis which serves the public interest which prompted this inquiry. However, it is not always clear that criticisms made of the current arrangements are supported by a full understanding of how the framework works in practice. Accordingly, this chapter has sought to clarify this framework and its influence on participation. In addition, it may be helpful to go further and pick out a number of the challenges to the current system which have been put to us in evidence and where relevant show how these on occasion appear to neglect important aspects of the existing legal and regulatory framework around the debates as it currently stands but also, where these challenges identify potentially important reforms, explain why these might be of benefit.

### Challenges to the regulatory framework

93. Several challenges to the current arrangements for determining participation in the debates were raised in evidence to this inquiry. In the rest of this chapter we will pick out three which appear to neglect important aspects of the existing legal and regulatory framework around the debates.
94. First, we note that some have argued that the purpose of the debates is confused, and that this has a knock-on effect for confusion around the

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<sup>108</sup> BBC Trust, 21 April 2010, *Ad Hoc Appeal Committee—BBC Prime Ministerial Debate Joint appeal from the Scottish National Party and Plaid Cymru*. Available online:

[http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/ad\\_hoc/snp\\_pl\\_cymru/snp\\_pl\\_cymru.pdf](http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/ad_hoc/snp_pl_cymru/snp_pl_cymru.pdf)

<sup>109</sup> *Ibid.*

<sup>110</sup> BBC Trust

criteria for judging who can participate. Evidence submitted collectively by Dr Nicholas Allen, Dr Judith Bara and Dr John Bartle argues that there are two potential objectives which the televised debates can serve:

“In an era of multi-partyism, there are two potential guiding principles for determining who should participate. The first is that debates should be between prospective heads of government. The second potential guiding principle is that debates should be between leaders of all parties that stand a chance of being in government either by themselves or in coalition with other parties”<sup>111</sup>

95. It is argued that the judgement about who could participate in 2010 meets neither of these objectives and that its criteria for determining who can participate were confused:

“Attempts to justify who participated in the 2010 leaders’ debates fell between the two stools of the first and second principles. Brown and Cameron took part because the former was the current prime minister and the latter was the best-placed challenger for that job. Clegg took part, not because his party was ever likely to obtain a majority or a plurality of seats but because the Liberal Democrats could conceivably hold the balance of power in a hung parliament.”<sup>112</sup>

96. It seems to us that this latter statement represents a misunderstanding of the way in which the judgement was made. As set out earlier in this chapter, the Liberal Democrats were not invited to participate in 2010 solely because they could conceivably hold the balance of power in a hung parliament. Instead they were invited because of an analysis of factors including previous electoral support which made it clear that their leader had a realistic prospect of becoming the Prime Minister after the election in question. As Ric Bailey points out in his Reuters Report, “even in 1997, legal opinion had been that the then Liberal Democrat leader, [then] Paddy Ashdown, would have to be included.”<sup>113</sup> Further, it is important to recognise that the broadcasters have a degree of flexibility in what they do so long as their coverage overall complies with their legal and regulatory obligations. For example, two broadcast debates in the run-up to the European Parliamentary elections between Nick Clegg, leader of the Liberal Democrats, and Nigel Farage, leader of UKIP, were able to take place without the participation of the Conservative and Labour leaders. We agree with these witnesses that it is important for the broadcasters clearly to communicate the purpose of the debates as television programmes. However, on a proper understanding of the current arrangements around the debates as set out in this chapter, there does not appear to us to be any conflict between the objectives of the debates as they were communicated by the broadcasters and the way in which participation was ultimately determined.
97. Others argued that the objective of the debates is clear but that criteria for participation should change. For example, David Muir, Labour Party chief negotiator on television debates in 2010, argued that in the future “there should be an established vote share threshold for participation in the debate.”<sup>114</sup> The argument for this links to the objective of the debates being

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<sup>111</sup> Dr Nicholas Allen, Dr Judith Bara, and Dr John Bartle

<sup>112</sup> *Ibid.*

<sup>113</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>114</sup> David Muir

to expose to the public a discussion between the main UK-wide party leaders in the running to become the Prime Minister. Changing the criteria to a vote share threshold is argued to provide a simple and easy-to-understand way of determining who those parties are. In particular, it would clarify the basis on which a party with a track record of carrying a large vote share which does not, however, have a track record of forming a majority Government could continue to be seen as eligible to participate. As David Muir explained, “from the start it was clear that the Lib Dems should be included although their leader could never be the next Prime Minister. The Lib Dems since the 1980s had registered a significant and steadily growing vote share, it was therefore right that they should be included.”<sup>115</sup>

98. However, this proposal appears to misunderstand the nature of the judgement about who can participate in the debates; and the benefits that lie in this decision, under the current arrangements, remaining a complex editorial one for the broadcasters, overseen by their regulators.
99. First, the broadcasters currently take into account a range of factors in their decision about whom to invite to a Prime Ministerial debate, not simply vote share. This allows them to make this judgement with a certain amount of flexibility, responsive to rises and falls in the prospects of political parties in the present as well as in the past. Reducing their assessment down to a single-factor analysis of previous vote share would remove the possibility of the broadcasters recognising potentially compelling arguments to invite a political party to a Prime Ministerial debate arising from a fuller analysis including factors other than vote share. Secondly, this proposal could compromise the broadcasters’ requirement to maintain due impartiality. Obliging the broadcasters to judge who can participate in the Prime Ministerial debate programme in a different way to the way they make this judgement with respect to other programmes would create a complication: it would make it difficult if not impossible for the broadcasters to comply with their regulatory requirements in a consistent way and could force them to distort coverage outside of the debates programme in order to meet their obligations to ‘due weight’ and ‘due impartiality’ across the total grid. Thirdly, as a matter of principle, introducing a vote share threshold criterion would also remove the broadcasters’ ability to exercise discretion over the coverage they give to political parties. As such, it would compromise and arguably undermine the basis on which broadcast regulation has operated for decades, with broadcasters’ independent decisions scrutinised post-broadcast rather than made for them pre-transmission.
100. Some of these same criticisms also apply to those who have challenged the current arrangements, arguing that the decision about who can participate in Prime Ministerial debates should rest on an analysis of current voting intentions as measured through opinion polling. The proposal to shift the assessment of who can participate to an analysis solely of survey data is, however, also flawed for two additional reasons. First, surveys on voting intentions, particularly a long time ahead of an election, can be unstable and unreliable as a predictor of actual behaviour. It is right that survey data is taken into account by the broadcasters but this should form part of a wider analysis in which real behaviour—by definition the most tangible measure of actual behaviour—is the key measure. As mentioned earlier, Ric Bailey told

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<sup>115</sup> *Ibid.*

us that, for the broadcasters, “the best way to make a judgment about these things is to look at how real people vote in real elections” supplemented by “other evidence that might be relevant to setting out the political context. That might include a consistent, robust trend in opinion polling.”<sup>116</sup> Secondly, the impetus behind the proposal—to make the assessment of participation in Prime Ministerial debates more responsive to changes in the parties’ prospects in the present—fails to recognise the flexibility already inherent to the current arrangements. The broadcasters take a wide set of factors into account which allows their editorial decisions to be responsive to the political context.

101. Of course, both proposals—to shift the assessment of who can participate to vote share or to survey analysis—may be seen as a more relevant consideration under alternative arrangements which we will consider in the next chapter, for example, if the debates were arranged independently of the broadcasters. However, under the current arrangements, there are a number of flaws in the proposal to replace the broadcasters’ nuanced judgements with a vote-share threshold criterion or an assessment based only on opinion polling.
102. **The suggestion made by some that eligibility to participate in televised debates should be based on an established vote share threshold or solely on opinion polling should not be adopted. Instead, it must be recognised that the decision about who is invited to participate in television programmes will have to continue to be one that is consistent with the legal and regulatory framework around broadcasting. Of course, the decision to accept a broadcaster’s invitation to participate in a television programme remains voluntary.**
103. More generally, some have recognised that these principles might be put under strain if one or more of the political parties judged to be relevant to the programme in question chose unilaterally not to participate. As Michael Jerney told us,

“In a sense, any political programme is a voluntary activity when it comes to whether you are going to take part in it or not—any programme at all. We follow our own editorial judgment but we cannot compel people to take part in a programme. It is possible that the actions of a particular party make it quite difficult for us to conform with the letter of the code if people are not willing to take part. There is a discussion and a negotiation about participation in all forms of programming. I am not sure I would describe that as a veto but broadcasters are not in a simple place to click their fingers and make politicians or any other participant appear in programmes. If they had been, I suspect debates would have happened 50 years earlier than 2010.”<sup>117</sup>
104. **There is clearly uncertainty about whether a decision by one of the political parties to withdraw would necessarily mean that the debates could not proceed and still remain compliant with the broadcasters’ respective obligations. We only note that we cannot suppose that the**

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<sup>116</sup> Q 5

<sup>117</sup> Q 5

**political parties will deem it is in their best interests to find out by withdrawing, against a backdrop of wide public support and manifest expectation that the debates do take place again.**

105. This chapter has focused on the legal and regulatory framework around broadcasting and its impact on who can participate in a debate between Prime Ministerial candidates. However, it certainly seems likely that there will be an ever greater role for online media as a complement to the experience of viewing broadcast debates, for example for those viewers engaging with a second screen. Tim Gardam told us about what he saw in 2010 as an important “interaction of old media and new media that gave the public service purposes to the debates, because social media became a viral transmitter, essentially, of this conversation rooted in a mass audience.”<sup>118</sup> This formed part of an interesting thesis he put to us according to which traditional, regulated broadcast media form part of a “civic network” where “if you are viewing, you have to take account of views that you may not agree with or may not know about” which sits alongside your “social network” which characterises “the way people express themselves and relate to each other in a society that is both increasingly connected but, of course, increasingly diverse.”<sup>119</sup> If correct, it seems to us that these ideas have important implications for the role of public service media more generally and may merit exploring further in the future. More prosaically, we note that the second screen and online media might also be used for political and tactical gain. Nigel Farage, the leader of UKIP told the Total Politics magazine recently that:

“If UKIP [is] excluded [from the broadcast Prime Ministerial debates], we will provide an alternative form of entertainment on the evening ... I’m working on some ideas ... you could live stream. It would be quite fun wouldn’t it? People would have their TVs and their laptops next to it. They might think they can exclude us but modern technology has such a power.”<sup>120</sup>

106. Online media is also potentially significant, of course, because a debate hosted entirely online would side-step the broadcasting framework and the safeguards discussed in this Report. It is notable that the idea of hosting general election debates online is not unheard of internationally. Sweden’s next general election takes place on 14 September 2014. During the course of our inquiry, a Swedish national newspaper, *Aftonbladet*, announced the success of its initiative to invite the party leaders to an online election debate in the run-up to their election.<sup>121</sup> However, it is important to recognise that on current behavioural trends, at least in the UK, going exclusively online would be likely to result in the failure to reach a large live audience. As an example, Felix Baumgartner’s record-breaking skydive in 2012 attracted a reported 8 million viewers of its live stream on YouTube worldwide.<sup>122</sup> Live

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<sup>118</sup> Q 86

<sup>119</sup> Q 86

<sup>120</sup> ‘UKIP’s Nigel’s Farage threatens to intrude on TV election debates by live streaming alternative’, *Huffington Post*, 21 November 2013. Available online: [http://www.huffingtonpost.co.uk/2013/11/21/nigel-farage-tv-election-debates\\_n\\_4318173.html](http://www.huffingtonpost.co.uk/2013/11/21/nigel-farage-tv-election-debates_n_4318173.html)

<sup>121</sup> ‘Första Partiledardebatten Online’, *Aftonbladet*, 1 April 2014,. Available online: <http://www.aftonbladet.se/nyheter/article18643087.ab>

<sup>122</sup> ‘Felix Baumgartner jump: record 8m watch live on YouTube’, *The Guardian*, 15 October 2012 Available online: <http://www.theguardian.com/media/2012/oct/15/felix-baumgartner-skydive-youtube>

streams of the 2012 Olympics peaked at “more than half a million.”<sup>123</sup> In short, neither top-flight athletics nor an audacious supersonic skydiver, leaping from a capsule at 128,100ft (24 miles; 39 km) above New Mexico have succeeded in gaining worldwide the live audience which broadcast Prime Ministerial debates have achieved in the UK. Accordingly, it seems likely that the attractiveness to party leaders and their strategists of an exclusively online debate would remain low, at least for now.

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<sup>123</sup> *Ibid.*

## CHAPTER 4: PROPOSALS FOR CHANGE

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107. As set out in the previous chapter, the operation and management of broadcast general election debates, as well as the legal and regulatory framework around them, stem from the straightforward fact that they are both produced by the broadcasters and ultimately broadcast by them too. Proposals for change to the current arrangements fall into two basic groups: proposals which imagine a fundamental overhaul, turning the debates into electoral events set up and run independently of the broadcasters, though perhaps to be distributed by them later; and proposals which are more evolutionary, identifying potentially important reforms to the debates under the continuing editorial stewardship of the broadcasters.

### Proposals to make the debates independent of the broadcasters

108. We began our inquiry by inviting views on, among other matters, the potential for the debates to be operated and managed under the auspices of an independent body. This idea has acquired some currency in public discussion of broadcast general election debates and even emerged during negotiations over the 2010 debates. As Sky News told us: “In 2009 there were suggestions from both Labour and the Conservatives that they favoured the appointment of a neutral group or chair, separate from both politicians and broadcasters, to oversee the negotiations.”<sup>124</sup>
109. We have not received a great deal of evidence expanding on what this alternative model might entail and how it might work. However, it is safe to assume that supporters of this idea must imagine that debates organised by an independent body would be different in some way to those set up by the broadcasters. One does not need to speculate to realise what some of these differences might be. It is a matter of record, for example, that the political parties involved in the 2010 negotiations sought to influence the format of the debates but were not always able entirely to get their way.<sup>125</sup> They might imagine, therefore, that a new body in which the broadcasters do not hold the editorial chair could be expected to allow the parties a greater say. Taking a different tack, evidence we have received from the United Kingdom Independence Party (UKIP) argues that “an independent ‘debates commission’ may well be the way forward.”<sup>126</sup> They also suggest that its criteria for inviting parties to a Prime Ministerial debate should be based less on past performance in equivalent elections and more on recent polling data. In short, they imagine that a new, independent body for overseeing the debates might adopt different rules of engagement; alternative methods for determining which parties to invite to a Prime Ministerial debate.
110. This rather faint and suggestive picture of how an independent body might operate obviously leaves a whole range of questions unanswered. How would it be established and funded? Which debates would it produce? Whom would it invite and how would this stand up to challenge? How would it succeed in convening the parties at all? How would it secure the distribution of the debates by the broadcasters? That nobody, up until now, at least, has seen

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<sup>124</sup> Sky News

<sup>125</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>126</sup> UKIP



sufficient need to go into the detail of this idea—to address these and a whole range of other questions—may be telling.

111. Nonetheless, in the absence of a clear proposal, most witnesses attempted to put some flesh on the bones by turning to what appears to be the closest existing analogy for a body, independent of broadcasters and responsible for election debates: the Commission on Presidential Debates (CPD) which has sponsored the United States Presidential debates since 1988.
112. Exploring the potential relevance of the CPD to the UK has been helpful for three reasons. First, it has uncovered a number of very positive lessons to be learned from the way in which the Commission approaches its work around the debates, including a whole range of activities related to voter information and encouraging the public to be interested in the electoral process; we consider these lessons below. Secondly, it has shown that the model does indeed carry some of the characteristics which some of the political parties in the UK might consider an attractive alternative to the status quo (see Box 3 below).

### **BOX 3**

#### **The US Commission on Presidential Debates (CPD)**

The US Commission on Presidential Debates was established in 1987 and has sponsored and produced all of the broadcast presidential and vice-presidential debates since then. We were told by Janet Brown, its Executive Director, that its 11-person board “is an extraordinary collection of people who take their commitment to the CPD extremely importantly in terms of acting as a unit, regardless of what their past political involvement or preferences might be.”<sup>127</sup> Nonetheless, scepticism was expressed by some about its membership; the BBC claimed in its written evidence to us that the Commission “is co-chaired by representatives of the two biggest political parties and is widely regarded as ‘bi-partisan’, rather than ‘independent’.”<sup>128</sup> Professor Bill Wheatley Jr., Graduate School of Journalism, Columbia University, and former Executive Vice President of NBC News, told us that, “while the leaders of the commission are certainly responsible people, it would be a leap of faith to believe that partisan considerations do not play some role in the commission’s deliberations.”<sup>129</sup> The broadcasters and networks are not directly represented on the Commission’s board.

Beyond constitutional eligibility (ie. inter alia being a US citizen) and evidence of ballot access (ie. a candidate’s name appearing on enough state ballots to have at least a mathematical chance of securing an Electoral College majority in the general election), the key criterion which the CPD have used in the past for determining eligibility for participation in the Presidential debates is the following: requiring that the candidate have a level of support of at least 15% of the national electorate as determined by five selected national public opinion polling organisations, using the average of those organisations’ most recent publicly-reported results at the time of the determination.

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<sup>127</sup> Q 24

<sup>128</sup> BBC

<sup>129</sup> Q 33

113. Finally, exploring the potential relevance of the CPD to the UK has also brought into sharp relief the dramatic differences between the legal and regulatory context for broadcast election debates in the UK as compared to the United States. The latter point prompts two curiously opposite sets of conclusions: that the move to producing debates for broadcast along the lines of those produced by the CPD would either have no impact, as the body would have to assimilate into the UK system anyway; or it would have a dramatic impact because the entire system would have to change around it. Each of these possible conclusions is worth exploring in more depth.
114. First, if a commission on the US model were imported into the UK system, it would find that any debates which it produced for broadcast would have to confront a set of statutory requirements which they do not face at home in connection with a US election. This has a bearing on the notion that an independent body for overseeing the debates could introduce a format to the debate which would not otherwise be possible under the broadcast rules; or that it could adopt alternative methods for determining which parties to invite to a Prime Ministerial debate.
115. To take the latter notion, it may help to imagine what would happen if a debates commission, set up independently of the broadcasters, were successfully to convene those political parties in the UK which meet the CPD's criteria for eligibility to participate. This is what is called for in UKIP's evidence for instance. Of course at some point, this commission would need to approach the broadcasters to address the question of televising the debates. In doing so, however, this commission would find itself treated by the broadcasters, the regulators and the law much like an independent producer (like, for example, the independent production company which produced the Channel 4 'Ask the Chancellors' debate in 2010).<sup>130</sup> It would be told that any content to be broadcast during an election period in the UK would be subject to the same regulatory rules as if the debates were produced 'in house' by a broadcaster, as we set out in chapter 3. This was underlined by ITV:

“It is not clear to us what a separate Commission could helpfully add to the process ... Any format approved by a Commission would still need to be consistent with existing broadcasting law and regulation and therefore would still be subject to the jurisdiction of Ofcom or the BBC Trust.”<sup>131</sup>

116. It is important to recognise that the broadcasters do not have a real choice in this matter. First, trying to accommodate a debate in a broadcast schedule for which participation was determined on CPD's model would have such a chaotic and distorting effect on a broadcaster's approach to achieving due impartiality across the rest of their election coverage, that it seems inconceivable that they would ever accept or tolerate doing so. Phil Harding, Media Consultant and former Controller of Editorial Policy, BBC told us:

“The idea that you could have boxed-off party leader debates and ... one body being responsible for the impartiality there and ... the broadcasters having to pick up [the need to uphold due impartiality across] all the bits that were left behind ... would not be workable. The

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<sup>130</sup> In this instance, the independent production company in question was Mentorn Media.

<sup>131</sup> ITV

whole thing is a patchwork of impartiality. It is not just about the leader debates.”<sup>132</sup>

117. Secondly, given the history of legal challenges to debate formats and casting, where the courts have always sought evidence that the broadcasters were applying the current rules and operating within the current regulatory framework, it is very likely—if not certain—that any proposal for a debate which clearly and materially disregarded the current regulatory framework would face a legal challenge ahead of broadcast. Moreover, it is hard to see how such a challenge would not succeed as the broadcasters’ duty of impartiality is one of their most significant obligations under statute and, for the BBC, under its Charter and Agreement. The only conclusion is that the broadcasters themselves would clearly not wish to broadcast such a programme. It would be in breach of their obligations and their editorial policies. They would also be aware that any UK broadcaster who committed such a serious breach would face severe regulatory sanctions or fines and in the case of commercial broadcasters, the potential loss of their broadcasting licences.
118. This calls into question the case for commission on debates in the UK, at least along the lines of the US model. From an intellectual standpoint, it is unclear that the introduction of a body to produce debates for broadcast on the CPD model would result in its being able to produce debates any differently to the broadcasters. From a public interest standpoint, it is unclear, therefore, why anyone would take the trouble. In the US, broadcasters are not under a legal or regulatory obligation to uphold due impartiality. In that context, establishing a separate body to produce the debates provides a way of reassuring the political parties involved that the debates will not be biased against them. This is clearly rather superfluous, however, in a UK context. As Dan Brooke, Chief Marketing and Communications Officer, Channel 4, argued:
- “the concept of a commission like they have in the US is just not necessary here, in part because, as we understand it, part of what the commission is doing is establishing a set of principles that exist here before the process even begins because they are enshrined within Ofcom’s broadcasting code.”<sup>133</sup>
119. All of this underlines the simple conclusion that the move to producing debates for broadcast along the lines of those produced by the CPD would have no material impact on, for example, the methods used for determining which parties to invite to a Prime Ministerial debate, as the body would have to assimilate into the UK’s legal and regulatory framework for broadcasting anyway.
120. On the other hand, if we were to try to imagine the circumstances required to allow election debates to be broadcast in the UK on the model adopted by the Commission in the US, we would find that there were only two possibilities: that a great exception would have to be made such that these particular broadcasts were not required to comply with the framework; or that the entire framework itself would have to change out of all recognition. Even if the debates were conceivably to be given a mandated standing along

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<sup>132</sup> Q 75

<sup>133</sup> Q 67

similar lines to Party Political and Referendum Broadcasts (PPRBs), which the broadcasters are obliged to carry, this would not make them exempt from the obligations of the wider regulatory and legal framework around broadcasting, with which PPRBs must also comply.

121. We draw two conclusions: first, that despite the apparent currency it has enjoyed in public discussion, very little thought appears to have been put into developing the idea; and second that even if we attempt to understand the case that might be made for introducing such a body in the UK, there appears to be very little, if any merit to it. This general scepticism was expressed widely across the evidence we received and the ultimate implication of that was put to us by David Muir, “a Debates Commission which does not have the buy-in of parties or broadcasters makes it more likely that debates will not happen.”<sup>134</sup>
122. **We have carefully considered the potential case for a body to be established independently of the broadcasters to oversee and produce broadcast election debates in the UK. We have found no good arguments for the introduction of such a body.**

### **Reforms to the debates under the editorial stewardship of the broadcasters**

123. As set out at the beginning of this chapter, we have also heard a range of proposals for change which are evolutionary, identifying potentially important reforms to the debates as television programmes under the continuing editorial stewardship of the broadcasters. These reforms fall into two basic groups: those relating quite generally to closer, better working between the broadcasters; and those relating to specific editorial aspects of the debates and their format. We will look at these in turn.

#### *Better working between the broadcasters involved in the debates*

124. During this inquiry, we have heard of a number of ways in which the broadcast general election debates might benefit from the broadcasters involved working better together. We set these out here as prompts to the broadcasters as they consider the ways in which they might coordinate themselves as a group in the context of future debates potentially to be broadcast in 2015 and beyond. In the order that we pick them up, they relate to:
- Voter information and encouraging the public to be interested in the electoral process;
  - A clearer, better communicated set of processes and principles;
  - An online portal or hub for the debates;
  - A ‘wash-up’ and review exercise following the broadcast of the debates.

#### *Voter information and encouraging the public’s interest in the electoral process*

125. Exploring the potential relevance of the CPD to the UK is helpful in part because it uncovers a number of very positive lessons to be learned from the way in which the Commission approaches its work around the debates,

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<sup>134</sup> David Muir

including a whole range of activities related to voter information and encouraging the public to be interested in the electoral process. Janet Brown, Executive Director for the CPD told us about the amount of effort that goes into this: “It is approximately a two-year process to plan for putting these together in a way that maximises the soundness of their production and the maximum level of their educational value to the American public.”<sup>135</sup>

126. It is a matter of historical record that the broadcasters involved in the 2010 UK debates had much less time to prepare. As Ric Bailey notes in his Reuters report, “six executives—two from each of the big broadcasting organisations—came together and, with a keen eye on the historical pitfalls, began a process which would take five months of remorseless planning, negotiation and caffeine.”<sup>136</sup> Michael Jerney added that in these discussions it can become easy to forget the fragility of the processes which led to the debates happening at all: “In the academic contributions to the discussion around the debates there is a starting position that they are an established fact and therefore all we need to do is refine the process of how you administer them and deal with public education around them and so forth.”<sup>137</sup> Professor Purvis added that he thought “the reality was that last time they were just trying to get the show on the air” but that “this time, if they got themselves organised, they could probably do everything that the commission does and do it rather better.”<sup>138</sup> There has certainly been an indication from some that the broadcasters could do more if the debates are to take place again; Tim Gardam told us that “the broadcasters were taken by surprise by the resonance of the debates last time. That was my impression. I think, talking to them, that they would say the same. There was a nervousness about how popular they would be, although no one doubted their significance.”<sup>139</sup> In any case, it is not to be critical of the UK broadcasters’ efforts last time, that it strikes us as valuable to look at the kinds of voter information activities which they might consider and undertake around any debates potentially to be broadcast in the future.

127. We heard of a number of interesting ideas. Janet Brown told us that the CPD’s objective

“around the debates is to try to use them as vehicles not only to educate voters about the candidates, the parties and the issues but particularly to get young people involved in understanding why this matters. One of the things that I do that is a lot of fun is to go around and talk to kids who are in high school, some of whom are eligible to register and vote and some of whom are just getting there.”<sup>140</sup>

128. In addition, she told us that “we have purposefully chosen to go to college and university campuses to do these debates. The ripple effect that the debates have in the communities are just extraordinary in terms of not only the curricular editions that the universities add to their own programmes and the speakers and similar one-off events, but then the work that they do within

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<sup>135</sup> Q 21

<sup>136</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>137</sup> Q 16

<sup>138</sup> Q 81

<sup>139</sup> Q 102

<sup>140</sup> Q 28

the county and the state to involve kids at a lower grade level in understanding why this is important—it is truly inspiring.”<sup>141</sup>

129. There appears to be a consensus that much can be learned from the CPD’s efforts in this regard. Phil Harding told us,

“I was impressed by what I read of the evidence about what is done in the United States with educating young voters and I would have thought the broadcasters, if they put their minds to it, could certainly do something very much along those lines. There is a model. For example, the Chris Evans show now does a short story competition for young people and that has attracted 90,000 entries. When they put their minds to it they could think of inventive ways of involving young people in this process and getting them involved in the process of debating and democracy.”<sup>142</sup>

130. There certainly appear to be opportunities for the broadcasters to engage with the universities. From Professor Coleman we heard that,

“There is something rather unusual happening here, which is that for once the universities might have a bit more money than the broadcasters to do this sort of thing. We have been given quite a large pot of funding to produce a platform for public education after the debates, if they happen next year. What we cannot do as universities—the University of Leeds is working in collaboration with Open University on this—is what the broadcasters can do, and that is publicise it and bring to it some of the creative design energy that we academics do not always bring to things. I think there is tremendous opportunity here and it is because one of the research councils was imaginative about this idea that we are in a position to be able to do this.”<sup>143</sup>

131. Elaborating on the thinking behind the project, he told us that the idea is

“to build platforms in which the claims made in the debates and the records of the debaters are open to scrutiny for the public. I think this is a very, very big one for the public service broadcaster, for all the broadcasters, to get together on and they probably need to start now.”<sup>144</sup>

132. There are clearly a whole range of activities which the broadcasters might undertake with respect to voter information and encouraging the public to be interested in the electoral process. It must be said that there are some potential challenges in this. We noted in chapter 2 the concerns that exist about the debates coming to dominate the campaign and the broadcasters clearly need to tread carefully in promoting one debate too heavily over any others or the wider campaign. However, these do not strike us as insurmountable hurdles and we believe there is much the broadcasters could do around the debates to stimulate public engagement in the electoral process in general.

133. **We encourage the broadcasters, in particular the PSBs, mindful of their obligations and public purposes, to take very seriously the opportunities to develop activities around the debates to provide voter**

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<sup>141</sup> *Ibid.*

<sup>142</sup> Q 81

<sup>143</sup> Q 102

<sup>144</sup> Q 99

**information and stimulate the public to be interested in the electoral process more generally, perhaps along lines similar to the activities undertaken by the CPD in the US.**

**A clearer, better communicated set of processes and principles**

134. If the evidence received during this inquiry is proof of anything, there is clearly some confusion even among experts about the regulatory framework around the debates and its influence on who can participate. There are a whole range of rules, statements and guidelines distributed across different areas of the regulatory framework which have a bearing on participation in the election debates. Naturally, not everyone will be familiar with all of these, nor necessarily understand how they come together to influence the judgement which broadcasters ultimately make about who can participate in practice.
135. In part, our hope is that this Report will help to clarify some of these matters. Going further, one proposal raised by Channel 4 was for the introduction of a clearer two-stage process in the set up of the debates.

“Ahead of future debates, Channel 4 believes that the process should follow two stages: before allocation of the debates to specific broadcasters, a list of key principles should be developed that sets out the guiding purposes and principles of the debates. These can then be used to determine any initial administrative matters that need to be addressed—such as who should be involved in the decision-making process, how that process is conducted, the number of debates held and which broadcasters should take part. More detailed points about the implementation, production and content of the debate programmes, such as the right format and the appropriate level of audience interaction, should be a matter of consideration later in the process.”<sup>145</sup>

136. The broadcasters involved last time, of course, can already point to a statement of principles which they published at an early first stage in 2009. Unlike in 2009, however, the broadcasters could use this opportunity to explain why the political parties in question are the ones they are inviting to take part. This would include a very clear statement about the purpose of the debates, or the programme idea behind them. We are conscious, of course that the broadcasters will have to avoid any such statement compromising or over-complicating their ability to find a sensible approach to upholding their regulatory obligations. However, the broadcasters might reflect on the confusion they could avert and the public service—as a consequence—they could provide by setting out at an early stage, the basis for their judgement about who they invite to any Prime Ministerial debate in the future and the types of criteria involved.

137. As a whole, this idea was supported by Professor Stewart Purvis:

“I just feel that the broadcasters need to be a little bit more formal, a little bit more organised and a little bit clearer about some of the things they do, without losing the flexibility. I embrace some of the things that Channel 4 said about your needing to say at the front what exactly is the purpose of the debates and what they are trying to achieve from the debates. They need to be clearer about the criteria on which they finally

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<sup>145</sup> Channel 4

decide to hold the debates and, for instance—they are other little bits of business but they matter—they need to be clear on this point of who else can join this group.”<sup>146</sup>

138. **We endorse the proposal made by Channel 4 for the introduction by the broadcasters of a clearer two-stage process in the set-up of the election debates potentially to be broadcast in 2015 and beyond.**
139. **In particular, the first stage should include the publication of a statement of principles about the format and purpose of the debates as television programmes and should also provide a clarification about why, on that basis, the broadcasters approached the invited political parties and which types of criteria were used in doing so.**

### **An online portal or hub for the debates**

140. The videos of the 2010 debates have not been easy to find online after the event. We consider this to be a missed opportunity and there would be considerable merit in ensuring that the debates are easily discoverable for the general public. More generally, an online portal or hub could act as a form of ‘one-stop shop’ for information about election coverage, for seeing the agreements reached about the debates and clearly viewing the debates during and after their broadcast. A number of witnesses appeared to agree with this idea. Phil Harding told us that,

“there is a real issue about being able to find these debates afterwards because catch-up is going to be quite an important factor in the next election, time-shifting and all of that. I think there is a strong argument for being able to find the debates anywhere and everywhere and there may well be an argument for putting all of the debates on each broadcaster’s website afterwards.”<sup>147</sup>

141. While the broadcasters may work independently on each debate, it also strikes us that there would be considerable merit in such a portal being shared. For the general public, there would be great benefit in finding or at least discovering these resources relating to the debates in one place. Tim Gardam told us that “the BBC has done extraordinarily well ... [in its] move online and become the central place for online information. For this to be a shared portal, though, would be very advantageous.”<sup>148</sup> Professor Purvis added that,

“I am slightly surprised that Channel 4 did not immediately jump on the idea of a shared site. In technology terms, that is quite simple. Everyone has their own site but you have a portal where, if you go through the portal, it then leads you to the individual sites. I think that could be done in a couple of days, to be frank.”<sup>149</sup>

142. **We encourage the broadcasters to consider developing a single online portal for the debates on which the general public could find all the information they could need or want in connection with the debates, including details of election coverage, the published agreements**

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<sup>146</sup> Q 76

<sup>147</sup> Q 81

<sup>148</sup> Q 99

<sup>149</sup> Q 81



**reached about the debates and access points for viewing the debates during and after their transmission.**

*A 'wash-up' and review exercise following the broadcast of the debates*

143. The broadcasters presumably held discussions internally about the lessons to learn from the debates in 2010 and we of course know about a number of substantial academic reports produced with a view to looking back over the debates as well, not least by Ric Bailey who was involved in the negotiation of the debates for the BBC.<sup>150</sup> However, it is notable that until our inquiry, there has been no more open scrutiny of the debates' success in a public forum, reviewing of the lessons to learn about the exercise which might be applied next time.
144. As Phil Harding put to us,
- “I think it would be certainly good to have a debate about how they worked, where they worked and where they did not work. I am sure the broadcasters had them themselves, but they had them in private and I am not sure I have seen any results of that. Therefore, I think some sort of public session about it would be useful and would be valuable. Now, what form that takes I do not know ... Maybe a hearing like this could at least be one forum that you could think about for doing that.”<sup>151</sup>
145. There may be merit in a public hearing a short while after the next general election to look back over any debates potentially to have been broadcast by then with a view to reviewing their success and ensuring there is an opportunity for an open discussion about lessons which there may be to learn.

*Proposals for change to specific editorial aspects of the debates and their format*

146. In this section of the report we review the evidence that we received relating to the format and editorial aspects of the debates. Any comments we make in this section are intended to be suggestive and constructive. Whilst hoping that our thoughts may bring about positive change, we emphatically do not want to interfere, or to be thought to be trying to interfere, with the editorial independence of the broadcasters.
147. We are confident that the broadcasters will see our proposals in the spirit in which they are meant, not least because they themselves clearly have an appetite for changing the format of the debates. Michael Jerney told us that there is nothing about the format of 2010 that they “would want to lock in aspic and say that is the only way you can do it. ... we have ambitions to improve the format to include other ways of doing things and to develop what was built in 2010.”<sup>152</sup> John Ryley similarly said that, “I think all of us would think that the room for manoeuvre in terms of coming up with slightly different formats is something that would be good to see.”<sup>153</sup>
148. As we noted in the previous chapter, the very fact that the debates happened in 2010 was an achievement in itself and there is widespread public

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<sup>150</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>151</sup> Q 82

<sup>152</sup> Q 3, Q 12

<sup>153</sup> Q 12

expectation that debates will take place in 2015. It is essential therefore that any suggested changes to the format of the debates do not put the debates themselves happening into jeopardy.

149. Ric Bailey explained that the relative simplicity of the 2010 format probably helped to ensure that the debates took place:

“One of the reasons they had not happened before was that you had different broadcasters coming up with different ideas. Parties would use that sometimes, when they were perhaps less enthusiastic about them, as a way of not engaging. One of the things that we were trying to do was to come up with something very simple that we could agree on that took us beyond some of those initial hurdles that had been experienced by previous negotiators.”<sup>154</sup>

150. Michael Jerney stressed that the 2010 format was not a bad fallback position and changes should not be pushed through at the cost of not having any debates.<sup>155</sup> Put simply, by John Ryley, change “is less important than making them [debates] happen.”<sup>156</sup>

151. We echo the point made by the broadcasters that the priority in any negotiations must be finding a format with which the parties will agree to ensure the debates happen. Any suggestions that we make in this chapter must be viewed against this backdrop.

### Gender and ethnicity of the debate moderators

152. The BBC general election debate in 2010 was moderated by David Dimbleby, the ITV debate by Alastair Stewart and the Sky debate by Adam Boulton, all of whom are white men. It was surprising to us and no doubt to the electorate as a whole that there were no women and no members of ethnic minorities. We note that Channel 4’s Ask the Chancellors debate was moderated by Krishnan Guru-Murthy.

153. We asked several witnesses whether there should be a greater diversity amongst the moderators. Professor Schroeder pointed out that, “For your three debates in 2010 you had three white male journalists. There is nothing wrong with that—I am a white male journalist myself—but I do think there is some value in bringing diversity of voices into the moderating process.”<sup>157</sup> Going further, Phil Harding told us, “if it is four debates this time you cannot end up with four white men.”<sup>158</sup>

154. Channel 4 told us that that “‘non-white’ turnout level” at the 2010 general election remained “lower than the national average at 51%. Given television’s ability to reach the UK population as a whole, the general election debates provide an opportunity to reach out to such groups directly.”<sup>159</sup> Similarly Tim Gardam was interested in the ability of the debates to “reach different parts of what is an increasingly diverse Britain. There is a danger that we do not think across the diversity of the country and

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<sup>154</sup> Q 12

<sup>155</sup> Q 12

<sup>156</sup> Q 12

<sup>157</sup> Q 43

<sup>158</sup> Q 77

<sup>159</sup> Channel 4

the different means whereby political engagement takes place. ... I would very much like to know how the debates play in different ethnic communities and backgrounds in the United Kingdom.”<sup>160</sup>

155. No witness presented us with a concrete solution to the lack of diversity amongst the moderators in 2010. The choice of a moderator for each debate remains the decision of that debate’s broadcaster.
156. Professor Purvis made the important point that the broadcast debates are important programmes and an individual broadcaster might be unwilling to pass over their lead anchor for diversity’s sake.<sup>161</sup> We can conceive of a situation where each broadcaster might recognise the importance of diversity of moderators, but no broadcaster is prepared to put this principle into practice.
157. Professor Schroeder pointed out that a key advantage of the Commission on Presidential Debates in the USA was that, “a single sponsor gives you the ability to introduce more diversity into the moderating of the debates ... easier to do that when you are conceiving of these things in group form as opposed to individually.”<sup>162</sup> We acknowledge that such a body would make greater diversity amongst moderators more likely but for the reasons explained above, we do not recommend the establishment of one.
158. Another possible solution would be for each debate to be hosted by a panel of moderators which could be more representative in gender, age and ethnicity terms than a single anchor. Phil Harding told us that a panel of presenters ran the risk of leading to a rather stilted “press conference style of programming.”<sup>163</sup>
159. Professor Purvis emphasised that the broadcasters themselves needed to address the issue of diversity urgently and find a solution: “I am not saying that the decision about moderation should be taken ahead of the broadcasters. I think the broadcasters themselves would be sensible to sit as a group and say, “Across our three or four programmes, how are we going to get some kind of diversity here?”<sup>164</sup>
160. **We recognise that the choice of moderator for each debate is a matter of each broadcaster’s own editorial judgement. Should broadcast election debates take place in 2015 and beyond, we recommend that the broadcasters ensure they exercise that judgement, reflecting our concern, and mindful of the disappointingly uniform outcome of their decisions in 2010.**

### Greater involvement of the public

161. There was some appetite among the witnesses for greater involvement of the public in broadcast general election debates. Professor Alan Schroeder told us that, ““the voting public deserves better than being relegated to spectator status, particularly in an age of participatory media.”<sup>165</sup>

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<sup>160</sup> Q 100

<sup>161</sup> Q 77

<sup>162</sup> Q 43

<sup>163</sup> Q 77

<sup>164</sup> Q 78

<sup>165</sup> Professor Alan Schroeder

162. Professor Schroeder went on to list six specific ways to involve the voting public in the debates. We have summarised these in Box 4. **We recommend that those taking part in the negotiations for the 2015 broadcast general election debates might wish to address each of the issues he raises.**

#### BOX 4

##### **Evidence received on ways to involve the public in the debates**

- **Soliciting public input.** In advance of negotiations, broadcasters should seek input from interested members of the public on such points as subject matter, format, number and timing of debates.
- **Creating an advisory board made up of voters.** This would formalise the relationship between the broadcasters and the voters they ostensibly serve.
- **Taking advantage of academic research.** Debate planners should acquaint themselves with this research and seek appropriate guidance from international experts in the field.
- **Keeping the public informed about behind-the-scenes negotiations.** At a minimum, voters ought to be aware of the mechanics of any pre-debate discussions.
- **Choosing voter-friendly formats.** One of the best methods of ensuring voter involvement in debates is to include voters in the questioning. Broadcasters should explore other innovative formats that accentuate public participation.
- **Developing voter information efforts in connection with debates.** Broadcasters of electoral debates should approach the events as a starting point for political engagement, rather than an end unto themselves. The rise of social media creates a perfect opportunity to apply innovative approaches to such discussions.

163. We were however told that some devices used to increase audience involvement were not helpful. In the 2010 Debates the so-called “worm” was used by ITV—a similar device was used by the BBC—in post-debate analysis (both broadcasters made clear that the “worm” did not appear on the broadcast version of the debate).<sup>166</sup> The worm is the squiggly line that often accompanies televised election debates and is supposed to represent the views of undecided voters, moving up when a candidate says something which the voters endorse, and down when a candidate says something which they don’t like.
164. We received evidence which suggested that the use of the worm might distort the viewer’s perception of the debate. Professor Colin Davis told us about an experiment he had conducted in which 150 people were asked to watch the final general election debate in 2010—a version that included a worm—and then answer a few questions:

“Unbeknownst to the participants, the worm was manipulated by those conducting the experiment. One group saw a worm that was biased in

<sup>166</sup> Q 15 Ric Bailey and Michael Jerney

favour of Gordon Brown, while for another group it favoured Nick Clegg. Although the debate was identical in all other respects, the two groups had completely different ideas about who had won the debate. The group that saw a worm which favoured Gordon Brown thought that he had won the debate, whereas the group that saw the worm which favoured Nick Clegg overwhelmingly thought that he was the winner.”<sup>167</sup>

165. This research indicates that viewers might focus on the worm’s performance rather than on what is actually being said—this could distort their perception of the debate. We were also told that the sample-size used to produce the worm was a cause for concern. Professor Colin Davis told us that, “Even without any deliberate bias it’s very unlikely that the worm provides an accurate indication of the views of undecided voters, given that it is based on such a small sample (20 people in the case of ITV’s worm and a mere 12 voters in the case of the BBC worm).”<sup>168</sup> Professor Schroeder told us that,

“I have looked at this question of a worm around the world. It is used all the time in Australia with some fairly negative results. ... I think it is ridiculous. First of all, I think social media, particularly Twitter, has supplanted the worm. The real-time, real reaction of the audience is now measurable in ways that make the worm obsolete.”<sup>169</sup>

166. It is reassuring that the broadcasters had no plans to use the worm during the live broadcasts of debates.<sup>170</sup> More generally we heard that one of the strengths of the debates programmes was their simplicity. Tim Gardam said,

“the closed nature of political language and political debate can make people shy away. They feel they are not somehow emancipated to take part in it. ... the simplicity of format, the space given to the three party leaders to do something very clear and specific gave people the confidence ... to engage in the arguments.”

Professor Coleman similarly pointed to the simple format of the debates programmes as a reason for their success.<sup>171</sup>

167. **We share the view that the simple format of the debates allowed the viewer to concentrate on a serious debate about serious issues without the distraction of too much other information appearing on the screen. This is another argument against the use of the worm.**

*Audience to ask follow-up questions?*

168. During the 2010 general election debates around half of the questions posed came from members of the studio audience. The questioners were not however allowed to pose supplementary questions. Phil Harding felt this contributed to the debates, in his view, appearing slightly stilted at times, “I do think there needs to be a loosening up of the format. Above all, it did seem strange to me, for example, that the questioner, if the question was

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<sup>167</sup> Professor Colin Davis

<sup>168</sup> *Ibid.*

<sup>169</sup> Q 56

<sup>170</sup> Q 15 Ric Bailey, Michael Jerney and John Ryley.

<sup>171</sup> Q 87

coming from the audience, never had the chance to come back with a follow-up question. It just seemed counter-intuitive, in a way.”<sup>172</sup>

169. Tim Gardam agreed that not allowing follow-up questions could have led to the programmes being seen as “patriarchal” but he told us that they avoided being seen as such for two reasons:

“First, we have been talking about the effect of the social media conversation that went on around it. Also ... since 2000 there have been a series of programmes, far away from the political arena, that are largely entertainment programmes, where the audience has been invited to interact. That audience has tended to be young adults in their early 30s from “Big Brother” in 2000 through to the “X Factor” and all these other programmes. Voting by text or engaging by text has become a core part of the exercise. I think the debates ended up offering this appetite for information and transparency ... What could have been a very old fashioned format becomes a very modern one.”<sup>173</sup>

170. Notwithstanding this, Mr Gardam pointed out that a criticism often levied at political leaders was that they evade questions, “I wonder whether that is because there was no chance to follow up a question once it had been asked. That is the area that I think could perhaps be explored.”<sup>174</sup> He acknowledged that an unintended and undesirable consequence of allowing follow up questions might be that the programmes become longer.<sup>175</sup>

171. In his Reuters report Ric Bailey points to a possible downside of increased audience participation in televised political debates:

“The nearest programme to a Leaders’ Debate involving the electorate was another Granada innovation, *The Last Debate* ... It was an early warning to the political hierarchies of what can happen when voters themselves are allowed to take part: ‘the audience interrupted and heckled on such a scale that at times the speakers were shouting to try to make themselves heard’.”<sup>176 177</sup>

172. The broadcasters agreed with each other that, all things being equal, increased audience participation in the debates would be a positive development.<sup>178</sup> Dorothy Byrne reminded us that the politicians would have to agree to any change in format, including increased audience participation.<sup>179</sup>

### *An increased role for the moderator*

173. The moderator’s role in 2010, set out in detail in the rules agreed by the negotiators, was summed up by Sky as, “effectively restricted to ensuring equal treatment of all participants, and seeking factual clarifications.”<sup>180</sup>

<sup>172</sup> Q 77

<sup>173</sup> Q 88

<sup>174</sup> Q 95

<sup>175</sup> Q 95

<sup>176</sup> *Squeezing out the Oxygen. Op. Cit.*

<sup>177</sup> This was broadcast in 1959.

<sup>178</sup> Q 2 Michael Jerney and John Riley. Q 3 Ric Bailey

<sup>179</sup> Q 63

<sup>180</sup> Sky News

174. There was no clear call for an increased role for the moderator. Tim Gardam told us that,

“The danger of the moderator taking too great a role is you are back into that old, closed political discourse of someone you have seen on television a lot talking to politicians as they always do, as opposed to giving a greater breadth of discussion that you would not get otherwise.”<sup>181</sup> Professor Coleman also warned that, “It is risky. It only has to go wrong once or be seen to be an unfair challenge by the moderator and the greater good of the debate can be lost.”<sup>182</sup>

175. For David Muir the danger of a greater role for the moderator was that they would then dominate the show, “There is a glut of political programming with high profile TV presenters, but all record low-TV ratings. ... We did not want the debate to be dominated by a puffed-up presenter luxuriating in his or her day in the sun.”<sup>183</sup> Professor Schroeder shared this view, “occasionally these individuals forget that it is the candidates, not the questioners, who are the rightful stars of the show.”<sup>184</sup>

### Conclusion

**176. The negotiators for the broadcast general election debates in 2015 and beyond should ensure that the format evolves as necessary to maintain or increase the levels of voter engagement seen in 2010. This should always be balanced against the risk of making proposals for change that jeopardise the debates taking place.**

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<sup>181</sup> Q 95

<sup>182</sup> Q 95

<sup>183</sup> David Muir

<sup>184</sup> Professor Alan Schroeder

## CHAPTER 5: SUMMARY OF RECOMMENDATIONS

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177. We simply note here that this concern exists and that there may be a role for the broadcasters to play in helping the public to understand that they are not electing a president or even, for that matter, a Prime Minister. (Paragraph 37)
178. There is a high level of public expectation that broadcast debates will happen again in 2015. We understand that the BBC, ITV and Sky are interested in repeating the debates in 2015, and that Channel 4 wishes to join them which the other broadcasters welcome. Further, whilst the debates in 2010 were not without their critics, we are persuaded that they served the public interest by increasing engagement with the electoral process and perhaps contributed to a higher voter turnout. The recommendations that we make in the remainder of this report reflect the public's view that broadcast general election debates should take place during future campaigns. (Paragraph 43)
179. The suggestion made by some that eligibility to participate in televised debates should be based on an established vote share threshold or solely on opinion polling should not be adopted. Instead, it must be recognised that the decision about who is invited to participate in television programmes will have to continue to be one that is consistent with the legal and regulatory framework around broadcasting. Of course, the decision to accept a broadcaster's invitation to participate in a television programme remains voluntary. (Paragraph 102)
180. There is clearly uncertainty about whether a decision by one of the political parties to withdraw would necessarily mean that the debates could not proceed and still remain compliant with the broadcasters' respective obligations. We only note that we cannot suppose that the political parties will deem it is in their best interests to find out by withdrawing, against a backdrop of wide public support and manifest expectation that the debates do take place again. (Paragraph 104)
181. We have carefully considered the potential case for a body to be established independently of the broadcasters to oversee and produce broadcast election debates in the UK. We have found no good arguments for the introduction of such a body. (Paragraph 122)
182. We encourage the broadcasters, in particular the PSBs, mindful of their obligations and public purposes, to take very seriously the opportunities to develop activities around the debates to provide voter information and stimulate the public to be interested in the electoral process more generally, perhaps along lines similar to the activities undertaken by the CPD in the US. (Paragraph 133)
183. We endorse the proposal made by Channel 4 for the introduction by the broadcasters of a clearer two-stage process in the set-up of the election debates potentially to be broadcast in 2015 and beyond. (Paragraph 138)
184. In particular, the first stage should include the publication of a statement of principles about the format and purpose of the debates as television programmes and should also provide a clarification about why, on that basis, the broadcasters approached the invited political parties and which types of criteria were used in doing so. (Paragraph 139)



185. We encourage the broadcasters to consider developing a single online portal for the debates on which the general public could find all the information they could need or want in connection with the debates, including details of election coverage, the published agreements reached about the debates and access points for viewing the debates during and after their transmission. (Paragraph 142)
186. We recognise that the choice of moderator for each debate is a matter of each broadcaster's own editorial judgement. Should broadcast election debates take place in 2015 and beyond, we recommend that the broadcasters ensure they exercise that judgement, reflecting our concern, and mindful of the disappointingly uniform outcome of their decisions in 2010. (Paragraph 160)
187. We recommend that those taking part in the negotiations for the 2015 broadcast general election debates might wish to address each of the issues he raises. (Paragraph 162)
188. We share the view that the simple format of the debates allowed the viewer to concentrate on a serious debate about serious issues without the distraction of too much other information appearing on the screen. This is another argument against the use of the worm. (Paragraph 167)
189. The negotiators for the broadcast general election debates in 2015 and beyond should ensure that the format evolves as necessary to maintain or increase the levels of voter engagement seen in 2010. This should always be balanced against the risk of making proposals for change that jeopardise the debates taking place. (Paragraph 176)

## APPENDIX 1: SELECT COMMITTEE ON COMMUNICATIONS

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The Members of the Committee which conducted this inquiry were:

Baroness Bakewell  
Lord Clement-Jones  
Baroness Deech  
Lord Dubs  
Baroness Fookes  
Baroness Healy of Primrose Hill  
Lord Inglewood (Chairman)  
Bishop of Norwich  
Lord Razzall  
Lord St John of Bletso  
Baroness Scotland of Asthal  
Earl of Selborne  
Lord Skelmersdale

### Declarations of Interest

Baroness Bakewell  
*No relevant interests declared*

Lord Clement-Jones  
*No relevant interests declared*

Baroness Deech  
*No relevant interests declared*

Lord Dubs  
*No relevant interests declared*

Baroness Fookes  
*No relevant interests declared*

Baroness Healy of Primrose Hill  
*No relevant interests declared*

Lord Inglewood (Chairman)  
*No relevant interests declared*

Bishop of Norwich  
*No relevant interests declared*

Lord Razzall  
*No relevant interests declared*

Lord St John of Bletso  
*No relevant interests declared*

Baroness Scotland of Asthal  
*No relevant interests declared*

Earl of Selborne  
*No relevant interests declared*

Lord Skelmersdale  
*No relevant interests declared*

A full list of Members' interests can be found in the Register of Lords' Interests:  
<http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>

**Specialist Adviser**

Professor Richard Tait acted as Special Adviser for this Inquiry.

Professor Richard Tait worked for the BBC as a member of staff from 1974 to 1987 and is now in receipt of a BBC pension and also worked for ITN as a member of staff from 1987-2002 and is now in receipt of an ITN pension.

## APPENDIX 2: LIST OF WITNESSES

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Evidence is published online at [www.parliament.uk/hlcommunications](http://www.parliament.uk/hlcommunications) and available for inspection at the Parliamentary Archives (020 7219 5314)

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with \* gave both oral evidence and written evidence. Those marked with \*\* gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

*	QQ 1–19	BBC
**		BSkyB
*		ITV
**	QQ 20–31	Commission on Presidential Debates
**	QQ 32–41	Professor William Wheatley Jr
*	QQ 42–56	Professor Alan Schroeder
*	QQ 57–69	Channel 4
**	QQ 70–85	Phil Harding
**		Professor Stewart Purvis CBE
**	QQ 86–103	Professor Stephen Coleman
**		Tim Gardam

### Alphabetical list of all witnesses

	Dr Nicholas Allen
	Arqiva
	Dr Judith Bara
	Dr Stephen Barber
	Dr John Bartle
*	BBC
	BBC Trust
**	BSkyB
*	Channel 4
**	Professor Stephen Coleman
**	Commission on Presidential Debates
	Professor Colin Davis
	Electoral Commission
**	Tim Gardam
**	Phil Harding
*	ITV

David Muir  
Ralph Negrine  
Ofcom  
Plaid Cymru  
\*\* Professor Stewart Purvis CBE  
\* Professor Alan Schroeder  
Patrick Seyd  
Sky News  
UKIP  
\*\* Professor William Wheatley Jnr

### APPENDIX 3: CALL FOR EVIDENCE

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#### BROADCAST GENERAL ELECTION DEBATES

The House of Lords Select Committee on Communications, chaired by Lord Inglewood, is announcing today an inquiry into Broadcast General Election Debates in the UK. The Committee invites interested organisations and individuals to submit written evidence as part of the inquiry.

Written evidence is sought by 20 January 2014. Public hearings are expected to be held in January, February and March 2014. The Committee aims to report to the House, with recommendations, in May 2014. The report will receive a response from the Government and may be debated in the House.

On 15 April 2010, the first ever broadcast General Election debate between the UK's three main party leaders was televised on ITV, followed one week later by a second debate on Sky News, and a third, one week after that on the BBC.

This precedent has prompted discussion about their impact in 2010 and whether they should take place again in 2015 and beyond.<sup>185 186</sup> **The Committee does not intend to focus its inquiry on this discussion.**

The focus of the Committee's inquiry will instead be on the *management and operation* of broadcast General Election debates in the UK. With that in mind, the starting point must be a consideration of how they are administered now. Currently, while the three main party leaders have all committed to taking part in broadcast debates in 2015,<sup>187 188</sup> there is at least some indication that this enthusiasm is conditional on agreeing a number of matters relating to, for example, the debates' timing, format and the political parties permitted to take part. This underlines an important point: these questions and others—including who can broadcast them, what 'rules' the debates should follow and so on—remain a matter of negotiation between the political parties and selected broadcasters.

Recent accounts, such as Ric Bailey's Reuters Institute report,<sup>189</sup> tend to portray "a fragile and painstaking business, vulnerable to the storms and vagueries of political evolution, accident, and determined self-interest."<sup>190</sup> Against that background, the Committee will start with an open mind to consider whether the current arrangements for administering the broadcast General Election debates are the most appropriate, and if not how they might be changed. In particular:

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<sup>185</sup> Ed. Stephen Coleman, (2011) *Leaders in the living room: The Prime Ministerial debates of 2010: evidence, evaluation and some recommendations*, Reuters Institute. Available online: [https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Challenges/Leaders\\_in\\_the\\_Living\\_Room.pdf](https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Challenges/Leaders_in_the_Living_Room.pdf)

<sup>186</sup> Roberts, A. (2010), '2010, The Great Debate Election', *Daily Telegraph*, 9 May. Available online: <http://www.telegraph.co.uk/news/election-2010/7696467/General-Election-2010-the-great-debate-election.html>

<sup>187</sup> 'Miliband urges Cameron to commit to TV debate', *Sky News*, 26 September, 2013. Available online: <http://news.sky.com/story/1146366/miliband-urges-cameron-to-commit-to-tv-debate>

<sup>188</sup> 'Cameron: "I want televised leaders debates"', *Sky News*, 29 September, 2013. Available online: <http://news.sky.com/story/1147902/cameron-i-want-televised-leaders-debates>

<sup>189</sup> Ric Bailey, *Squeezing out the oxygen—or reviving democracy? The history and future of TV election debates in the UK*, February 2012, Reuters Institute. Available online: [https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Working\\_Papers/History\\_and\\_Future\\_of\\_TV\\_Election\\_Debates.pdf](https://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/Publications/Working_Papers/History_and_Future_of_TV_Election_Debates.pdf)

<sup>190</sup> *Ibid.*

- What would be the best institutional arrangements for determining the format and style of the debates?
- More broadly, how can we ensure that the public interest is the primary concern in determining any administrative matters on topics such as:
  - (a) Who should take part? And on what basis?
  - (b) How many debates should there be?
  - (c) When and where should each of the debates be held, not least taking into account the potential need for different debates at the UK-wide level and at the level of the nations?
  - (d) What should their format be?
  - (e) Which broadcasters should take part? And so on.

**NB. The Committee's interest is not in determining a 'right' answer on each of these points or their party political aspects, but rather: what is the appropriate institutional arrangement for ensuring they are considered with the public interest as the primary concern?**

- In what ways does the interaction between existing broadcast regulation, case law, and the potential for judicial review set the parameters for decisions relating to each of these topics?
- What is the appropriate level of openness and transparency in which these questions should be addressed?
- Are such matters best left to the broadcasters and political parties to determine?
  - (a) If so, how can it be guaranteed that the public interest plays a decisive role in their negotiations?
  - (b) If not, what alternative models are available?

For example, some have argued for the establishment of a new 'debates commission' which can address these questions openly and independently.

- Would such a body represent the best way of ensuring the public interest is paramount in such matters?
  - (a) What would be the arguments for the establishment of such a body?
  - (b) What would be the arguments against the establishment of such a body?

Contemplating the establishment of such a body inevitably prompts a series of additional questions. For example,

- How should a new independent body be established?
- How could it ensure that the relevant broadcasters and political parties would participate and to do so according to its rules and guidance?
- What principles should guide the body responsible for this system in determining its view on some of the thorny questions it would face e.g. which political parties should participate?
- What relationship should the new body have, if any, with the Electoral Commission?

- On any one of these questions, what lessons can the UK learn from other democracies with an established tradition of election debates, eg. Australia, Canada, Sweden, Norway, USA etc.)?<sup>191</sup>

With the benefit of hindsight and poised in the early stages of the run-up to the next General Election, the Committee would welcome written submissions on these important and unsettled questions. The Committee will draw on this evidence to make forward-looking but concrete recommendations. To assist those making written submissions, this document has included a number of the broad questions on which the Committee would be interested to receive evidence and opinion. You need not address all of these areas or questions. The Committee would also welcome any other views, and practical proposals, of which stakeholders think the Committee should be aware.

4 December 2013

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<sup>191</sup> Commons Library Note, 11 March 2010: 'Televising leaders or prime ministerial debates'. Available online <http://www.parliament.uk/briefing-papers/SN05241>



## APPENDIX 4: REFERENCES

A reference list of documents which help to inform a full understanding of the legal and regulatory framework around broadcast general election debates

<b>Document</b>	<b>Available online at the following links (all links function on the day of this Report's publication)</b>
Ofcom Broadcasting Code	<a href="http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/">http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/</a>
Ofcom Broadcasting Code Guidance	<a href="http://stakeholders.ofcom.org.uk/broadcasting/guidance/programme-guidance/bguidance/">http://stakeholders.ofcom.org.uk/broadcasting/guidance/programme-guidance/bguidance/</a>
Ofcom's List of Major Parties	<a href="http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf">http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf</a>
Decision of the Ofcom Election Committee on a Due Impartiality Complaint Brought by the Scottish National Party in relation to the "First Election Debate," ITV1, 15 April 2010	<a href="http://licensing.ofcom.org.uk/binaries/tv/updates/election10_snp.pdf">http://licensing.ofcom.org.uk/binaries/tv/updates/election10_snp.pdf</a>
Decision of the Ofcom Election Committee on a Due Impartiality Complaint Brought by the Plaid Cymru in relation to the "First Election Debate," ITV1, 15 April 2010	<a href="http://licensing.ofcom.org.uk/binaries/tv/updates/election10_pc.pdf">http://licensing.ofcom.org.uk/binaries/tv/updates/election10_pc.pdf</a>
BBC Editorial Guidelines	<a href="http://www.bbc.co.uk/editorialguidelines/">http://www.bbc.co.uk/editorialguidelines/</a>
BBC Election Guidelines (relating to elections taking place in May 2013)	<a href="http://www.bbc.co.uk/editorialguidelines/page/mayelectionguidelines2013/">http://www.bbc.co.uk/editorialguidelines/page/mayelectionguidelines2013/</a>
BBC Trust's Ad Hoc Appeal Committee— BBC Prime Ministerial Debate Joint appeal from the Scottish National Party and Plaid Cymru	<a href="http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/ad_hoc/snp_pl_cymru/snp_pl_cymru.pdf">http://www.bbc.co.uk/bbctrust/assets/files/pdf/appeals/ad_hoc/snp_pl_cymru/snp_pl_cymru.pdf</a>
An application for judicial review of the exclusion of the SNP and PC leaders was rejected by the Scottish courts. The decision can be found here:	<a href="http://www.bailii.org/cgi-bin/markup.cgi?doc=/scot/cases/ScotCS/2010/2010CSOH56.html&amp;query=bbc+and+snp&amp;method=boolean">http://www.bailii.org/cgi-bin/markup.cgi?doc=/scot/cases/ScotCS/2010/2010CSOH56.html&amp;query=bbc+and+snp&amp;method=boolean</a>

## APPENDIX 5: SUMMARY OF THE BROADCAST GENERAL ELECTION DEBATES IN 2010

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### Prime Ministerial Debates

Title	Date	Broadcaster	Participants
The First Election Debate	15 April	ITV	Conservative: David Cameron Labour: Ed Miliband Liberal Democrats: Nick Clegg
The Sky News Debate/The Leaders' Debate	22 April	Sky News	As above
The Prime Ministerial Debate	29 April	BBC	As above

### Devolved Nations party leaders debates

#### *Scotland*

Title	Date	Broadcaster	Participants
Scotland Debates	20 April	STV and ITV Border	Conservative: David Mundell Labour: Jim Murphy Liberal Democrats: Alistair Carmichael Scottish National Party: Angus Robertson
Sky News Scotland Debate	25 April	Sky News	Conservative: David Mundell Labour: Jim Murphy Liberal Democrats: Alistair Carmichael Scottish National Party: Alex Salmond
The Scottish Leaders' Debate	2 May	BBC Scotland	Conservative: David Mundell Labour: Jim Murphy Liberal Democrats: Alistair Carmichael Scottish National Party: Alex Salmond

*Wales*

<b>Title</b>	<b>Date</b>	<b>Broadcaster</b>	<b>Participants</b>
Sky News Wales Debates	18 April	Sky News	Conservative: Cheryl Gillan Labour: Peter Hain Plaid Cymru: Ieuan Wyn Jones Welsh Liberal Democrats: Kirsty Williams
Welsh Leaders' Debate	20 April	ITV Wales	Conservative: Cheryl Gillan Labour: Peter Hain Plaid Cymru: Ieuan Wyn Jones Welsh Liberal Democrats: Kirsty Williams
Welsh Leaders' Debate	2 May	BBC Wales	Conservative: Nick Bourne Labour: Peter Hain Plaid Cymru: Ieuan Wyn Jones Welsh Liberal Democrats: Kirsty Williams

*Northern Ireland*

<b>Title</b>	<b>Date</b>	<b>Broadcaster</b>	<b>Participants</b>
UTV Leaders Debate	22 April	UTV	Democratic Unionist Party: Peter Robinson Sinn Féin: Gerry Adams Ulster Unionist Party: Sir Reg Empey Social Democratic and Labour party: Margaret Richie
The NI Leaders' Debate	4 May	BBC Northern Ireland	Democratic Unionist Party: Peter Robinson Sinn Féin: Gerry Adams Ulster Unionist Party: Sir Reg Empey Social Democratic and Labour party: Margaret Richie

Title	Date	Broadcaster	Participants
Two debates within a programme presented live from Belfast, not filmed in front of an audience	2 May	Sky News	<p><b>First debate</b></p> <p>Sinn Féin: Gerry Kelly</p> <p>Democratic Unionist Party: Peter Weir</p> <p>Secretary of State for Northern Ireland: Shaun Woodward</p> <p><b>Second debate</b></p> <p>Ulster Conservatives and Unionists New Force: Ian Parsley</p> <p>Social Democratic and Labour party: Margaret Richie</p>

### Departmental spokespeople debates

Title	Date	Broadcaster	Participants
Ask the Chancellors Debate	29 March	Channel 4	<p>Conservative: George Osborne</p> <p>Labour: Alistair Darling</p> <p>Liberal Democrats: Vince Cable</p>
The Daily Politics: The Foreign Affairs Debate	19 April	BBC	<p>Conservative: William Hague</p> <p>Labour: David Miliband</p> <p>Liberal Democrats: Ed Davey</p>
The Daily Politics: The Crime Debate	20 April	BBC	<p>Conservative: Chris Grayling</p> <p>Labour: Alan Johnson</p> <p>Liberal Democrats: Chris Huhne</p>
The Daily Politics: The Chancellors' Debate	21 April	BBC	<p>Conservative: George Osborne</p> <p>Labour: Alistair Darling</p> <p>Liberal Democrats: Vince Cable</p>

<b>Title</b>	<b>Date</b>	<b>Broadcaster</b>	<b>Participants</b>
The Daily Politics: The Environment Debate	26 April	BBC	Conservative: Greg Clark Green: Cllr Darren Johnson Labour: Ed Miliband Liberal Democrats: Simon Hughes
The Daily Politics: The Business Debate	27 April	BBC	Conservative: Kenneth Clarke Labour: Lord Mandelson Liberal Democrats: John Thurso Scottish National Party: John Swinney
The Daily Politics: The Health Debate	28 April	BBC	Conservative: Andrew Lansley Labour: Andy Burnham Liberal Democrats: Norman Lamb
The Daily Politics: The Education Debate	3 May	BBC	Conservative: Michael Gove Labour: Ed Balls Liberal Democrats: David Laws
The Daily Politics: The Immigration Debate	4 May	BBC	Conservative: Damian Green Labour: Phil Woolas Liberal Democrats: Tom Brake UKIP: Nigel Farage
The Daily Politics: The Trust in Politics Debate	5 May	BBC	Conservative: Sir George Young Labour: Harriet Harman Liberal Democrats: Lynne Featherstone Plaid Cymru: Adam Price

## **APPENDIX 6: PRIME MINISTERIAL DEBATE—KEY PRINCIPLES AGREED 21 DECEMBER 2009**

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The following principles to be the basis of holding a series of Prime Ministerial debates:

- (1) There will be three live TV debates during the forthcoming general election campaign.
- (2) There will be one debate in each full week of the campaign assuming the election is called at least four weeks before polling day.
- (3) If there are less than four weeks between the election being called and polling day, it may be necessary to schedule two debates in one week. The first debate will not be held before the fourth day after the start of the campaign.
- (4) Each of the three broadcasters, the BBC, ITV and BSkyB will be responsible for producing their own individual debate programme in three separate locations in England.
- (5) ITV will produce the first debate in the North West. Sky will produce the second debate in the South/South West. The BBC will produce the third debate in the Midlands.
- (6) The three party leaders of the Labour, Conservative and Liberal Democrat parties will appear in each debate programme.
- (7) Each party leader will have equal treatment in each programme. The broadcasters will each nominate one person who will monitor the debate and be contactable by a nominated representative of each of the parties during the debate. The broadcaster's nominated person will advise and liaise with the executive producer who will have responsibility for ensuring equal treatment.
- (8) Each debate will be between 85 and 90 minutes in duration, transmitted live by the originating broadcaster in peak time.
- (9) There will be no advertising within the programme.
- (10) The format of the debate will be the same for all broadcasters.
- (11) Around half of each debate will be themed.
- (12) There will be a live audience, transparently selected mainly from the surrounding region by an agreed and reputable polling company.
- (13) Each audience will be broadly representative of the country as a whole subject to detailed discussions with ICM and agreement with the parties.
- (14) Each broadcaster will have a named editorial panel of their own to select the questions submitted by the public. Each will set out the criteria by which questions may be selected.
- (15) Each debate will be hosted by a single presenter provided by the host broadcaster:  
Alastair Stewart, ITV; Adam Boulton, Sky; David Dimbleby, BBC.
- (16) BSkyB and the BBC will make their programmes available to other broadcasters simultaneously. ITV will make their programme available to

other television broadcasters immediately after transmission and available simultaneously to online and radio.

- (17) This proposal is subject to each broadcaster complying with its duties on due impartiality and election coverage across the nations of the UK.

## **APPENDIX 7: PRIME MINISTERIAL DEBATES—PROGRAMME FORMAT AGREED BY ALL PARTIES 1 MARCH 2010**

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### **Audience selection**

- (1) The objective is to select an audience which is broadly a demographic cross section of the country.
- (2) The audience to be made up of roughly 200 people, subject to venue capacity.
- (3) ICM has been appointed as an external recruitment agency and the methods of recruitment are based on their expert advice. In broad terms, we will aim to:
  - (4) recruit within a 30 mile radius of the host city, mindful of administrative borders on either side of that radius based on the revised ICM list of constituencies.
  - (5) recruit according to gender, age, ethnicity and social class to best reflect the broader voting-age population. The recruitment procedure will be transparent, and its methodology will be available to the parties for comment.
  - (6) ensure around 80% of the audience is made up of voters who express a voting intention at the time of recruitment.
  - (7) These will be subdivided into ratios which reflect a ratio of 7 Labour, 7 Conservative, 5 LibDem .The political ratios will take precedence over the demographic in the final selection of the audience by ICM.
  - (8) Within the 80% (see point 6) the broadcasters retain the right to recruit some audience members who express an intention to vote for smaller parties.
  - (9) Ensure that around 20% of the audience will be undecided but will be politically engaged. ICM's definition of undecided voters to be the basis of this selection.
- (10) Reserve a small number of seats for participants from outside the ICM selected audience, whose questions have been pre-submitted and selected by the broadcaster's editorial panel. The broadcasters may use a variety of methods to encourage the submission of such questions from across the UK in the build up to the debates.
- (11) The number of questions from outside the ICM selected audience will be a maximum of four per debate.
- (12) Over-recruit by a small margin to accommodate "drop outs" or "no shows"
- (13) Issue audience members with a protocol of rules, including security procedures for entry and conduct during the debates. The protocol will be agreed by the parties.



### Audience role

- (14) The objective is to ensure maximum debate between the party leaders—the distinctive characteristic of these programmes—whilst allowing the audience’s voices to be heard directly posing questions.
- (15) Each broadcaster will nominate a panel to choose the questions for its debate. The panel’s membership will be public, but they will meet in private.
- (16) Each selection panel will include a member to oversee compliance. List of names of panel members attached
- (17) The objective of each panel shall be to ensure fair question selection in order to frame a balanced debate within the rules of our agreements. Memorandum by the BBC
- (18) The panel will meet confidentially in the weeks running up to their debate.
- (19) All questions submitted by the ICM selected audience will be seen by a member of the panel. Email questions will be sifted and a selection given to the panel.
- (20) Initially, each panel will sift through a selection of questions drawn from those submitted by members of the public.
- (21) They will narrow down their selections in a series of meetings up to and including the day of the debate.
- (22) Each panel will have five to seven members, including a designated chair who would have a casting vote if necessary.
- (23) The panel cannot be quorate with fewer than three of its members present.
- (24) In selecting its questions, the panel will take full account of the following:
  - (25) each question will be relevant to all three party leaders.
  - (26) no question shall focus on one party or one leader.
  - (27) all questions will be based on election issues
  - (28) audience members will be made aware of these rules before submitting their final questions.
  - (29) half the programme will be based on the agreed theme. Within that portion of the programme, a maximum of three questions will be selected on a single sub-theme (as listed in point 65 of this document).
  - (30) half the programme will be unthemed. In this portion of the programme, a maximum of two questions will be selected on a single subject.
  - (31) the range of questions chosen will reflect the broadcasters’ legal and compliance responsibilities for due impartiality and fairness.
  - (32) the panel will use its editorial judgement to select questions and will take into account factors such as the prominence of certain issues in the campaign, the distinctiveness of the different parties’ policies on election issues, voters’ interest and issues relevant to the role of the Prime Minister.

- (33) Within these rules, the editorial independence of the panel shall be paramount, because each broadcaster is answerable to its regulator for its programme content.
- (34) Questions may be selected by the editorial selection panel up to the start of the debate.
- (35) The selected questions will not be shown to anyone outside the editorial team in advance of the programmes.
- (36) Members of the audience will ask their questions. The moderator will ask the leaders to respond. The moderator may read email questions.
- (37) All questions will be addressed to and answered by all three leaders.
- (38) The audience members will be restricted to asking the selected questions.
- (39) There will be an option of viewer involvement via emails read by the moderator.
- (40) In order to maximise the time available for viewers to hear the leaders discussing election issues with each other, the studio audience will be asked not to applaud during the debate. There will be opportunities to do so both at the beginning and at the end of each programme.

### Structure of programme

- (41) The programme will start with all three leaders on set and standing at their podiums.
- (42) The moderator will have a podium/desk and will move within a small area to allow eyeline with the audience and the leaders.
- (43) The moderator will introduce the leaders, Memorandum by the BBC
- (44) The first half of the programme will be on the agreed theme but with the agreement of all the parties, in case of a major national or international event not included in the theme of the debate, the moderator will ask the leaders for their reaction to the development at the start of the programme before moving on to the theme.
- (45) The time taken for the reaction to such an event will be added to the time available for the themed part of the debate, unless the event is clearly part of the theme of the debate, in which case the reaction will be counted as part of the time allotted to the theme.
- (46) Each leader will make an opening statement on the theme of the debate lasting for 1 minute. After the three opening statements the moderator will take the first question on the agreed theme. There will be closing statements of 1 minute 30 seconds from all three leaders at the end of the 90 minutes.
- (47) Each leader will have 1 minute to answer the question.
- (48) Each leader will then have 1 minute to respond to the answers.
- (49) The moderator may then open the discussion to free debate between the leaders for up to 4 minutes on merit.
- (50) The length of the debate on each question will be decided by the programme editor.

- (51) The programme editor will use their best endeavours to keep to the 4 minute time allowance but it may need to be extended in the interest of equality of treatment.
- (52) Questions will be taken on the theme until around half way through the programme, depending on timing and ensuring fair treatment of all three leaders.
- (53) At the end of the themed period, the moderator will open the debate to general questions selected by the broadcaster's panel from the audience or via email.
- (54) The same timing format will apply to the general questions i.e. each leader will have 1 minute to answer the question. Each leader will then have 1 minute to respond. The moderator will then open the discussion to free debate between the leaders for up to 4 minutes on merit
- (55) There will be a clock indicating the time remaining for statements, answers to questions and responses. This will be visible to the candidates and moderator but not to the audience in the debate or on screen.
- (56) The order of speakers, based on an agreed grid, has been determined by the parties drawing lots.
- (57) At the end of the programme the three leaders will shake hands.

### Role of the moderator

- (58) To moderate the programme
- (59) To keep the leaders to the agreed time limits
- (60) To ensure free-flowing debate being fair to all candidates over the course of the programme.
- (61) To ensure fairness on the direction of the programme editor
- (62) To seek factual clarification where necessary
- (63) It is not the moderator's role to criticise or comment on the leaders' answers.
- (64) The candidates accept the authority of the moderator to referee the rules on stage and ensure a free flowing, fair debate conducted within the agreed rules<sup>192</sup>

### Themes

- (65) Order of themed debates. The order of the themes for the first half of each programme was determined by the broadcasters drawing lots. The order is as follows:
  1. Domestic affairs including but not exclusively: NHS; Education; Immigration; Law and Order; Family; Constitution; Trust in politics; Political reform;
  2. International affairs including but not exclusively; International relations; Afghanistan; Iraq; Iran; Middle East; UK defence;

International terrorism; Europe; Climate change; China;  
International Development

3. Economic affairs including but not exclusively: financing of public services; Taxation; Debt; Deficit; Public finances; Recession; Recovery; Banking and finance; Business; Pensions; Jobs;

### Set

- (66) The leaders will stand at podiums throughout the debate. The positions of the three leaders during the debates are to be determined by agreement with all parties.
- (67) The moderator will have a podium/desk and will move within a small area to allow eyeline with the audience and the leaders.
- (68) Each broadcaster responsible for their own titles, music, branding etc.

### Audience cutaways

- (69) The purpose of the programmes are for the viewers to see and hear the party leaders engaging in debate with each other and answering questions from the audience. The audience is a key element of the programmes and has to be seen by the viewers but there will not be undue concentration of the reactions of individual audience members.
- (70) There will be a close up of the questioner while he/she is asking a question.
- (71) There will be no close-up cutaways of a single individual audience member while the leaders are speaking.
- (72) However if one of the leaders directly addresses an individual audience member, a close-up shot of that individual can be shown e.g. if a leader answers a question by directly addressing the questioner.
- (73) There may be group shots and wide shots of the audience during the programme.
- (74) The programme will be confined to events inside the debate studio.
- (75) Breaking News straps will not be put over live coverage of the debate. On news channels (Sky News, BBC News channel), the scrolling news tickers will offer other news but will not cover breaking news lines from the debates while the debates are taking place.
- (76) Each party will have the right to recall the negotiating panel made up of representatives from the broadcasters and the parties, during the campaign to discuss issues arising from the debates.

## **APPENDIX 8: CHANCELLORS' DEBATE—PROGRAMME FORMAT**

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### **Time and Place**

- (1) The debate will take place at 8pm on Monday 29th March. (Meaning an arrival time of 7 for the 3 participants).
- (2) The location will be the London Studios on the South Bank.
- (3) The programme will last for an hour and be broadcast live on Channel 4.
- (4) The 3 participants will have an equal amount of airtime.
- (5) The programme is a joint production of Mentorn and Channel 4 News.

### **Audience Selection**

- (1) The objective is to select an audience which is broadly a demographic cross section of the country.
- (2) The audience to be made up of 150–200 people.
- (3) The audience will be selected by a dedicated audience unit, drawing on the combined experience of Mentorn and Channel 4 News.
- (4) GfK-NOP will act as external guarantors of our audience: they will check them to ensure we're complying with our psephological balances. They will be able to randomly contact audience members to check that the details we have for them are correct.
- (5) The audience will be recruited from a wide radius around London, and will include as many people as we practically can from around the UK.
- (6) The audience will replicate the political balance as set out in the Leaders' Debates: ie, at least 80% of the audience will express a voting intention, and among them, the division will be the 7/7/5 division set out in the agreement over the Leaders' Debates.
- (7) We will exclude from the audience anyone who is a party activist.
- (8) We will recruit as far as possible an audience that reflects the UK's age, gender, class, and ethnic mix. But the political balance will take precedence over any of these if there's a conflict.

### **Audience Role**

- (1) The role of audience members is to ask questions. In each of the debate's thematic sections, there would be a small amount of audience members who have a question to ask on that subject. Audience members will not steer the debate by asking the lead questions in each section; instead they'll be called upon to ask questions at an appropriate moment.
- (2) All of these questions will be pre selected. Every audience member will be spoken to, to see what economic concerns and opinions are uppermost in their minds. We will then choose the most vivid and important questions.
- (3) No audience question will be targeted at any one participant exclusively. The questions will be applicable to all 3 participants.

- (4) Audience members will not have the opportunity to come back after the politicians have addressed their point.
- (5) There will be an option of viewer involvement via pre-selected emails read by the moderator.

### **Selection of the Questions**

- (1) The audience questions will reflect our legal and compliance responsibilities for due impartiality and fairness.
- (2) As with the Leaders' Debates, a panel will select those questions. Our panel will follow the same rules and guidelines as is laid down for the Leaders' Debates.
- (3) The membership of our panel is :
  - Gary Gibbon, political editor, Channel 4 News
  - Faisal Islam, economics editor, Channel 4 News
  - Krishnan Guru-Murthy, debate moderator
  - Steve Anderson, Managing Director, Mentorn Media
  - Elizabeth Clough, head of Mentorn Oxford
  - Krizstina Katona, producer, Mentorn
  - Jim Gray, Editor, Channel 4 News
  - David Mapstone, debate programme editor

### **Structure of the Programme**

- (1) Participants will make an opening statement and a closing statement each. The durations will be one minute maximum for both opening and closing statements. We will ensure that there's a way of seeing the time from the position where the statements are given, but that this clock will not be visible to the viewers at home.
- (2) The programme will be broken down into 3 themed parts. We will choose our themes on the basis of how to be comprehensive, and guide the viewer through complex issues. An example of a programme structure may be :
  - (1) part one—the public finances : tax & spend, debt & deficit
  - (2) part two—the Crunch : blame, judgement, the City & banking
  - (3) part three—What does the future hold ? jobs & recovery
 We may vary this structure but we will tell the parties the finalised structure in good time.
- (3) Party representatives will draw straws to establish the order of who gives the opening statements, who gives the closing statements, and who gets the first question in each of the sections. (ie anything which requires a sequence will have its own separate straw drawing).

### **Role of the moderator**

- (1) As per the Leaders' Debates : to moderate the programme, share the time equally, ensure fairness, call upon audience questions and seek factual clarification where necessary.
- (2) He will not criticise or comment on the participants' answers.
- (3) His primary role is as referee of the process—but there will be some key issues that he can ask the participants about within each section. Any interviewing he does will be impartial and fair, and will not compromise the programme's main aim—to facilitate debate between the participants.

### **During the Programme**

- (1) There will be a hotline so that nominated party representatives can make representations during the programme's transmission. A senior Channel 4 executive will be personally taking any such representations.