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Inquiry on

BROADCAST GENERAL ELECTION DEBATES

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Witnesses: Dorothy Byrne and Dan Brooke

Professor Stewart Purvis and Phil Harding

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Members present

Lord Inglewood (Chairman)
 Baroness Bakewell
 Lord Clement-Jones
 Baroness Deech
 Lord Dubs
 Baroness Fookes
 Baroness Healy of Primrose Hill
 Lord Razzall
 Earl of Selborne
 Lord Skelmersdale

Examination of Witnesses

Dorothy Byrne, Head of News and Current Affairs, Channel 4, and **Dan Brooke**, Chief Marketing and Communications Officer, Channel 4.

Q57 The Chairman: Welcome, Dorothy Byrne and Dan Brooke from Channel 4, in coming to give us some evidence this afternoon. It is very good to see you. You have submitted some written evidence to the inquiry already, which we are very grateful to have. Dan, you would like to make an opening statement. Is that right?

Dan Brooke: If I may, yes, a brief one.

The Chairman: By all means. Before we start formally, we have a copy of the rules agreed for the last general election's "Ask the Chancellors" debate. I gather they are not in the public domain as such, but I think we have been in touch with you and you are happy that we could append them to our report together with the rules for the leaders' debate? Is that right?

Dan Brooke: That is right.

The Chairman: That is good of you. Thank you very much. Probably the right thing to do then, before each of you speaks, is just say who you are for the purpose of the record and if you want to make an opening statement please go ahead.

Dorothy Byrne: I am Dorothy Byrne. I am the Head of News and Current Affairs at Channel 4.

Dan Brooke: I am Dan Brooke and I am the Chief Marketing and Communications Officer from Channel 4. Thank you so much for the opportunity to make some opening remarks, which I will keep brief.

We very much welcome the Committee's inquiry. As I think other people giving evidence to the Committee have also said, the election debates very clearly had a significant impact on the election last time and we can see this in the extensive piece of research that was done by the Reuters Institute. We note, most particularly within that, they had perhaps the most powerful impact on younger and first-time voters, which, as an organisation with a hinterland in appealing to those audiences, we were very pleased to see.

Just stepping back from that, Channel 4, as you know, has a very wide-ranging public service remit given to us by Parliament and included with that there is a series of elements. Two of them are for us to stimulate debate around a wide range of issues and, secondly, to ensure that there is a well-informed citizenship who can be motivated to participate in society. I hope, when one sees those aspects of our remit, one perhaps is not surprised why Channel 4 would want to be part of election debates. We did want to be part of them last time. In the end we did broadcast the

Chancellors' debate and we very much want to be a broadcaster involved in the process this time round, should it go ahead.

Q58 The Chairman: Thank you. That is a very helpful and useful beginning. Could we just go back to what you touched on, which was that the last time, at a point in the negotiations leading up to the three broadcasters taking the debates forward, you withdrew. Could you just explain why it was you did?

Dorothy Byrne: We felt excluded from the debates last time.

The Chairman: When you say you "felt excluded"—

Dorothy Byrne: As far as we were concerned, we were excluded.

The Chairman: I thought you were involved in the negotiations as a company—I do not know if you individually were involved—and then at some point you decided, for whatever reason, to pull back. Is that right or is that a misunderstanding?

Dorothy Byrne: I think that is a misunderstanding. We wanted to be part of the debates and we were unable to be so. I do not know how or why we were not involved, because we were not involved. I cannot say exactly how—

The Chairman: You were not involved, so you cannot answer that.

Dorothy Byrne: We tried to be involved and we were unable to be involved, but I think the fact that we then did the Chancellors' debate is a demonstration of our interest in being involved in television debates.

The Chairman: I do not think there is any doubt that we understand that you would like to be involved with the other three broadcasters in the event of the kind of thing that happened last time going forward this time. We respect your position on that. I

am just trying to find out a bit more about how it happened that, at some point, having initially been involved in discussions, I believe, you did not end up doing one of the leaders' debates, being part of that. You are saying you were not involved in all that, so you do not know.

Dorothy Byrne: We were excluded and, therefore—

The Chairman: When you say "excluded", do you mean you were just told to run away or cold-shouldered?

Dorothy Byrne: Yes, that is quite a good description of it.

Baroness Deech: Were you there at the time?

Dorothy Byrne: Yes.

Baroness Deech: You were? I see.

The Chairman: But I think I am right in saying that the other broadcasters are on record saying they would welcome your involvement this time. Is that not correct?

Dorothy Byrne: Absolutely. This time we have said that these are more than mere television programmes: these have become key parts of Britain's democratic process and, therefore, as a public service broadcaster, particularly one with an ability to reach young people and ethnic minorities, it is absolutely vital that we be involved. The other broadcasters have accepted that completely and we are now involved.

The Chairman: That seems to be a better state to be in than all at sixes and sevens. Is there anything else you would like to add, Dan?

Dan Brooke: I do not think so at this juncture, thank you. No.

Q59 Baroness Fookes: I wonder if we could do the nuts and bolts of how you have become involved this time. Did you, as Channel 4, make the approach to the other broadcasters?

Dorothy Byrne: Yes. We approached the other broadcasters and, after some discussion, they have all agreed that we can be involved.

Baroness Fookes: Were they fairly easy about this from the beginning or did you have to get the door opened?

Dorothy Byrne: We stressed very strongly that it would be absolutely vital that we were involved.

Baroness Fookes: Yes. They have accepted that.

Dorothy Byrne: Yes.

Baroness Fookes: What point have you reached in the discussions? Is it at a very early stage or are you all well involved now?

Dorothy Byrne: We have now attended our first meeting of the broadcasters.

Baroness Fookes: Was that the first meeting for all of you?

Dorothy Byrne: I cannot say if they had had meetings before, but that is the first one that we attended and we have been assured we will now attend all future meetings.

Baroness Fookes: Thank you.

Q60 The Chairman: Can I ask something that occurs to me, putting two things together in my mind? In your written evidence you made it absolutely clear you think there should be transparency about the pre-debate meetings. Does that have anything to do with the facts as you have described them about last time?

Dorothy Byrne: I think what is vital is that the principle should be transparent and the principle, as far as Channel 4 is concerned, is that the largest possible number of voters should see these debates. If a broadcaster wishes to be involved, the principle should be that they should be involved. I think that is the vital principle.

I would say that another vital principle is that whatever rules are come up with should be transparent to the audience and the voters. As long as those two principles are abided by, we realise there will be negotiations and discussions with people and with broadcasters and we are open-minded as to how those are organised, and we have to be.

The Chairman: I think we may have slightly misunderstood what you have been saying and the particular use you have been making of the word "transparency". The way I read your evidence—and I may have been doing it wrongly—was that you were saying the minutes to do with the way in which all this evolved should be transparent; i.e. available. It is not quite what you are saying. I think you are recognising that, in order to get an agreement about a series of rather difficult propositions between a number of parties who, by definition, are not best friends with each other, you must have some private negotiations in order to enable the process to evolve to a position where you do get a final conclusion and the final conclusion is the bit that should be transparent. Is that correct?

Dan Brooke: Yes, and that, in between, the discussions that go on should flow from a set of clear principles that everyone has signed up to and that themselves are transparent.

The Chairman: I understand that. The bit in the middle, which is the nub of any negotiation, should remain in-camera until you have finally sorted it out. Is that correct?

Dan Brooke: Yes.

The Chairman: Thank you very much.

Q61 Lord Dubs: I believe you said you thought any broadcaster that wanted to have these broadcasts should be entitled to do so. Do I have you accurately for what you said a minute or two ago?

Dorothy Byrne: Yes, in principle.

Lord Dubs: But we also have Channel 5 and we might in future have many more broadcasters. Would that still apply to the whole range of broadcasters?

Dan Brooke: From our perspective, the most important thing here is what is in the best interests of citizens and it would seem to us that what is in their best interest is that the audience for the debates is maximised. If more broadcasters wanting to show them is going to have that effect, then that has to be a good thing.

The Chairman: Can I just pick you up on that? There is a difference between showing them and "making" or "doing" them. Are you saying that every broadcaster who wants to should be able to get hold of the programme and transmit it or are you saying that, as part of any grouping of broadcasters, any broadcaster should be able to come along and take part in the making of the programmes?

Dan Brooke: It is rather more the former. In the case of the latter, there is obviously quite a significant cost to the broadcaster of putting on these events. I am sure there

will some level at which a small broadcaster may say, "We would like to broadcast them, but it is too expensive for us to be involved in them".

The Chairman: It is always open to any broadcaster to do anything they want within the electoral, public service and other rules, is it not?

Dan Brooke: Exactly.

The Chairman: I would just like to go back again—if you will forgive me, I am sorry to hark back over something that may look like old ground—to last time. Michael Jerney said to us, when he and the BBC and Sky were sitting where you are now, that the three broadcasters represented there were the only three broadcasters who consistently wanted to do debates in 2010. I do not think that is incompatible with what you have told us, which is, at some point, you felt you were excluded and walked away. Is that right?

Dorothy Byrne: We felt we were excluded and had no choice but to walk away.

The Chairman: Thank you.

Baroness Fookes: Constructive dismissal.

Dan Brooke: I think you can see what our underlying motives consistently were, because we ended up doing a Chancellors' debate and why would you do that if you were not interested in the concept of debates during elections?

The Chairman: I appreciate that. I am trying to get the narrative of the background clear because there have been slightly different permutations of interpretation of the events of nearly five years ago now. It is important to set the scene. I do not think there is anything I personally am going to want to say about that, other than to

emphasise the fact that you are now telling us, and this is the important thing, that you are back with that group and it is a group of four—a bit like the European Union, it has become a bit bigger—and they are all equal members within it. Is that right?

Dorothy Byrne: Yes.

Q62 Lord Dubs: I think it was ITV who told us last week that this grouping of broadcasters that exists does not have any particular status or privilege: it is just an informal arrangement and yet you have applied to join that. Why have you done that and what are the benefits of doing that as opposed to going it alone?

Dan Brooke: In the round, there are a number of different people involved between the broadcasters and the political parties. Our starting point, particularly given our remit, is what is in the best interests of citizens, whose starting point is that the debates should occur; and then, secondly, if they occur, that they reach the maximum number of citizens. Our view is that, because of the number of people involved, it might perhaps increase the opportunity for divide and rule. If the broadcasters are operating in unison then there is perhaps less of a chance of that happening and, therefore, more of a chance that the debates might occur. That is the way we come at it.

By the by, last time, when we felt excluded, we peeled off and did our own thing directly with the political parties in relation to the Chancellors' debate. That was only having gone past our first choice, which was to act in unison with the other broadcasters. Now that the cycle has begun again, that is the position we have taken.

Lord Dubs: Of course, for the next election they will be better established because they have the precedent of 2010, but do you think that, once the system becomes even more embedded in our traditions and culture, there might be a time when broadcasters would prefer to act individually, once there is no danger of the things not happening at all?

Dan Brooke: There might be. It certainly seems to us that, the place where we are today, it is better for the broadcasters to act together because that means the debates are more likely to happen and, therefore, that is the greatest extent to which it is in the public interest.

Q63 Baroness Deech: I wonder what your views are now about the format of those debates, whether there is anything in particular that you would bring to the table if you are making recommendations about style, and whether you learned any lessons from the Chancellors' debate.

Dorothy Byrne: Firstly, given the fact that we are so used to making news and current affairs programmes that are aimed at young people and we know we have a high degree of credibility among people from ethnic minorities, I think we can bring something useful to the table there in terms of when there are discussions about what are suitable subject matters to be discussed in the debates. I also think that, because we have a lot of experience in second screen, we can bring something important to discussions about digital engagement around the debates.

In terms of the Chancellors' debate, we negotiated on the basis of 28 rules and I believe that all the parties thought that our debates were duly impartial and were

happy with them. There were 76 rules in the other debates and other broadcasters have said they thought that our debates worked well.

Then there is the issue of whether all the debates should be the same as they were last time. Again, that is all for negotiation, but I think we could bring something interesting to the discussions there as to whether it might be possible for there to be more diversity. We are aware that we are only one in a group and that it will be a majority that wins.

Baroness Deech: You have mentioned having questions that you think might be more appealing for young viewers and you have mentioned more diversity. Do you mean a different style or do you mean different types of people being involved?

Dorothy Byrne: I think it could be either or both. I understand that in the first debates people felt comfortable with all three being the same and it may well be that that is what people want to do again, in which case it is so important that the debates should be held we would be happy to go along with that. We thought they were very good last time, but I think some of these things can be discussed.

Baroness Deech: If you had your way, if you were in the lead when it comes to format, I think you are on record as saying that there should be more interactivity with the audience. You would have a different style, would you?

Dorothy Byrne: If that is possible, but it might not be possible.

Baroness Deech: Why would it not be possible?

Dorothy Byrne: Because everybody has to agree to it.

Baroness Deech: What are the dangers there? Why would people not agree to that interactivity?

Dorothy Byrne: The politicians would have to feel confident.

The Chairman: In your Chancellors' debates last time the three Chancellors, who are senior politicians, all must have agreed to that in advance. That met the case in that instance, did it?

Dorothy Byrne: Yes. We agreed those rules and, as I say, I think the parties were happy with the outcome.

Baroness Deech: They are all used to formats like "Question Time"; so they would not have any qualms, would they, about more interactivity?

Dan Brooke: One would hope not. Certainly, from my perspective, that might be a way of involving the audience, more particularly the audience at home. We know that the audiences we think it would be particularly beneficial for the debates to reach again are younger people and, of course, they are more likely to be using a second screen while they are watching something on the television.

Baroness Deech: You do not mean people in the studio audience. You mean people at home using Twitter and so on.

Dan Brooke: I think that is where the use of interactivity has had most impact for us in other things that we have done.

The Chairman: Are you looking, therefore, for questions derived from Twitter and so on? In both your own case and in the case of three leaders' debates, the scrutinising of the questions in order to ensure absolute impartiality was very important. To have

feedback and doing it all as it goes along would be quite difficult to ensure that, would it not?

Dorothy Byrne: You are absolutely right because they have to be sure that the questions are fair. It is what methods you use to get those questions that can then be mediated. We did have a group who looked at the questions to make sure that they were fair. The questions could come from all kinds of different sources, rather than just from the audience in the studio.

The Chairman: But that happens already, though obviously not live, in the existing three leaders' debates, does it not?

Baroness Deech: I felt very much last time it was an all-male, white scenario. Do you have any thoughts on that?

Dorothy Byrne: I noticed that, too, yes.

Baroness Deech: What do you do about it?

Dorothy Byrne: I think that is something that we would all have to think about.

Dan Brooke: The majority of the protagonists are political-party leaders, so that possibly is a question more for them than us.

Baroness Deech: But the inquisitor, the moderator, you could do something about that?

Dorothy Byrne: Yes.

Q64 Baroness Bakewell: You felt excluded. You were not part of it. They went their own way and they did it. When it was over, did you critique what they did? What did you make of it?

Dorothy Byrne: I thought it was successful in engaging viewers. I thought it was an important part of the election process. I did notice that they were all visibly similar people and I thought it would have been good, if it had been possible, for there to have been some diversity in the form and style of them. We absolutely accept that that will not be up to us, but certainly we would make a suggestion to people to consider that.

Baroness Bakewell: Had you been part of that discussion that is what you would have brought to the table.

Dorothy Byrne: Yes.

Baroness Bakewell: That is what you are likely to bring to the table again.

Dorothy Byrne: Yes.

Baroness Bakewell: There is no question of them not understanding what your contribution will be. Right, thank you.

Dan Brooke: One cannot help but observe that, in our debate, we agreed 27 rules with the political parties and presumably they were the same set of people who agreed the 70-odd rules with the other broadcasters for the other debates. There were lots of details in the broader set of rules about style and format.

The Chairman: Your rules were determined after the earlier rules, were they, sequentially?

Dorothy Byrne: We negotiated them independently as well.

The Chairman: Was it before or after or you do not remember?

Dorothy Byrne: I cannot remember, but what I can remember is that we sat down and thought about what the rules are that you might absolutely need to ensure fairness and due impartiality. We did our best to keep the rules as few as possible and entered into the negotiation with the parties on that basis.

The Chairman: The substantive difference between the effect of the rules in your case and the effect of the rules in the other case was that, in your case, the mediator had a more engaged role and the relationship between the audience and the parties was slightly different. That is what the two substantive differences boiled down to, did it not?

Dorothy Byrne: Yes.

Dan Brooke: Certainly one of the things the Reuters research among viewers says is that viewers said they felt there was an element of formula to the leaders' debates, partly because there were three of them and they were all done with exactly the same formula but I think also as a result of the significantly greater number of rules that had to be adhered to.

The Chairman: We must keep going now.

Baroness Healy of Primrose Hill: Did you negotiate directly with the Chancellor's office and the Shadow Chancellor or the party parameters in the press office? I think that might account for the different number of rules, possibly. I just wonder what the experience was.

Dorothy Byrne: I cannot remember the answer to that question.

The Chairman: Right. Fine, that is a fair answer. It is a better answer than making it up.

Q65 Lord Skelmersdale: You said in your written evidence that "Editorial issues ... should be a consideration solely for the broadcaster rather than a matter for political negotiation". Now, this clearly does not come from your experience with the Chancellors' debate because you have just said exactly the opposite, as I understood you. Given the fragility of the debates even happening, do you recognise that it may be somewhat optimistic to expect the parties not to have any say in the format?

Dan Brooke: I do not know if we said "solely". I think it is possible we may have said "primarily", and "primarily" within the general concept of editorial independence. I think the concept of editorial independence is obviously a very important and significant one within the British media and one, I am sure you will not be surprised to hear, we think it is important to maintain. I cannot see circumstances under which we would go along with a set of arrangements that we thought in any way compromised our editorial independence. Within that principle, I think we recognise that there will be different opinions about what the detail of the format should be and that should be the subject of negotiation. Ultimately there will be some limits to that for us.

The Chairman: In your written evidence you write that the editorial aspects should be considerations "solely for the broadcaster" but, having said that, as you have put it yourself, within the limits of what is solely for you there may be a degree of discretion over which a certain amount of negotiation might be involved.

Lord Skelmersdale: I do not want to argue about this particular word but just to satisfy my mind, given that your application to the leaders' debate has clearly been successful—assuming the leaders' debate goes ahead but, anyway, as far as where you are, it is successful—are you also intending to run a Chancellors' debate this time round? It is easy: yes or no?

Dorothy Byrne: I do not know.

Lord Skelmersdale: You have not considered it?

Dorothy Byrne: I do not run the channel schedule, but I think it would still be a very interesting thing to do.

Lord Skelmersdale: You would like to do it, but you have no authority to answer my question. Is that what you are saying?

Dorothy Byrne: Yes.

Lord Skelmersdale: All right. Thank you.

Dorothy Byrne: It was interesting to people last time because the economy was the big issue of the election and I think people appreciated a debate on that. If it was down to me alone—

Dan Brooke: I think we can be perfectly clear that our first choice is to broadcast one of the leaders' debates and that was our position last time.

Lord Skelmersdale: Yes, you have made that clear. I am just trying to satisfy myself that your doing the Chancellors' debate last time round was not a de minimis activity, if you like.

Dorothy Byrne: We were proud to do it. We thought it was successful and that the viewers appreciated it.

Lord Skelmersdale: How many viewers did you have?

Dan Brooke: 1.8 million.

Baroness Deech: Given your evidence on diversity, would you not be absolutely insistent on wanting to do it again because it brings a different dimension to the debate? In fact, it would be more important, perhaps, from your point of view, even than the leaders' debate.

Dorothy Byrne: That is a very good point that I will make.

Dan Brooke: The leaders' debate will generate significantly more audience. The smallest of the leaders' debates last time, which was the one broadcast by Sky, had more than 1.8 million viewers.

The Chairman: But is it not the case, as a general proposition, that, although your remit is to focus on diverse and younger audiences, nevertheless in the overall scheme of things, in absolute terms, more of them probably watched the BBC?

Dan Brooke: In the totality that is true, but en passant the audience for all of Channel 4's channels is about one third of all the BBC's audience for all of its channels and yet it is 70% rather than 33% where young people are concerned.

The Chairman: I understand that point, yes.

Q66 Lord Clement-Jones: We touched on this earlier, but in your written evidence you put forward a number of reforms to the way the debates are run: a two-stage process for decision-making; greater transparency, which we have talked about;

minuted meetings and so on. Would you just take us through these suggested reforms again and explain why you think they are important and how you think they can be achieved?

Dorothy Byrne: The first one is somebody somewhere stating clearly the importance of the debates and the underlying principles to them, which did not happen last time. I think that would be the single most important thing to us, that since they are now so important it should be so stated. Second is the principle that if broadcasters wish to be involved then they should not be excluded. They should be involved. Finally, whatever the rules are, those rules should be published and made clear to the audience as widely as possible before the debates.

Lord Clement-Jones: Obviously we do not have everything set in stone from the last set of debates, but do you think there is a danger that, if the parties accepted your changes, they could argue that the broadcasters' terms of the agreement would have been changed so much that they no longer wanted to take part or they no longer thought it was the right thing to take part? What you are suggesting is quite radical, is it not?

Dorothy Byrne: We are aware that these are all matters for negotiation. Everybody would have to agree. As far as we are concerned, we are making some suggestions as to how things could be organised, but we accept completely that the debates last time were a good thing and were good and important programmes. If it ended up that the debates were made according to the rules last time and were all of the same

format and that is what everybody agreed, we would agree with that. We are just one voice. We are not here to rock the boat.

Lord Clement-Jones: This is what you are bringing to the table, but these are not absolute demands for your involvement.

Dorothy Byrne: No.

Dan Brooke: The most important principle is that they should happen and if we have demands or whatever that are likely to compromise that, then we think the more important principle is that they happen within this envelope of the principle of editorial independence and, because we believe that the best way of them happening is for the broadcasters to act in unison, by definition we are, at this stage, one voice within a group.

The Chairman: Can I just pick you up there? Do you not mean that the broadcasters should act in concert, rather than in unison?

Dan Brooke: Yes, I do mean that.

The Chairman: I think you are inferring that you should not necessarily do the same thing, but you should be part of a single overall scheme? Is that what you mean?

Dan Brooke: I do mean that. Thank you.

The Chairman: You just hope to be suitably persuasive in the discussions.

Dan Brooke: Yes.

Baroness Bakewell: Who will decide?

Dorothy Byrne: In the end the political parties will only agree to do them if they accept the format suggested to them. No broadcaster can force any political party to take part.

Baroness Bakewell: But how do you think the dynamic might work out? Suppose there are the conditions you have brought to the table, and those that have been used or versions of them—that have been included in the former rules or adjusted. There is going to be a debate with each of the parties saying, “We do not like that clause and we do not want that”. Is that going to happen over periods of long, drawn-out discussions or does someone eventually say, “We have to decide; the elections are next week”?

The Chairman: Can I just interpose and put to you: is not the crucial characteristic of this process that there are a number of parties sitting round a table, all of whom have to agree. Therefore, there is not somebody who judges what happens. It is for all to agree and if one does not agree, because of the electoral rules, it does not happen. Is that not correct?

Dan Brooke: That would appear to be the case at the moment.

The Chairman: That is my understanding of where we stand.

Dan Brooke: But, as I said, one hopefully reduces the number of potential disagreements if some of the people involved are acting in concert with each other, which would be the broadcasters.

Baroness Bakewell: We can imagine what that table would be like. It will be an extremely strategic set of discussions, will it not?

Q67 Earl of Selborne: Of course, there is an alternative formula that the Americans have. They have a commission that is the ultimate authority and that ultimately determines what the ground rules are. The broadcasters negotiate and the political parties negotiate, but the commission acts effectively as the broker. Now, presumably that is not going to happen in this country. It does not seem that there is an appetite for such an authority; so we are back then to a group of four equal members, of which you are one, negotiating with political parties, which may or may not be enamoured with the whole concept. They may have their own agendas and they may have a vested interest in making sure that things grind to a halt. Does that sound like a scenario that adds up?

Dan Brooke: Is that a scenario that hypothetically could happen? Yes. As far as the political parties' end of that is concerned, the only other way one could do it is to compel them to take part. We are not aware of any precedent for that around the world and I presume it would involve legislation. Therefore, that would unquestionably be a matter for Parliament. What we are trying to do is to reduce the risk of them not occurring by having the broadcasters act in concert, which the other broadcasters very much agree with.

We would entirely agree that 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 around impartiality and due weight during elections. We do think that such a

commission is not necessary and that, in fact, certainly at the broadcaster end, with the broadcasters working together, a system of self-regulation could certainly work.

Earl of Selborne: Let us just look at another role of the commission in America and that is that it has a role in promoting the debates, interpreting them, putting them online and generally ensuring that they are accessible. I suppose that this is, therefore, a responsibility that the group of four should take on themselves. You are capable of doing this, after all. You have the expertise. Do you see this as a function of the group of four?

Dan Brooke: I certainly think it is a subject that we should discuss. If you mean some sort of aggregated one place—

Earl of Selborne: I do mean just that.

Dan Brooke: That seems like an interesting idea. I suppose the parallel of that within the broadcasting aspect would be to ask all the broadcasters to co-produce every single one of the debates, which is not inconceivable. That would involve a greater level of complication than already exists and I dare say—because the different broadcasters have different budgets, different online capability, different levels of online audience—there would be some complexity in getting everybody to agree, but it does not seem inconceivable.

Earl of Selborne: There is nothing stopping each of the group of four having their own websites about it, but I would expect there to be a good case for having a one-stop shop. If people want to know when the debates are going to happen, who participates, what the rules are and what the opportunity for public participation is, all

that should be available in an accessible form if it is to achieve the objective, which you say it should, to extend to parts that have not been reached before.

Dan Brooke: I do think it is an interesting idea and one that I think we should discuss in the broadcasters' group.

Earl of Selborne: If you do not do it, who else is going to do it?

Dorothy Byrne: If each of us markets to our own audiences in a way that we know our audience engages with, I think that could be very successful. We also know from the way that people use the web that, for example, the BBC audience will possibly tend to go to the BBC website rather than to a special website, but perhaps there can be both.

Q68 Lord Razzall: I think you have been very clear as to what you are saying to us. This is a wrap-up point. Is there anything else you would like to add to our deliberations before we all have to go and vote in about four minutes?

Dan Brooke: I do just want to clarify for the avoidance of any doubt one thing in the first question you asked. At the end you talked about—perhaps once a set of principles had been agreed on and negotiations have been completed—the extent to which the process in the middle was in-camera, I think you said. I said yes. I just want to clarify; what I meant by that is that the existence of that process should be transparent and people should be aware that it is going on. Whether or not every single moment of all those negotiations should be minuted and published is an altogether different matter.

The Chairman: That is fair enough.

Lord Razzall: The obviously critical issue is whether anything is going to happen at all but, assuming it is, I suppose the critical issue is, if the politicians insist on only three debates and there are four broadcasters, how that gets dealt with. Presumably those are discussions you are involved in, but you cannot tell us at the moment how that is going to pan out.

Dan Brooke: We hope there will be a better outcome than was the case last time.

Baroness Deech: Will the public not lose their appetite by the time we get to a fourth debate?

Lord Razzall: What I was saying is if the politicians insist on only three, and that would be the politicians' decision, there are four players here. How that would be divided up among the four of you is obviously something that you are discussing and cannot at the moment tell us where you are with that. That is what I understand you to be saying.

Dan Brooke: Yes.

Q69 The Chairman: Answering for the witnesses is not my job, but if I were in their shoes I would say I would cross that bridge if and when we get to it.

Winding up, there are two things we want to be clear about. Do you think there is any tension between the prime ministerial debates and any other debate and/or the rest of general election coverage, because the prime ministerial debates are set in a wider, complicated legal environment? Do you think that the whole thing is part of a seamless larger whole? Do you see it that way as a broadcaster?

Dorothy Byrne: All our coverage in a general election is governed by the same rules.

To us, it is part of that.

The Chairman: Yes, fine. Thank you very much

Baroness Bakewell: You did mention that different programme makers had different financial resources. Does that mean some of the programmes will be better-funded than others and look better, be more stylish or more appealing?

Dan Brooke: I do not think so at the level of the public service broadcasters, who are the ones, excluding Channel 5, who are expressing an interest in participating this time. Smaller broadcasters, who are broadcasting only on satellite and cable, will certainly have fewer resources. In terms of funding leaders' debates, although we do have different levels of funding as an organisation, I do not think we would let that affect the quality of what was broadcast in this context.

The Chairman: Can I pick up something you have just said? When you were talking about public service broadcasters in this context, you rightly mention Channel 5 is a public service broadcaster. Are they interested in participating in this particular process, do you know? My understanding was that they were not.

Dorothy Byrne: They have not approached that group.

The Chairman: Fine, thank you. I thought that was a misunderstanding of what you had said by me, but I just wanted to be sure.

The other thing, before we go and vote any minute now, is I take it from everything you have said that all the research that you have carried out has shown that these

television debates have helped the British electorate in deciding what it did decide in 2010.

Dan Brooke: Unquestionably, and it does seem to be particularly the case that it has had an effect on some groups who are, on average, less likely to vote. The debates do seem to have been very influential in how informed they became in advance of polling day last time, unquestionably.

The Chairman: Certainly turnout, for the first time in ages, was up in the last general election.

Lord Razzall: I think we have had evidence that your natural world of younger people was more likely to vote as a result of the debates than they would have done otherwise. We have had evidence to that effect, have we not?

Dan Brooke: The other thing that we saw was that they were more inclined to then continue a conversation about the subjects that they had seen on the debates outside in the digital world.

The Chairman: We have just about run out of the time you have kindly agreed to give us. Unless you have anything else you are burning to tell us, I would like to say, on behalf of the Committee, thank you very much for coming along.

Dan Brooke: Thank you for inviting us.

Dorothy Byrne: Thank you.

Sitting suspended for a Division in the House.

Examination of Witnesses

Professor Stewart Purvis, City University, London, and **Phil Harding**, media consultant and former Controller of Editorial Policy, BBC.

Q70 The Chairman: I extend a warm welcome to Phil Harding and Stewart Purvis. We have your CVs in front of us and, suffice to say, you are two very well qualified people to give us an overview of the topic we are discussing. Thank you very much for coming along. Perhaps the best place to start is to ask each of you, first of all, to just introduce yourselves and then, secondly, if you have any formal opening statement each or either of you would like to make, please feel free to do it; whoever wants to start.

Professor Purvis: Phil, do you want to introduce yourself?

Phil Harding: Yes. I am Phil Harding. I am a journalist and I am a broadcaster. My background is that I was, for a long time, at the BBC until 2007. I was a producer on just about every general election from 1970 onwards. Then, most recently at the BBC, I was chief political adviser, which means I was in charge of all political policy at the BBC as regards programmes.

Then I was controller of editorial policy, which also meant that I had an overview of political policy and, indeed, the chief political adviser worked for me. I was involved in two unsuccessful, aborted negotiations to get party leader debates to happen and

since then I have worked in various capacities as a consultant on various boards and so on.

Professor Purvis: I am Stewart Purvis and I started at the BBC on the same day as Phil Harding, as two of the three first ever BBC news trainees. I then took the commercial shilling and joined ITN, where I went on to become a chief executive. When I retired from that post, I went to City University as a professor. I then spent two and a half years at Ofcom as the partner for content and standards.

I was the de facto regulator of British broadcasting content at the last election and so I will speak from some experience of some of the things that happened last time. I am now back at the university and writing and doing various research. I should say, if you do not already have it, I am also a non-executive director at Channel 4 but I am speaking in my own capacity.

The Chairman: Fine, thank you. You have also been an expert adviser to this Committee.

Professor Purvis: I have indeed—I am honoured—on the subject of BBC governance, to which the Committee may return at some point. Who can tell?

The Chairman: That is always a possibility.

Professor Purvis: Chairman, now that you have heard from British broadcasters and from American experts, I have taken the liberty to offer the Committee what I would describe as a two-minute summary of the two models you have had put to you.

The Chairman: Right, we will engage in a two-minute silence and you can—

Professor Purvis: Exactly, okay. First of all, obviously to take the UK 2010 model, 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. Not many in truth, but some transmitted each other's debates. Of course, each broadcast had to comply with the due impartiality regulations and other regulations and what, in Ofcom's case, are known as the special impartiality requirements relating to elections.

By comparison, the US 2012 model seems to me to have been that the Commission on Presidential Debates, as required by federal regulations, set what is called a "pre-established objective criteria" to determine which candidates they were going to invite to debate. They chose an average of at least 15% of popular support as measured by five different pollsters and two candidates met those criteria.

The commission themselves chose the times, the locations, the branding, the sets and the moderators who, we were told, had the final say on the questions. Commercial sponsors paid for all this. The commission announced what it called the debate's format but then *Time Magazine* published a secret memorandum on further rules that

had been agreed separately and only between party managers. Meanwhile, the broadcasters themselves would agree on who would provide the—

The Chairman: Can I stop you there? Those rules were agreed once it was clear who was going to take part.

Professor Purvis: Yes. I would say this document—if you have not seen it already—is an extremely interesting read because, to me, it says everything that is wrong about the commission's system but we can return to that in due course. I thought the intriguing thing was that when the debates happened the candidates did not seem to obey the rules decided by their own party managers. Briefly to say, of course, the broadcasters, on what is called a pool basis, decided who would provide the technical facilities and they paid for the technical facilities. Of course, there are no requirements for due impartiality in the United States, so those kind of rules that we have in Britain did not apply. That is my two-minute summary for you, Chairman. I hope it is something that—

The Chairman: Thank you. Apologies for interrupting, I just wanted to check that one point.

Professor Purvis: Not at all.

The Chairman: It is helpful to have laid out that kind of skeleton picture. Would anybody like to ask any questions arising out of Stewart's—

Q71 Baroness Bakewell: I keep asking you the question about how much it costs to make the programmes and you say that each company paid for the programme that it was doing. Did some put more money in than others and would it matter?

Professor Purvis: We are talking about the British model.

Baroness Bakewell: Yes.

Professor Purvis: I do not think it is in the public domain as to what the cost sharing—

Baroness Bakewell: You will know.

Professor Purvis: No, in fact, although I was one of the regulators at the time, it is not a question that we needed to ask. As I think Mr Dan Brooke made the point, the level of cost involved would be enough for those around the table to be able to afford it. Even the smallest network in size and audience, Sky News, as part of BSkyB, would be more than well-funded to provide it. I do not think there is a problem about that.

Baroness Bakewell: It is not relevant to the—

Professor Purvis: No, no.

Phil Harding: I would guess the costs are roughly comparable and if you are a broadcaster and you get a chance to do the party leader debates you are going to spend whatever it takes to do it anyway.

The Chairman: It is probably not very expensive television, is it?

Phil Harding: No, it is not. It is not compared with drama, no.

Sitting suspended for a Division in the House.

Q72 The Chairman: I shall ask you a very general question. All of the witnesses we have heard have said that they consider that last time's debates were a success.

Would you agree, each of you and what particular reasons would you have for your view?

Phil Harding: I would say, yes, they were a success. Part of the reason for the success was that they happened at all, which obviously was a big first in British broadcasting and electoral terms. It was in the public interest and it was good for viewers to be able to see the party leaders at length in comparison with each other and in debate, if a limited debate, with each other. That certainly was a good thing.

It certainly seems 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. It certainly seems to have excited more interest among younger voters and those sections of the population who are sometimes more reluctant to vote, but—and from my point of view there is a “but”—there was a downside to the debates as well. I do think that the debates came to dominate the campaign too much. They were always going to be the centrepiece of the campaign but they almost became the whole campaign.

It almost became the case that the party leaders spent all their time either debating or preparing for the debates and that was to the detriment of the rest of the campaign. Whether that will settle down if there is a second set of debates we have to see, but there is a danger that the television debates become the whole campaign and there is no other campaign. I do not think that would be in the public interest or healthy for democracy.

The Chairman: Do you know if it was partly to do with novelty?

Phil Harding: Yes, partly to do with novelty, which is why I say it will be interesting to see, if there is a second set of debates, what happens this time around. It will settle down. The experience from America obviously is that they remain a centrepiece of the debates but they do not become the whole campaign.

Lord Razzall: To some extent your point, which I share, is dictated by the timing of the debate. One of the problems last time was that you did not end with a debate in the last week. The campaign rather built up to a climax with the last debate and then the political parties were struggling with what to do for the last week or so. If the debates are going to dominate the landscape, if they happen, you could have one in the last week, which would mean that you would end with a bang.

Phil Harding: Yes. It is obviously going to be easier to schedule the debates this time around.

Lord Razzall: Because you know the dates, yes.

Phil Harding: We know when the election is. We know what the date is and the build-up and so on. It is going to be harder with the existence of four broadcasters for the reasons you were talking about earlier.

Baroness Bakewell: Who do you blame for that? Do you think the parties themselves become obsessed with getting ready for the debate?

Phil Harding: I do not think I would blame anybody. This was largely untested ground. It was obviously a very high-profile thing to be doing and no party leader wanted to be seen to be “losing” any of the debates. I am not sure “blame” is a word I would use.

Baroness Bakewell: No.

Professor Purvis: I agree with everything Phil said. The broadcasters certainly, and I am sure the parties, have taken on board this issue about what is the right gap between the debates and what is the right timing for them in terms of polling day. I have been involved in the coverage of elections off and on since about 1974 and this was, undoubtedly, the most exciting moment in British broadcasting of elections and I say it was the most important in terms of reaching viewers and voters. I put it as high as that.

One element that does not get mentioned very often is that the pace of the debates was important. Pace is one of those elements in television that does not get talked about in public so much, but keeping the viewer absorbed and interested and connected is terribly important. Some credit goes to Alastair Stewart of ITV who set a very strong pace in the first debate. It kept the party leaders tight in the sense that they knew they could not waffle. It was long enough for them to make some serious points without being forced to headlines. This was not written down in the format. That is just the way it turned out and it flowed through all three debates.

The Chairman: Did it give the candidates enough rope to be able to hang themselves, do you think?

Professor Purvis: It did but, of course, inevitably that takes us to the question of supplementary questions from either the moderator or from the audience. That is probably the most difficult issue to resolve easily without getting into quite difficult waters. Looking at the document I mentioned, the role of the moderators is clearly an

issue that absorbed the American debate system. In the United States there was a bit of a row about one thing one moderator said.

Of course, what we should not forget is that certainly when I was at Ofcom there was almost a test case about one moderator in one of our debates—and it happened to be Adam Boulton of Sky News—who did ask a supplementary question that appeared, to some people, to be a breach of the rules and yet he was raising something that was in that morning's newspapers that people might have reasonably expected to be raised. It is a good example if you want to look for an example of the rights and wrongs of supplementary questions.

On regulation, in my view Ofcom correctly decided that Ofcom and, I am sure, the BBC Trust did not regard their role as to enforce the rules. If something happens in the programme that is a breach of the rules between the broadcasters and the politicians and the parties, that is for them to sort out. It is not for regulators to do anything.

The Chairman: As long as it is within the framework for broadcasting of electoral debates.

Professor Purvis: Exactly, absolutely.

Q73 The Chairman: Another point that has been raised with people is there has been a general concern across society for some time that politics is becoming more presidential in this country. Do you think this phenomenon of debates is driving that process forward or do you think it is a function of it or do you think it is disconnected?

Professor Purvis: It is difficult to put a date on it from the top of my head. I think it is a reality from the time that Central Office and Transport House, as they used to be called, stopped Ministers making interesting speeches because they wanted only the party leader to make interesting speeches. In a sense, if you look at the coverage, it has never been the same since. The days when, certainly at ITN, we used to follow junior ministers and junior spokesmen around in the hope that they would say the wrong thing do not happen very often now. They had decided a long time ago that the prime ministerial or presidential style was the way to do it and this is almost a confirmation of that. I do not know what you think.

Phil Harding: It is a bit of both. It certainly does not reverse the trend towards it being a more presidential type of contest. That is part of the reason why I do think that something like the Chancellors' debate would be very important in the public interest and there are these other occasions where you do see other frontbenchers. Although there has been a great centralisation of power towards the Prime Minister and, indeed, towards the leader of the opposition, who the whole Government is, who the Ministers are and their capabilities does matter a lot.

I thought "The Daily Politics", for example, on the BBC did a good job of putting up the various party spokespeople against each other. Admittedly it was a bit of a minority sport compared with the party leaders' debates, but I do think it is very important that there continues to be that breadth of campaign, which is why I said what I said about the danger of the party leader debates overshadowing everything else.

The Chairman: From what you have both said, I take it that you believe it is in everybody's best interests that they should happen again in 2015.

Professor Purvis: Absolutely.

Phil Harding: Yes.

Q74 Baroness Healy of Primrose Hill: I shall talk about the presidential aspect, and you have made clear that you do not favour the commission formula. It has been put to us that the regulatory framework in the UK is already something of a guarantor of the public interest when it comes to the broadcasting of general election debates and you have given some illustration of that. Could you describe how you understand the regulatory framework here to set the context in which the debates take place and ensure the public interest is served? In particular, what is your understanding of the way the regulatory framework over the BBC and the commercial broadcasters, respectively, shape the decisions about which parties can take part in the prime ministerial debates?

Professor Purvis: The latter point you make is particularly important. I do not think there is as much clarity about that as we might think. The obvious main regulatory points are that the Parliament set the statutory framework. It set up regulators. The regulators consulted on the codes. The broadcasters try to observe the codes. That is the overall public good that comes from it.

In Ofcom's case, you then have section 5, which includes the normal due impartiality rules and they apply, just as in an election. In addition, under section 6, you get the special requirements. Probably the key one is, "Due weight must be given to the

coverage of major parties during an election period.” It is worth noting that, in my experience, “due weight” does not equal “equal weight”. They are not the same things. For instance, on party election broadcasts a major party on the major party list does not necessarily get the same number of party election broadcasts as another party.

When there were challenges last time—in fact they entirely came from the SNP and Plaid Cymru—about the role of what we might call parties in the nations, it was not, frankly, too difficult for the regulators to say, “This is a UK-wide election. This is about party representation of UK-wide parties rather than nations’ parties”. Both those processes led to the SNP and Plaid Cymru being disappointed.

No one who runs a UK-wide party who was not at the table objected. I do not think we should assume that would be the case this time. I look back through all the literature and there are these certain imprecisions on the broadcasters’ part in the criteria for appearing. At various times it said, “The three men hoping to be the leader of the Government; the three individuals who could realistically aspire to become Prime Minister of the UK”.

I thought Ric Bailey, in his piece for the Reuters Institute, had an interesting extra line. He said, “An important principle for the corporation”, meaning the BBC, “was that, for a Westminster election, the participants should be the leaders of the three biggest parties in the House of Commons”. That is the clearest criteria I have ever seen, but that was a retrospective statement. There is no explanation of why it is three and not two or four or some other number.

The implication from your discussions is that if you are a major party you automatically get a seat at this table. I was a member of the Election Committee at Ofcom that looked at the SNP and Plaid appeals and we never said that. We never said, "If you are a major party in the UK you automatically get a seat". There is an imprecision around that. The American model, as we discussed, had this pre-established objective criteria. In other words, the commission publishes their criteria; then they look at the polls and they see who has met the criteria. They do it before each debate.

In other words, if somebody surged up the polls and passed 15% they might appear in a later debate, even though they have not appeared in an earlier debate. We do not have anything like that. That is probably going too far. I suppose what I would suggest is that the moment the negotiations are finished and the rules are announced there should be absolute precision and clarity about why some people are there and why some people are not there.

Q75 The Chairman: Is there not a difference between imprecision before the decision as to the identities achieved and afterwards?

Professor Purvis: Absolutely, Chairman, which is why I have not gone as far as to support the American model on that clause because it might be seen as tying the hands of the broadcasters unreasonably, but I do think that the moment the process is finished—and I am almost speaking on behalf of the regulators at this point, not that they have asked me to—when they inevitably are going to look at appeals and

challenges, they need to know what the criteria were that the broadcasters used, otherwise how can they judge?

The final point I would make on major parties—I think the point was made to you—is that that is an Ofcom term. It is not a term that the BBC Trust uses. It could not stand up in any court as affecting the BBC because they have never signed up for it.

Phil Harding: As somebody who has written the BBC's election guidelines in the past, I would say that a certain amount of ambiguity is deliberately written into them. You do not want to absolutely have your hands tied and be too precise because you can then find yourself legislating in very difficult circumstances. A certain amount of ambiguity, certainly from the broadcasters' point of view, is a very helpful thing. The BBC is pretty explicit. If you look at the current guidelines out for consultation on the European elections, they are pretty explicit about what the criteria are. They say, "Their performance at the last equivalent election, in terms of representation and share of the vote, performance in subsequent elections, where relevant, other evidence of current electoral support and the number of candidates they are fielding in the election."

Obviously that is a multifactor set of criteria, but it does seem to me to be fairly explicit and then they lay out at considerable length where they are taking their data from and where they get all that from. At least the factors that are going to be taken into account, if not a precise formula, are pretty explicitly laid out.

There is one other point I would like to make, Chair, about impartiality and it partly relates to something you asked about in the last session as well, which you began to

touch on, and it relates to this question of the commission and impartiality. I do not think, certainly in the UK context, you can box off impartiality about the debates into just the leaders' debates. It is a continuum of coverage that a broadcaster has to be responsible for in terms of impartiality. Of course, you have to take into account the debates in the nations, which become an important part of the patchwork.

You also have to take into account other places where the party leaders can appear and where they get coverage. The idea that you could have boxed-off party leader debates and then you had one body being responsible for the impartiality there and then for the broadcasters having to pick up all the bits that were left behind by having the party leader debates would not be workable. The whole thing is a patchwork of impartiality. It is not just about the leader debates. I know you have talked about that, but I just wanted to lay that out a little more forcibly.

Q76 Baroness Fookes: Would you recommend the criteria that you have just read out for the European elections being adapted for the Westminster elections on the leaders' arrangements?

Phil Harding: I would be very surprised if they are not extraordinarily similar when the criteria for the general election are laid out and they seem a pretty good set of criteria to me.

Professor Purvis: Sorry, can I interrupt for a second? I think we should clarify: meeting those criteria does not necessarily get you a seat at a prime ministerial debate, does it?

Phil Harding: No.

Professor Purvis: It gets you a party election broadcast and it gets you a certain amount of coverage in the campaign coverage, but it does not say anywhere that, as a result of meeting those criteria, you get a seat at the table.

Phil Harding: Nor indeed does it set thresholds as to what the levels of support will be and so on.

Baroness Fookes: Professor Purvis, what would you suggest?

Professor Purvis: This may lead into something else. 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 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.

I regard it as a consortium if you take a consortium to be a group of different organisations who all have different purposes but have come together for a common purpose. I think that is probably what a consortium is in the best sense of the word. I think you need some rights and responsibilities of being in the consortium. You need to know if other people can join the consortium. You need to know the rules about passing on that material to other people and what they can and cannot do with it, the same way as when this House, many years ago, first established broadcasting. There were very clear rules for us as broadcasters about what could happen to the footage

we were shooting. In terms of the whole message about the public engagement with elections, I think there is a role for the broadcasters and I think they should embrace that and grasp it.

Phil Harding: I agree with all of that. I just get worried if you start putting numbers against any of these criteria, as the Americans have done.

Baroness Fookes: Not all that broad but not desperately narrow and not related just to figures.

Professor Purvis: Yes.

The Chairman: Slightly more verbally explicit.

Professor Purvis: Yes, slightly more.

Q77 Lord Clement-Jones: Can we just come to format? You heard from Channel 4 when we were taking evidence. They clearly feel that the 2010 debates were rather too constricted by the rules that were applied. I think they would prefer to see an overarching set of principles and then more freedom to determine different formats for the different broadcasters. What are your views on the format of the 2010 debates and how they can be improved to provide greater public value?

Phil Harding: Certainly, looking back at them again in the last week, they did look dreadfully stilted. It did look like a very set formula and I am not sure that is entirely in the public interest. I understand how they got there and why they had the formula and the 71 rules and all of that. I entirely understand how they got there, but 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 coming from the

audience, never had the chance to come back with a follow-up question. It just seemed counter-intuitive, in a way, and that did seem to be difficult.

Now, of course, there are all sorts of issues about impartiality and everything, but question time managers seem to manage that perfectly satisfactorily, about follow-up questions. More interaction with the audience I certainly would like to see, and I certainly think, although it does raise difficult issues but not impossible issues, some sort of interactivity through second screens and being able to raise questions online and through Twitter and all of that, yes.

Lord Clement-Jones: What about the diversity issue, from your point of view?

Phil Harding: Well, on one side you have—

Lord Clement-Jones: You have seen that we wrestle with that.

Phil Harding: You have the candidates and, therefore, you have who you have. On the other side, I think the broadcasters are going to have to look at that collectively. I do not know how they will do that as part of the consortium, but if it is four debates this time you cannot end up with four white men.

Lord Clement-Jones: As the interviewer, presenter or whatever?

Phil Harding: Yes. On the other hand, when you go through each individual broadcaster—I will not name names—you can see the difficulty each individual broadcaster is going to face with their key talent.

Lord Clement-Jones: We have toyed with the idea of a panel, though, of interviewers.

Phil Harding: When I have seen that in America that has, again, looked very stilted and it ends up being a press conference style of programming. My main argument would be to get the audience into it more than they have been so far.

Professor Purvis: On the issue of moderators, I think that maybe there is a possible solution and it is something the Committee might want to consider recommending for broadcasters. The way it seems to be done at the moment is that, as I said, some things are done jointly and some things are done separately. Though we do not have complete transparency on this, I think the choice of moderators is a matter for the individual broadcaster and Phil put his finger on it when he talked about key talent. In other words, you would not want to be the head of a network who called in your main anchor and told him they were not doing it. In the States, one of the advantages of the commission doing it is that they take an overview—

Q78 Lord Clement-Jones: In parenthesis, we have seen the battle over who is going to do the election night coverage.

Professor Purvis: Exactly. 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?" They need to address that issue pretty urgently, frankly.

On the issue of the second screen, I am a bit of a purist about the signal leaving the truck, as they would say in the States, needing to be the clean feed. In other words, it needs to be the pure debate. I think anybody who wants to add bells and whistles to

it should be free to do that. I just think we should preserve the fact that there is a feed coming out that has no bells and whistles on it, in terms of graphics like tweets and things like that.

Lord Clement-Jones: That is interesting. You mean, if people want to watch it in its pure form then that should be definitely offered by the broadcaster.

Professor Purvis: I think that should be the primary transmission, for lack of better terminology. Frankly, the technology, in terms of screens, already allows you to put Twitter up at the same time. That is either for the individuals to do or for channels to do, but I think there ought to be at least one place where you just see it clean of any other screen.

Lord Clement-Jones: If you have several channels, for instance, you put it on BBC One clean and BBC Four whatever it is.

Professor Purvis: If it is the BBC debate, the BBC One feed should be absolutely clean. Whether the BBC chooses, if it has channels left by that point—sorry, that was not a very good joke—to experiment on other channels, it is free to do, but the clean feed should be the clean feed.

Phil Harding: You could do an Olympic-style operation whereby you had some additional channels or something like that. In my answer I was not necessarily advocating putting the second screen on to the first screen, if I can put it that way.

Lord Clement-Jones: No, I absolutely understand.

Phil Harding: I was suggesting using it as a source of it because I think the dilemma with the second screen is that people are moving to it and people are using the

second screen while they are watching the first screen, but part of the point about the leader debates is that they are unmediated and people should be allowed to see the leaders in as raw a form as possible in order to be able to form a judgment about their policies, their characters and their performance.

Lord Clement-Jones: Absolutely.

Q79 The Chairman: Just to go back to the beginning of this question, it seems to me that the rules last time were very much safety first: "We have never done any of this before. We do not want anything to go ghastly wrong so let us be cautious". It may be different next time.

Professor Purvis: Yes. You could argue that the second time is the time to be relatively cautious as well. I think the reality is that the more it is the same as last time, the more difficult it is for a party to back out. The more you change the format, the more the opportunities arise for parties to back out but hopefully that would not be a recipe for a complete stalemate.

Lord Clement-Jones: That is exactly why we asked that question of Channel 4 because we thought that their rather radical ideas might frighten the horses and we are not yet where we have a convention, virtually, established about the broadcasters.

Phil Harding: This time round there may well be a party or parties looking for an excuse not to do this.

Lord Skelmersdale: We are all talking as though it is inevitable that in 2015—well, we are.

Phil Harding: Well, I am not.

Professor Purvis: No, nor am I.

Lord Skelmersdale: You are not?

Professor Purvis: No, for the very reason I have just said. The history of this, as I am sure you are aware, is that normally it is the incumbent's call. If the incumbent does not want to do it, they will find a way of not doing it. It just happened that Gordon Brown was persuaded that this was a gamble worth taking or it was the least worse option. We can never foresee what will be particularly in the incumbent's mind at the time of an election and, therefore, one should never assume it is going to happen.

Phil Harding: There was one other factor that happened last time around, which was that one of the big problems in previous negotiations had always been what you do about the Lib Dems or Liberals before them. The two main parties, Labour and Conservative, did not want to let the Liberals in on the debate and the Liberals said that they would challenge that. Certainly the legal advice the BBC got at the time was that were they to mount such a challenge it could well be successful through judicial review.

Q80 The Chairman: Can I ask a question that flows from that? Is there more or less an non-rebuttable presumption that a political party that decides to pull out is doing it entirely from self-interest and thinking that it is a way of improving their electoral chances?

Professor Purvis: I think that is the reality now as a result of the success last time. If there had not been one last time I think it would not be as clear cut as that, but any

party pulling out now when the status quo was on the table, say, would inevitably be seen to have backed out for some tactical reason.

Phil Harding: While you were asking Channel 4 the questions, I was just thinking in my own mind: could you possibly mount a debate if you were a broadcaster if one of the parties refused to come to the studio? Most of the law about elections is about candidates. Therefore, the question would then be for the regulators for the trust and Ofcom as to whether or not the broadcaster had been duly impartial in inviting all the parties to be present, even though one or more of the parties chose not to be present. It is the empty chair debate taken a stage further in a very high-profile way.

Professor Purvis: I completely agree. If I remember correctly, when John O'Reilly of Sky News, slightly acting out of the consortium, issued a challenge I think he said that if somebody did not turn up there would be an empty chair. As that never happened, that has never been tested. Under the Representation of the People Act changes, at a sort of constituency level, if somebody does not turn up that does not prevent the event going ahead.

Baroness Fookes: But it used to.

Professor Purvis: It used to.

Baroness Fookes: I remember being in that experience.

Professor Purvis: It was changed because parties were using it as a tactic to stop those debates happening.

Lord Skelmersdale: You would agree with me that the prospect is more fragile than a lot of people believe, certainly within the broadcasting industry?

Professor Purvis: Yes.

Lord Skelmersdale: What demands could be realistically be made on broadcasters to open up to provide greater transparency around the debates without the threat of the thing falling apart, do you reckon?

Phil Harding: I think the Channel 4 idea of some principles at the beginning is a good one and that certainly would help with transparency. I am not sure, in fact, when you come to look at what might be written down, whether it was going to take you that much further, but I think it is a good idea in principle. I think, once you get into the nitty-gritty of the negotiations, they have to be in confidence. I cannot see how you can do that in a goldfish bowl. It is too sensitive. It is too high stakes.

No one is going to want to be seen to be giving way and there will be compromises and there will be tough talking. My own view is that has to take to place in private. You have to then be absolutely explicit about what has been agreed—no secret agreements, none of that. You have to publish everything you do, but I think the negotiations have to be private.

Professor Purvis: I would agree completely with that and I would say that what we have now discovered about the American model, as a result of Professor Wheatley's evidence and the research that has followed that, is that the British model is more transparent than the American model, but it does not mean that it could not be a little clearer about certain things.

Q81 Lord Dubs: We have heard quite a lot about the work done by the US commission in spreading knowledge and awareness of the debates and reaching out

to the public. Do you think British broadcasters should be encouraged to create such a wider understanding and awareness of the debates?

Professor Purvis: Absolutely and it seems to me to go to the heart of what public service broadcasting is all about. It seems to me that they have done excellent work in a number of other areas where there is some public good to be developed as a result of television programmes. I think the reality was that last time they were just trying to get the show on the air. This time, if they got themselves organised, they could probably do everything that the commission does and do it rather better.

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.

Phil Harding: I think the four broadcasters are a consortium with a small "c", if I can put it that way, at the moment. They are going to become a consortium with a capital "C" quite soon and they are going to have to start doing some things together. Voter education and that sort of thing is clearly one of those areas. 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.

When it comes to the distribution question, which I think Stewart raised, 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.

There is a further set of discussions also to be had about who has the ability to be able to show these as live debates. There was quite a complicated set of arrangements, which I understand, but I think these are public events being staged in the public interest and there is a strong argument for them being available to anybody everywhere. They will have their own branding, of course, but I think there is a strong argument for being able to do that.

I was in Berlin last time for the first of the debates, trapped under the ash cloud, and I could not find the ITV debate because it was not available anywhere that I could watch it. I listened on the radio, which was an interesting experiment as well.

Baroness Bakewell: But all this publicity, which I thoroughly endorse—it seems an extremely good thing for democracy—slightly moves against what you said at the beginning of the session, which was that the actual debates themselves dominated activity. I know it does not contradict it, but there is a paradox there, is there not?

Phil Harding: No. I think I am talking about voter education and involvement in—

Baroness Bakewell: But not focusing on the debate.

Phil Harding: Not necessarily focusing on the debates, but you could use the debates as the spur for that and the route into it.

Q82 Lord Razzall: Obviously in this inquiry we have extracted from broadcasters their feeling and their experiences from the debate, but I think it has struck a number of us that there was not an industry wash-up the last time as to where lessons were to be drawn. Do you think that is something that ought to happen next time and how could that work?

Phil Harding: I certainly do. 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. I do not have a view about that. Maybe a hearing like this could at least be one forum that you could think about for doing that.

Lord Razzall: We are having ours four years later.

Phil Harding: Yes, maybe a little faster next time.

Baroness Fookes: Following on from learning lessons, would it be useful if there were various broadcasters co-operating or co-ordinating so that you had a one-stop shop online for information and education about the debates?

Professor Purvis: Yes, I think that is an excellent idea and I think it could be done relatively easily. It may be that this area is seen, within broadcasters, as a bit of a

niche and they think it is rather complicated. It involves people like chief political advisers and that sort of thing; not territory where the head of entertainment would like to go. I just think that perhaps broadcasters need to embrace these events rather more.

I think we should be pushing against an open door here because all of us are seeing, in my case, teenage boys—we were frankly amazed how interested they were. Therefore, there is an opportunity for broadcasters to make programming, whether it is on television or online or simply other web content, that people will find interesting and want to explore. I just hope the broadcasters will show the imagination which they have done on so many other events—of which I suppose the Olympics is a classic example—and apply that to these debates. I think they have a winner, to be blunt.

Baroness Fookes: You can do it with documentaries. There is often a follow-up book or various other things based on a television series, just so that it was broadened out.

Professor Purvis: Yes, absolutely.

The Chairman: It is called “The Next Government”, is it not?

Professor Purvis: “The Nation Decides” is the usual cliché.

Phil Harding: Also, just being able to find these debates: I went searching for them in the last week and, thanks to YouTube, I can find them, but they are posted unofficially there from YouTube. It is very difficult to find them on any of the broadcasters’ websites still.

Baroness Fookes: Yes, that seems particularly unfortunate. Would there be some value in the broadcasters getting together after each debate to have a wash-up or rundown on how it had gone on or would it be best after they are all over?

Professor Purvis: We do not know whether they did that and, if it was done, it was probably done informally. I think that is probably the appropriate way to do that, remembering that certainly the Ofcom review of the complaint by the SNP and Plaid Cymru happened after the first debate. Therefore, the broadcasters would have been extremely nervous about saying anything about the first debate, other than it was wonderful, until the regulator had made a decision about it. I think that is an understandable caution on their behalf, but there are plenty of other things they could be doing after each debate to keep the momentum going.

Possibly this goes to Baroness Bakewell's question: we should not forget that it was the newspaper press's obsession with the debates that was as much a cause of this. I think Ric Bailey's phrase was "sucking the air out of the debate". It was partly that the broadcasters kept doing stories about the debate and it was partly that the politicians kept thinking about it but, in terms of the newspaper coverage, they were perhaps as obsessed with it as anybody. Therefore, probably the parties judged that it was not worth having policy initiatives of the kind they used to have because, frankly, everyone was so obsessed with the debates. That is just a personal view.

Q83 Baroness Bakewell: We are speaking now about the idea of greater co-ordination proceeding in the future. Do you think it will arrive at a more formalised grouping? Do you think something like a commission would be better or do you

think it should just be a way of collaboration between individual or separate broadcasters?

Professor Purvis: They want to choose a word carefully. One of them informally used the word “collective” to me the other day, which I thought did sound rather 1960s and all that sort of stuff.

Lord Clement-Jones: “Solidarity” is one.

Professor Purvis: The reality is that they are acting in a co-ordinated way and they are acting in an individual way. That is why they would have been careful about expressing what they are. The Americans use this phrase “staging organisation”. I do not like it as well, but you know where they are coming from in that. They are saying, “These are the people”, and then they talk about sponsors. By that, they mean organisers. We think it means advertisers. You need to get the terminology right but, as long as you get the terminology right, I do not think the broadcasters should be frightened of being a bit more organised.

Phil Harding: If they work in co-ordination with each other, they have to be careful that each of them is responsible for what they publish because each of them is responsible for the impartiality of that programme. If you are ITV, you cannot be seen to be saying, “Well, BBC decided that. We did not decide that”. Everything has to be your decision. Sorry, I cut across you.

Professor Purvis: Sorry, can I just reinforce that point? When we talk about “regulatory framework”—I think I said this—each broadcaster is responsible to their regulator for what they broadcast, even if it came from another broadcaster. In other

words, when BBC retransmitted, say, the Sky News debate on BBC News channel, as Phil says, it would have been no excuse to say, "Well, I got this from Sky, so it is okay".

They have to be seen to have met the regulatory requirements themselves.

Baroness Bakewell: Of course. It is like publishing a libel, is it not?

Professor Purvis: Yes, absolutely.

The Chairman: Has Ofcom ever had to deal with that problem?

Professor Purvis: I would not like to offer a view because there are so many cases at Ofcom. I am not aware of one.

The Chairman: You are not aware of this type of profile?

Professor Purvis: No. Certainly the broadcasters are aware, as you say, as in a libel, it is no defence to say somebody else made it. You have to do your own compliance on it.

Baroness Bakewell: What you say puts me in mind of the evidence we heard from America last time, which indicated that the political parties themselves took an interest in the outcomes and how it might be reconfigured and they seemed to have an inappropriate role in interfering. Do you think the political parties here might like to say, "Next time we would like it shifted this way", or, "We would like it shifted that way"? Do they have a role?

Professor Purvis: It is one of my nervousnesses about the commission, knowing what we now know about the commission, that that might be an attractive option to the parties. The commission is a de facto, bipartisan structure that does not always necessarily work to the advantage of third parties, among its many other issues. I just

think people need to be aware of that and not be necessarily seduced by what appear to be the advantages of the commission, which, as I say, if broadcasters were organised they could easily replicate and probably even improve on.

Q84 Baroness Healy of Primrose Hill: Just talking about the use of social media in the future, I know that you are very keen on it and you are worried about them not having clean feeds. How should greater use be made of social media while avoiding the various pitfalls that you have mentioned? Also, what risk is there that the political parties could shift the debates entirely online, for instance, circumnavigating the broadcasters and the regulatory framework around them—so just doing it themselves?

Phil Harding: I think I answered where I think there is a role for social media in a previous answer. I do think there is a role for it and I think the broadcasters have to take account of the fact that this whole other debate is going on around the leaders' debate at the same time. You cannot ignore it. I think you do have to put it there and the idea of being able to watch different versions of the debate is a very good idea as well.

To answer your second question, I think there is a possibility that they could take it. There is always a possibility, of course, that some other broadcaster will come along and offer a debate outside of the four main broadcasters. Channel 5 could suddenly sweep up the outside and say, "We are just doing it. Here it is. It is happening". There is always that risk, but in the end they want to reach an audience with these debates. I think they would probably stick with the four main ones, just in practical terms.

Professor Purvis: I would agree with that. I notice that Channel 5 did organise a debate about “Benefits Street”, which is on Channel 4, that did rather well in the ratings, but I would be surprised if Channel 5 would want to organise a debate outside the framework. I think either Channel 5 would be inside or not, but it is an interesting point.

Again, in the American document, the parties do sign up to not taking part in any other debates, which is quite interesting, as if they are conscious of that issue.

Baroness Bakewell: That is interesting because you assume that it would be a bad thing if another broadcaster came from nowhere and started doing it. Would it?

Phil Harding: No, I do not assume necessarily it would be a bad thing, I am just saying it could happen, but if it was on Channel 5 far fewer people would watch it than if it was on the BBC or on ITV just because, even these days, that is still the nature of television networks.

Professor Purvis: I suppose it is also possible that, if the group of four did not agree themselves on the format with the parties, there might be a breakaway of one or two who might say, “Well, I am prepared to do it the way that the parties want to do it”—something like that. Again, we should just not assume that it would be the same again.

Phil Harding: Having done the abortive negotiations before, I think one of the keys to this one has been getting the broadcasters together this time. It means that you have one set of negotiations with each of the parties, rather than three sets of

negotiations with three parties; in other words, nine sets of negotiations going on simultaneously in which everybody plays everybody else off against everybody else.

Baroness Bakewell: Suppose two of them said, "No, we are going off to do our own", that is one for Ofcom, is it not?

Professor Purvis: I do not think it is, no. I think all Ofcom would say is, "Does the broadcast meet the broadcasting code?" Ofcom is not in the business of telling producers which shows they should make. Apart from meeting quotas and things, it is basically saying, "Do programmes meet the code?"

Q85 The Chairman: If you had a series of online offerings that you could download, they would be outside the scope of Ofcom, would they not?

Professor Purvis: Depending on how they were distributed. Normally they would be.

The Chairman: Would they be outside the scope of other electoral law? I am not sure.

Professor Purvis: Certainly one of the odder cases I have dealt with at Ofcom was a TV station that had transmitted a commercial for a political party in the UK. I did not know there were such things as commercials for political parties, but people are making 30-second spots and putting them online and a very small broadcaster had transmitted one. It was an interesting test case. I have to say that when the broadcaster was called in they were not aware that there were any rules about the election. It reminded me of the day that a man came in and said, "I do not know anything about this broadcasting code because my main business is double-glazing". That does not apply to a major broadcaster, I should say.

The Chairman: Do you think that, over time, there is a risk that a lot of the electoral framework in this area could be just outflanked through various forms of non-broadcast communication?

Professor Purvis: It could arguably be outflanked, but it is just never going to achieve the mass audience that these programmes—

The Chairman: Not in the next four years?

Professor Purvis: I do not think that even the most optimistic forecasts for on-demand viewing have it overtaking linear viewing that I can see.

The Chairman: I am now going completely free. If political parties start producing very spectacular stuff that can be downloaded by anybody through their IPTV, we may be in a different world completely.

Phil Harding: You might be but it would tend to attract the people who would already be attracted to it and you end up preaching to the converted. You end up a little bit with like the ecology you have with American news networks where Fox News reaches people who agree with Fox News and nsmbc reaches its people—the great attraction of these debates so far on the mainstream channels has been that they reach out to people who are not committed party supporters.

The Chairman: A sort of Heineken phenomenon.

Phil Harding: Yes. As for the bigger question, it depends how quickly you think mainstream television will deteriorate. So far the evidence has been that it has deteriorated far slower than anybody has anticipated.

The Chairman: Anyway, I think we are drawing to the end of our session so thank you very much indeed. As one final swan song, is there anything either of you would like to say to us that we have not touched on and you think we ought to know about, please?

Phil Harding: I think I have made clear my scepticism about the debates commission idea for the reasons I have outlined. There are certainly ways the debates can be improved and I certainly think it is worth thinking about those, but, as Lord Skelmersdale said, at the moment, from what I hear, it is still a very fragile negotiation. Clearly you want to secure the debates, but not at any price. Clearly you may not get an ideal state of debates next time round as well.

Professor Purvis: I would agree with that and have nothing to add, Chairman. Thank you.

The Chairman: Thank you both very much indeed—very helpful.