



Review of Ofcom list of major  
political parties for elections taking  
place on 7 May 2015  
Statement

Statement

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## About this document

This document sets out Ofcom's decision on the so called list of "major parties" for the purposes of the General Election and other elections being held in May 2015.

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## Section 1

# Executive Summary

- 1.1 This document sets out our decision on the composition of the so called “major parties” list in advance of the General Election, English local government elections (in some parts of England) and English mayoral elections (in five areas)<sup>1</sup> being held on 7 May 2015.

### What is our role?

- 1.2 There is a long-standing ban on advertisements of a political nature on television or radio in the UK. It has been argued that allowing political advertising in the broadcast media would give an advantage to the best financed candidates or parties.
- 1.3 Party election broadcasts (“PEBs”) are, therefore, designed to offset the differential ability of parties to attract campaign funds. This free airtime is provided prior to elections (and also on a seasonal basis outside election campaigns) and allows qualifying parties an opportunity to deliver their messages directly to the electorate through the broadcast media.
- 1.4 To help maintain the effectiveness of this system, Parliament, through the Communications Act 2003 has charged Ofcom with the duty of making rules regarding the allocation, length and frequency of PEBs and identifying the broadcasters that are required to transmit PEBs. Ofcom discharges this duty through our rules on Party Political and Referendum Broadcasts (“the PPRB Rules”).
- 1.5 Separately, Parliament requires Ofcom to develop rules with respect to broadcasters’ wider editorial coverage of elections. Ofcom discharges this duty through the Ofcom Broadcasting Code (“the Code”).

### What is the effect of our decision?

- 1.6 The major parties list is important because the PPRB Rules and the Broadcasting Code impose certain obligations on broadcasters by reference to the political parties on this list.
- 1.7 The PPRB Rules prescribe the *minimum* number of party election broadcasts (“PEBs”) that must be afforded to certain parties by public service broadcasters<sup>2</sup>. This is an exceptional example of Ofcom imposing pre-broadcast requirements in relation to material to be broadcast. Parties with a minimum number of candidates standing in the General Election will receive at least one PEB, whereas the major parties must be offered at least two PEBs. Beyond these minimum requirements, the broadcasters are free to make their own judgements as to the number of PEBs offered to each party.

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<sup>1</sup> Due to take place in: Bedford; Leicester; Mansfield; Middlesbrough; and Torbay. These are a form of English local election. In this Statement we treat the 2015 English local elections and 2015 English mayoral elections together when reviewing the list of major parties for the purposes of the ‘English local elections’.

<sup>2</sup> Regional Channel 3 services; Channel 4; Channel 5, Classic FM; Talksport; and, Absolute Radio AM have to carry PEBs for the General Election. In addition, PEBs must be broadcast by regional Channel 3 services for the English local government elections (Also see footnote 11).

- 1.8 Separately, Section Six of the Code imposes an obligation on broadcasters to give “due weight” in their editorial coverage during the election period to coverage of the major parties. Broadcasters must also consider giving “appropriate coverage” to parties and candidates not on the major parties list. The Code therefore influences, but does not determine, the balance in a broadcaster’s editorial coverage of the elections. Ofcom assesses compliance with the Code on a post-broadcast basis.
- 1.9 However, it is important to make clear that this decision does not determine who should be invited to participate in any party leaders’ debates ahead of the General Election. This is a matter for the relevant broadcasters, in conjunction with the political parties concerned. Ofcom has no role in, and has not been involved in, determining the parties invited, structure, format or style of any broadcast leaders’ debates that might take place.
- 1.10 Also, this decision does not dictate the exact number of PEBs nor the exact level of editorial coverage that each political party will receive. The fact a party is on the major parties list does not mean it automatically receives the same number of PEBs, or exactly the same amount of editorial coverage, during an election campaign as other major parties. During the last General Election the number of PEBs allocated by the broadcasters to parties on the list ranged from two to five.
- 1.11 In addition, if a party is not on the list of major parties, this does not mean it is prevented from receiving PEBs during an election campaign, as parties that are not on the list can automatically qualify for at least one PEB if they are contesting one sixth or more of the seats in a nation in a General Election. In addition, such parties can receive additional PEBs, but this is primarily a matter for the relevant broadcasters to determine at their discretion.

## **Our Decision**

- 1.12 Having undertaken an assessment of the relevant evidence, and following consideration of responses to our consultation proposals, we have decided that:
- the existing major parties across Great Britain and in each of Scotland, Wales and Northern Ireland, should remain on the list;
  - in addition, we have added the UK Independence Party to the list of major parties in England and Wales for the purposes of the General Election and English local (and mayoral) elections being held on 7 May 2015; and
  - we have decided that the Green Party (including the Scottish Green Party) and Traditional Unionist Voice should not be added to the list of major parties on this occasion.
- 1.13 In making this decision, we have sought to balance the freedom of expression of political parties and candidates and the importance of access to broadcast time in the context of the election with the freedom of expression of the broadcasters, which means our intervention should go no further than is necessary.
- 1.14 We have therefore based our decision on objective and verifiable evidence consisting of:
- Evidence of political parties’ actual performance in significant forms of election.
- Evidence of actual performance in previous elections is an important factor in our assessment as this is actual evidence of how citizens have exercised their vote

and it avoids any differences between how people say they will vote and how they do vote. We have placed less weight on the more historical data from two elections ago and, consequently, we have placed more weight on the evidence of performance at the last General Election in 2010 (which reflects each party's current standing in Parliament) and other important forms of election since that time.

- Evidence of current support for political parties, as indicated by opinion poll data.

Evidence of current support over a period of time up to and including February 2015 ensures that our approach is sufficiently flexible to accommodate the emergence of popular support for other political parties that have not previously been on the list. There are many opinion polls available, but to avoid picking between opinion polls that may have different underlying methodologies and therefore results, we have relied on the BBC's Poll of Polls and also information produced by the Polling Observatory Project, both of which aggregate results from a number of polling organisations.

## Section 2

# Introduction

- 2.1 We published a consultation on our proposals for the major parties list on 8 January 2015 (“the Consultation”)<sup>3</sup>. We received responses from several political parties, broadcasters and academics as well as over 7,400 responses from individuals.
- 2.2 Before setting out the reasoning for our decision in Sections 3 and 4, we explain further below:
- our statutory duties in this context;
  - our role in relation to any televised party leaders debates;
  - the rules relating to election coverage and their relationship with the list of major parties; and
  - the principles by which we have undertaken our assessment.

### Our statutory duties

- 2.3 Many respondents to our consultation questioned our role in maintaining a major parties list, querying whether an independent regulator like Ofcom should have a role in such political matters. We therefore set out the nature of our statutory duties below, which have been set by Parliament.
- 2.4 Our principal duty in carrying out our functions, as set by section 3 of the Communications Act 2003 (“the Act”), is to further the interests of citizens in relation to communications matters (namely, in this context broadcast coverage of elections). In performing our functions we are required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed.
- 2.5 There is a long-standing ban on advertisements of a political nature on television or radio in the UK. It has been argued that allowing political advertising in the broadcast media would give an advantage to the best financed candidates or parties.
- 2.6 Party election broadcasts (“PEBs”) are, therefore, designed to offset the differential ability of parties to attract campaign funds. This free airtime is provided prior to elections (and also on a seasonal basis outside election campaigns) and allows qualifying parties an opportunity to deliver their messages directly to the electorate through the broadcast media.
- 2.7 To help maintain the effectiveness of this system, we have specific functions in this area. Parliament has charged Ofcom with the duty of making rules regarding the allocation, length and frequency of PEBs and identifying the broadcasters that are required to transmit PEBs. Specifically, section 333 of the Act provides that the regulatory regime for every licensed public service television channel and national radio service is to include conditions requiring the inclusion on that channel or service of party political broadcasts and conditions requiring the adherence to rules made by Ofcom with

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<sup>3</sup> See [http://stakeholders.ofcom.org.uk/binaries/consultations/major-parties-15/summary/Major\\_parties.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/major-parties-15/summary/Major_parties.pdf)

respect to those broadcasts. We have discharged this duty by including the necessary conditions in the relevant television and radio broadcast licences and by publishing rules (“the PPRB Rules”)<sup>4</sup>.

- 2.8 In addition, under section 93 of the Representation of the People Act 1983 (as amended), Ofcom is required to adopt a code of practice with respect to the participation of candidates at a parliamentary or local government election in broadcast items about the constituency or electoral area in question. This obligation is reflected in a number of statutory instruments with respect to broadcast items covering elections to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly, the European Parliament and the post of Police and Crime Commissioner<sup>5</sup>. In each case, before drawing up such a code of practice, we must have regard to any views expressed by the Electoral Commission. We have discharged this duty by preparing rules in Sections Five and Six of the Broadcasting Code (“the Code”) (and in particular Rules 6.8 to 6.13 on constituency coverage and electoral area coverage in elections) and associated Guidance<sup>6</sup>.
- 2.9 The PPRB Rules and Section Six of the Code impose obligations on broadcasters by reference to a so called list of major parties<sup>7</sup>. Further details on the PPRB Rules and the Code can be found in Annex 1 of the Consultation.
- 2.10 In performing our duties in this context, we are mindful of the need to strike an appropriate balance between both the broadcasters’ and political candidates’ right to freedom of expression, consistent with Article 10 of the European Convention on Human Rights.

### **Ofcom’s role in relation to televised party leaders’ debates**

- 2.11 Many of the responses to our Consultation referred to the distinct issue of the parties invited to participate in any televised party leaders’ debates in advance of the 2015 General Election. Many respondents expressed their objections to, in their view, Ofcom determining which parties might take part.
- 2.12 It is important to note that Ofcom has no role<sup>8</sup> in, and has not been involved in, determining the parties invited, structure, format or style of any broadcast leaders’ debates that might take place.

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<sup>4</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

<sup>5</sup> See SI 2007/236 National Assembly for Wales (Representation of the People) Order 2007 regulation 67; SI 2010/2999 Scottish Parliament (Elections etc) Order 2010 regulation 64; SI 2004/1267 European Parliamentary Elections (Northern Ireland) Regulations 2004 regulation 60; SI 2004/293 European Parliamentary Elections Regulations 2004 regulation 65; Northern Ireland Assembly (Elections) (Amendment) Order 2009 regulation 3.

<sup>6</sup> On 21 March 2013, as a result of the PPRB Statement, we published revised Guidance relating to: Section Five of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>); and Section Six of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>)

<sup>7</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>.

<sup>8</sup> Ofcom’s role in relation to any broadcast leaders’ debates would be to consider any complaints made after broadcast that any such debate did not comply with the Broadcasting Code. For example, in the 2010 General Election, Ofcom’s Election Committee (see paragraph 2.18 below) considered complaints from Plaid Cymru and the Scottish National Party concerning the first leaders’ broadcast debate in that campaign. See [http://licensing.ofcom.org.uk/binaries/tv/updates/election10\\_pc.pdf](http://licensing.ofcom.org.uk/binaries/tv/updates/election10_pc.pdf) and [http://licensing.ofcom.org.uk/binaries/tv/updates/election10\\_snp.pdf](http://licensing.ofcom.org.uk/binaries/tv/updates/election10_snp.pdf)

2.13 We are aware that discussions are currently underway between the broadcasters and political parties regarding the form and composition of those debates. It is an editorial matter for the broadcasters, following agreement with the parties, as to the structure, format and style of any leaders' debates. Whilst the composition of the list of major parties may influence those discussions, it is open to broadcasters to invite non-major parties to participate in such debates. Since the publication of our Consultation, the proposed form and composition of the debates has changed significantly, and now at least one party not designated as a major party has been invited to participate<sup>9</sup>.

### **Broadcasting relating to the elections and the major parties list**

2.14 During the election campaign, there will be two types of broadcast content relevant to the elections<sup>10</sup>:

- **PEBs:** These broadcasts are offered by relevant broadcasters to registered political parties under the PPRB Rules. In summary, in the May 2015 elections PEBs for the General Election must be broadcast by: regional Channel 3 services; Channel 4; Channel 5, Classic FM; Talksport; and, Absolute Radio AM. In addition, PEBs must be broadcast by regional Channel 3 services for the English local government elections<sup>11</sup>; and
- **broadcasters' own editorial coverage of the elections:** Broadcasters' news and current affairs coverage (as well as other programming relevant to the elections) must comply with Section Five (due impartiality)<sup>12</sup> and Section Six (elections and referendums)<sup>13</sup> of the Broadcasting Code. This includes any party leaders' debates that might take place.

2.15 The list of major parties is important for Ofcom's regulation of election coverage because certain obligations in the PPRB Rules and Section Six of the Code apply by reference to the parties on that list. In summary, the list of major parties reflects the fact that some political parties have a significant level of electoral support, and number of elected representatives, across a range of elections within the UK or the devolved nations. Ofcom's normal role in relation to broadcasting content is to review *post-broadcast* whether programming has complied with the Code: for instance, whether it has caused harm and offence, or whether there are fairness and privacy considerations. We make in breach findings and impose financial penalties where appropriate. We do not review programmes before they are broadcast to determine whether they are or are not compliant with the rules.

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<sup>9</sup> Ofcom understands that at the time of writing, certain leading broadcasters have invited the following parties to take part in proposed broadcast leaders' debates; the Conservative Party; the Green Party; the Labour Party; the Liberal Democrats; Plaid Cymru; the Scottish National Party ("SNP"); and the UK Independence Party ("UKIP").

<sup>10</sup> The BBC has its own Editorial Guidelines in relation to the coverage of elections which, for example, state which parties are "larger" and "smaller" parties across Great Britain (see: [http://downloads.bbc.co.uk/rmhhttp/guidelines/editorialguidelines/pdfs/2015\\_Election\\_Guidelines.pdf](http://downloads.bbc.co.uk/rmhhttp/guidelines/editorialguidelines/pdfs/2015_Election_Guidelines.pdf)).

<sup>11</sup> In addition, under the PPRB Rules, local digital television programme service licensees must carry local election broadcasts for the local government elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee. In past years when there have been General Elections, we understand that no PEBs have been offered by relevant Channel 3 licensees solely for the purposes of any local elections that were taking place at the same time. If this situation were repeated in 2015 (i.e. if no PEBs were to be offered by relevant Channel 3 licensees solely for the purposes of the 2015 English local elections) we consider that there would be no obligation on relevant local television broadcasters to carry PEBs.

<sup>12</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf>

<sup>13</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

- 2.16 The PPRB Rules are an exception to our normal post-broadcast approach because they set out criteria prescribing, pre-broadcast, the basis on which a *minimum number* of PEBs must be offered to certain parties by the public service broadcasters. By way of summary:
- 2.16.1 Under Rule 13, each major party should be offered *at least* two PEBs, with the actual number of PEBs being a matter for the broadcasters having regard to the circumstances of the election and evidence of a party's past electoral support and/or current support.
  - 2.16.2 Under Rule 14, non-major parties can automatically qualify for at least one PEB if they if they are contesting one sixth or more of the seats in a nation in a General Election<sup>14</sup>.
  - 2.16.3 Under Rule 15, the broadcasters are required to consider offering further PEBs if evidence of a party's past electoral support and/or current support at a particular election or in a relevant nation/electoral area means it would be appropriate to do so.
- 2.17 It is important to note, therefore, that the fact a party is not on the list of major parties does not mean it is prevented from receiving PEBs during an election campaign and if a party is on the major party list it does not automatically receive the same number of PEBs, or exactly the same amount of editorial coverage, during an election campaign as other major parties. This is primarily a matter for the relevant broadcasters to determine at their discretion.
- 2.18 In addition, we have a dispute resolution role in relation to the allocation, where there are unresolved disputes between broadcasters and political parties<sup>15</sup> concerning allocations of PEBs in accordance with the PPRB Rules<sup>16</sup>. Such disputes are dealt with under the Procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules Procedures")<sup>17</sup> by Ofcom's Election Committee<sup>18</sup>.
- 2.19 Separately, we have a role in relation to editorial coverage. In this regard, Ofcom's role is to review compliance with the Code on a post-broadcast basis. Of particular note in this context, Rule 6.2 of the Code requires that:

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<sup>14</sup> There are more specific rules for other forms of election, such as proportional representation systems of election.

<sup>15</sup> And designated organisations in referendums in relation to the allocation of Referendum Campaign Broadcasts.

<sup>16</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf> Section 333 of the Act 2003 empowers Ofcom to make rules which may include provision for determining the political parties on whose behalf party political broadcasts, including PEBs, may be made. The PPRB Rules contain minimum requirements set by Ofcom which Licensees must abide by in deciding the allocation, length, frequency and scheduling of PEBs and broadcasts outside of elections, known as party political broadcasts ("PPBs").

<sup>17</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/disputes.pdf> (and reproduced in Annex 3). In Section 5 we discuss the responses we received to the amendment to the PPRB Rules Procedures that we proposed in the Consultation.

<sup>18</sup> See <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/election-committee/> The Election Committee is a delegated committee of the Ofcom Board whose role is (a) to consider and adjudicate on complaints received with regard to: the allocation by Ofcom licensed broadcasters of PEBs; the scheduling of PEBs, or their duration; and, (b) to consider and adjudicate on complaints received in relation to due impartiality in programmes transmitted by Ofcom licensed broadcasters where Ofcom considers that a substantive issue is raised and where the complaint, if upheld, might require redress before the election.

*"Due weight must be given to the coverage of major parties during the election period".*

2.20 Ofcom's published Guidance to Section Six makes clear that:

*"The concept of giving 'due weight' to the major parties, as required by Rule 6.2, is flexible. Its application depends on the electoral context"<sup>19</sup>.*

2.21 Rule 6.2 therefore does not require broadcasters to give equal coverage to all the major parties in any given election campaign. Nor does the Code prevent broadcasters from covering non-major parties during election campaigns. This is a matter for their editorial judgement, which Ofcom may scrutinise post-broadcast. In this context, Rule 6.2 of the Code requires that:

*"Broadcasters must also consider giving appropriate coverage to other parties and independent candidates with significant views and perspectives".*

2.22 We would therefore expect broadcasters to give appropriate editorial coverage to non-major parties, especially in situations where there are likely to be a greater range of potential voices competing for coverage. There may be particular reasons for this in the context of the forthcoming General Election: notably, the possibility that no party may win an overall majority; and that a number of parties (including those from the different nations of the UK) may have some role in forming the next government.

2.23 Whilst it is primarily for the broadcasters to determine the nature of their editorial coverage of the elections, in applying the Code we would expect broadcasters to reflect a range of viewpoints from parties across the UK in their editorial coverage.

### **The principles by which we have undertaken our assessment**

2.24 In our Statement ("the PPRB Statement") of March 2013<sup>20</sup> we made the decision to make the list of major parties a self-standing document and we said we would review it in accordance with the following principles:

- we would consider whether it is appropriate to review the list on a periodic basis i.e. we would only review the list if there were cogent reasons for doing so;
- mindful of the need for continuity and certainty in this area so that both political parties and broadcasters can plan ahead for elections, we would commence any reviews in the autumn preceding the relevant election(s) happening in the following May/June;
- in any review of the list we might carry out, we would take into account factors such as the electoral performance of parties (including the numbers of elected candidates and overall percentage of vote received) over a range of elections<sup>21</sup> over at least two electoral cycles (including elections prior to the PPRB Consultation) for the different types of elections, and levels of current support;

<sup>19</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>), paragraph 1.20.

<sup>20</sup> See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf>  
The PPRB Statement was published following the related consultation ("the PPRB Consultation"), <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/summary/condoc.pdf>

<sup>21</sup> Including Westminster Parliamentary by-elections.

- if a party's performance over several elections of the same type was significant but not reflected in other types of election, we would consider drawing up a specific list of major parties for that specific type of election;
- whenever we decide to review the list, we would publicly consult on any proposed changes, including obtaining input from the Electoral Commission on any proposed changes; and
- as appropriate, we would publicly consult only in relation to the relevant election or particular elections, rather than all possible types of elections.

2.25 We undertook our first review (“the 2014 Review”) of the list of major parties ahead of the 2014 European Parliamentary elections and English local (and mayoral) elections in 2014<sup>22</sup>. For the purposes of this review (“the 2015 Review”), we have broadly adopted the same analytical framework as for the 2014 Review, namely we have assessed the available electoral evidence based on each party’s past electoral performance and current support separately in each of England, Wales, Scotland and Northern Ireland.

2.26 In our view this approach reflects two interlocking features:

- firstly, the list recognises that certain political parties field candidates principally across England, Wales and Scotland, while other parties field candidates in just one of those nations or Northern Ireland. Therefore, in news and current affairs election programming that, for example, focuses on elections across Great Britain, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates principally across England, Wales and Scotland in UK-wide elections (i.e. General Elections and European Parliamentary elections). Conversely, in news and current affairs election programming that focuses on the elections across Great Britain in just one nation of the UK, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates in that one nation; and
- second, the list implicitly reflects the UK/Great Britain’s broadcasting architecture<sup>23</sup>. This is because the list of major parties ensures that broadcasters broadcasting on either a UK/Great Britain-wide basis (such as Channel 4 or Channel 5) or on a devolved nation basis (such as STV in Scotland) allocate PEBs to parties in a manner appropriate to that broadcaster’s broadcast footprint. The current list of major parties, although a single list, also reflects separate lists for the UK/Great Britain, England, Wales, Scotland, and Northern Ireland

2.27 This approach has a number of advantages:

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<sup>22</sup> On 3 March 2014, we confirmed that the UK Independence Party would be added to the Ofcom list of major parties for England and Wales for the specific purposes of the European Parliamentary elections in May 2014 only. This means that as of 22 May 2014 UKIP was no longer included on the list of major parties (see [http://stakeholders.ofcom.org.uk/binaries/consultations/parties2014/statement/Major\\_Parties\\_Statement.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/parties2014/statement/Major_Parties_Statement.pdf)).

<sup>23</sup> Some broadcasters (such as Channel 4, Channel 5 and the national radio services i.e. Absolute Radio AM, Classic FM, and Talksport) transmit their programming across the UK/Great Britain, whilst some broadcasters, such as Channel 3 licensees broadcast to devolved, or parts of, devolved nations.

- it enables the list to reflect variations in support for political parties in the nations of the UK, yet also reflects the fact that certain major parties demonstrate significant support across England, Wales and Scotland in aggregate<sup>24</sup>;
- it ensures that the framework for allocating PEBs on channels transmitted only within a devolved nation (such as STV, ITV Wales and UTV), or for determining coverage on election programmes (which focus on UK-wide elections (such as General Elections) within specific devolved nations), accurately reflects the different parties' individual electoral strengths within each devolved nation; and
- it ensures consistency in the approach to assessing the list of major parties for both UK-wide elections and elections taking place in individual devolved nations.

## General summary of consultation responses

2.28 We received responses to the consultation from the Electoral Commission; the English Democrats; the Green Party; the Liberal Democrats; Mebyon Kernow; Plaid Cymru; the Scottish Green Party; the Scottish National Party ("SNP"); Jonathan Edwards MP<sup>25</sup>; Molly Scott Cato MEP<sup>26</sup>; Bristol for Democracy<sup>27</sup>; a confidential response from a Welsh political organisation; and a combined response from Channel 4, Channel 5, ITV Plc and UTV Television ("the Combined Broadcaster Response"). We also received two responses from different academics: Nick Anstead of the London School of Economics and Political Science; and Chris Hanretty, Ben Lauderdale and Nick Vivyan of the University of East Anglia (the "UEA academics").

2.29 In addition, we received 7,420 responses from individuals. By way of summary:

- 284 objected to the existing major parties being so designated with a minority of these specifically objecting to the Liberal Democrats being designated as a major party. 811 supported these parties' designation as major parties;
- 192 objected to Traditional Unionist Voice ("TUV") not being a major party, with 271 supporting their non-designation as a major party;
- 6,386 objected to the Green Party (including the Scottish Green Party) not being a major party, with 36 supporting their non-designation as a major party;
- 954 objected to UKIP being designated as a major party, with 696 supporting their designation as a major party; and
- 325 objected to the SNP, not being a major party across all of Great Britain (as opposed to just Scotland), with 17 taking the contrary view.

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<sup>24</sup> Therefore, in news and current affairs election programming that, for example, focuses on elections across Great Britain, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates principally, and have significant aggregate support, across England, Wales and Scotland. In addition, broadcasters broadcasting on a UK/Great Britain-wide basis (such as Channel 4 or Channel 5) would have to allocate PEBs to those major parties that fielded candidates principally, and had significant aggregate support, across England, Wales and Scotland as a whole;

<sup>25</sup> Plaid Cymru MP for Carmarthen East and Dinefwr.

<sup>26</sup> Green Party MEP for South West England.

<sup>27</sup> Bristol for Democracy described itself as "one of Britain's foremost campaign groups for democratic reform".

- 2.30 The non-confidential responses to the Consultation from the respondents named above have been published on our website<sup>28</sup>. In addition, a summary of the responses from individuals has been published on our website<sup>29</sup>. A detailed summary of all of the consultation responses is set out in Annex 4.

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<sup>28</sup> See <http://stakeholders.ofcom.org.uk/consultations/major-parties-15/?showResponses=true>

<sup>29</sup> Ibid.

## Section 3

# Relevant evidence relied upon by Ofcom

## Introduction

3.1 In this section, we set out:

- the nature of the evidence of electoral performance and current support that we have relied upon to make our decision (including consideration of submissions from respondents to our Consultation); and
- a summary of the evidence<sup>30</sup> available to Ofcom of electoral performance and the updated evidence of current support for the various political parties specific to the elections due to take place on 7 May 2015.

## Our consultation proposals

3.2 In the Consultation, we set out the evidence of past electoral support and current support that we proposed to use to determine the list of major parties for the 2015 elections. We asked stakeholders for their views on that evidence. Specifically, we asked whether there was any other relevant evidence which respondents considered Ofcom should take into account.

## Ofcom's views on respondents' submissions

3.3 In considering the appropriate evidence that we should use for the 2015 Review, we have noted that the Combined Broadcaster Response<sup>31</sup> and a number of individual respondents said that Ofcom had taken into account the relevant evidence of current and past electoral support for the purposes of the 2015 Review. In addition, we note that the Electoral Commission, the specialist regulator whom we have a statutory duty to consult in these matters, stated that Ofcom had identified "the relevant factors that need to be taken into account".

3.4 Various respondents suggested that Ofcom should take account of other forms of evidence as a means of assessing current support for political parties. A detailed summary of respondents' submissions on this aspect of our Consultation is set out at Annex 4, paragraphs A4.2 to A4.14. Our views on those submissions are set out below.

### Party membership

3.5 The Green Party and the Scottish National Party ("SNP"), supported by other respondents, suggested that party membership should be used a factor in gauging current support. In this regard the Green Party said that: "The decision to join a political party represents a significant commitment".

3.6 However, we note that even allowing for the reported growth in membership of the Green Party, the Scottish Green Party and the Scottish National Party ("SNP"), total party membership of all UK political parties remains a very small proportion of the total

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<sup>30</sup> In this Statement we have updated the evidence of current support we relied upon in the Consultation and which was laid out in Annex 2 of that document, to encompass relevant opinion poll data since December 2014

<sup>31</sup> A combined response from Channel 4, Channel 5, ITV Plc and UTV Television.

electorate<sup>32</sup>. As such, we do not consider that party membership totals would be a robust indicator of wider support for the various parties across the electorate at large.

#### Evidence of public support for particular policies

- 3.7 The Green Party, supported by other respondents, also cited support for the Green Party based on results from policy-related polling such as that carried out by [www.voteforpolitics.org.uk](http://www.voteforpolitics.org.uk) and YouGov. In both cases rates of support for particular policies rather than parties had been measured.
- 3.8 However, we do not consider that this form of analysis is a sufficiently robust means of measuring current support for our purposes. Firstly, the respondents to the survey cited by the Green Party were self-selecting and were not subject to any statistical weighting (unlike established opinion polls). Second, we note that the overall support (27.36%) that the Green Party said it had received in this survey was not a measure of individuals opting for Green Party policies as a whole, but was an aggregation of different individuals opting for single Green Party policies in isolation. Third, the YouGov poll cited by the Green Party only considered respondents' views on three distinct policies, whereas party preferences in conventional opinion polls reflect the fact that voters are choosing the one party that best reflects their preference across a very large number of policy areas. Such opinion polls implicitly reflect individuals' policy preferences over a range of areas. In any event, the relationship between support for specific policies and the party or parties espousing these policies is open to a wide range of interpretation.

#### Evidence of public interest in a party receiving public exposure

- 3.9 The Green Party and a large number of individual respondents pointed to an ICM poll and a petition that they considered showed a high level of support from members of the public for the inclusion of the Green Party in any broadcast leaders' debates that might take place before the 2015 General Election. However, as we state in paragraph 2.13 above, the composition of any such debates and whether particular parties should take part, is a matter for the relevant broadcasters in agreement with the parties. It is a separate matter from whether or not a party is designated as a major party. By way of background, we note that the Green Party has now been invited to participate in proposed party leaders' debates.

#### Young voters

- 3.10 The Green Party and a number of other respondents said that Ofcom should also take account of young voters' (e.g. 18 to 24 year-olds) preferences in gauging current support. Reasons for this included: the fact a large number of young voters would not have voted for the Green Party in the 2010 General Election, so accounting for the party's low level of support in that election; and the need, in some respondents' views, to encourage political engagement amongst young voters.
- 3.11 In response to these points, we note that all political parties draw support from different age cohorts and that the various polling organisations ensure their survey samples are weighted to reflect the distribution of the different age-groups across the population. As such, if a particular party's support increases in any different age group, this will be reflected in an increase in its overall polling figure. We therefore consider it would be inappropriate to place any extra weighting on the amount of support parties may receive

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<sup>32</sup> For example, House of Commons research found that in 2013 the combined membership of the Conservative Party, Labour Party and the Liberal Democrats represented 0.8% of the total UK electorate. See <http://www.parliament.uk/briefing-papers/SN05125/membership-of-uk-political-parties>

from 18 to 24 year-olds. In addition, in reaching our decision we have taken into account more recent significant elections when younger voters who were not able to vote in the 2005 and 2010 General Elections would have had the opportunity to cast their vote.

#### Other opinion poll data

- 3.12 The English Democrats objected to Ofcom using Great Britain-wide opinion poll data as a proxy for gauging support in England only. However, in this regard we note that estimates produced by the UEA academics suggest that “the same parties identified by [Ofcom] as major parties in Great Britain are also the four largest parties in England”. In addition, Ofcom is not aware of any recent aggregated figures of different polling organisations’ opinion polls, showing support for the political parties in England only. We have therefore used the Great Britain-wide polls in the BBC Poll of Polls and the Polling Observatory figures as a proxy for gauging levels of current support in England only.
- 3.13 On a related point, we note the request from the Green Party that we take into account three opinion polls<sup>33</sup> from January 2015, which showed the party up to 11% in individual Great Britain-wide polls. We note these polls but consider a more statistically robust approach is to use comprehensive aggregated averages of polls produced by a large range of polling organisations, and not the small selection of polls identified by the Green Party. Therefore, we favour the BBC Poll of Polls and the Polling Observatory figures as a more reliable measure of current support than using a narrower range of polls.
- 3.14 We also note the concern expressed by the Green Party that opinion poll support for that party in Great Britain-wide opinion polls was displayed separately to the data for the other parties. However, this was because the aggregated figures of opinion polls of support for the political parties (contained in the BBC Poll of Polls and Polling Observatory data) did not separately include figures for the Green Party. We therefore welcome the fact that since the start of 2015 both the BBC Poll of Polls and Polling Observatory data now include separate figures for the Green Party, including historical data. Therefore, in Annex 2 of this document figures 30 and 31, which set out the data for the BBC Poll of Polls and Polling Observatory respectively include figures for the Green Party since May 2012. We consider that is now possible to make robust comparisons between the Green Party and other parties.
- 3.15 In addition, we have updated all the opinion polling data relating to the four nations of the UK until the end of February 2015.
- 3.16 A separate opinion poll-related point raised by some individual respondents was that Ofcom should take account of the trajectory of increases in opinion poll ratings. We do not agree that it would be appropriate to take such information into account for the purposes of this decision. It would be wrong for Ofcom to attempt to predict trends in popular support for the various parties, and we consider it would not be a credible basis on which to take our decision. The absolute level of support for particular parties within separate nations of the UK is, in our view, more relevant when gauging evidence of current support, rather than whether a party has seen a large relative increase in its polling support while its absolute level of support still remains relatively modest.

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<sup>33</sup> The Green Party cited: a Lord Ashcroft national poll, showing Green Party support at 11%; a Guardian/ICM poll showing Green Party support at 9%; and a YouGov poll showing: Green Party support at 8% “ahead of the Liberal Democrats who are on 7% and in tied second place at 22% among 18-24 year olds”.

### Evidence relating to Wales

- 3.17 We have taken into account the Welsh Assembly by-election cited by Plaid Cymru. In addition, we note the comments about Wales-only opinion polls made by the confidential respondent and confirm that our current decision has not solely been determined by reference to evidence of current support.

### Other criteria

- 3.18 Respondents also suggested that Ofcom should take into account a range of other factors when reviewing the list of major parties. However, we are not persuaded that any of these criteria would be appropriate for use in the 2015 Review. For example:

3.18.1 We note the argument put by Bristol for Democracy and a number of individual respondents about “split voting”, whereby the First Past the Post (“FPTP”) electoral system, in their view, means that “people who might like to vote for one of the smaller parties often feel compelled to vote for a larger party in order for their vote to make a difference”. It is the fact that FPTP is the electoral system in use for UK General Elections, and respondents to opinion polls are asked their voting intention on that basis. We therefore consider it would be inappropriate for us to rely on opinion polling based on the hypothetical existence of a more proportional electoral system for General Elections.

3.18.2 We note the argument raised by some respondents that the structure of questioning in opinion polls underestimates the support of minor parties, such as the Green Party. In this regard, we note there is some debate about the effect of questioning methodology (and the ‘prompting’ of particular parties’ names in initial poll questions) on measuring party preferences. However, we are not aware of any clear evidence that this has had a material effect on measuring the performance of smaller parties, such as the Green Party<sup>34</sup>.

3.18.3 We also note the argument that Ofcom should take account of the number of candidates being fielded by parties to gauge whether a party should be a major party. We consider that the number of candidates being fielded by a party does not readily correlate to wider support within the electorate, and that a range of parties in elections are able to field a large number of candidates without demonstrating significant support electorally. The number of candidates will be important under Rule 14 of the PPRB Rules, as this may qualify the party for a least one PEB<sup>35</sup>.

3.18.4 We also consider that levels of social media activity on behalf of parties would not be appropriate as a means of measuring current support. We consider such an approach would not be sufficiently objective or measurable because, for example, the number of Twitter followers attributed to a party, unlike opinion polls, could not be statistically weighted to reflect the electorate as a whole, and will not necessarily denote an accurate number of unique individuals expressing support for a party at any particular time.

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<sup>34</sup> See the UK Polling Report (<http://ukpollingreport.co.uk/blog/archives/category/methodology>) for a discussion on the effect of ‘prompting’ in opinion poll questions on stated support for UKIP. The UK Polling Report states that a number of polling organisations had introduced prompting for UKIP in their polls, but with “no significant effect upon the level of UKIP support”.

<sup>35</sup> Under Rule 14, non-major parties can automatically qualify for at least one PEB if they are contesting one-sixth or more of the seats in a nation in a General Election.

- 3.18.5 Finally, we also consider that it would be inappropriate to take account, as some respondents argued, of the lower levels of media coverage received by some parties. In our view, levels of media coverage would not be a straightforward variable to quantify and it is debatable the extent to which coverage across all forms of media would easily correlate with levels of support with the different parties.

## Conclusions on relevant evidence

3.19 For the purposes of this decision we have relied on the following relevant evidence, which is set out in full in Annex 2:

- a) evidence of past electoral support: This consists of relevant data of *actual electoral performance* in previous General Elections<sup>36</sup> and English local (and mayoral) elections over a number of years. In addition, we set out relevant data for electoral performance in other significant types of election<sup>37</sup> which have taken place since the 2010 General Election, and which are not being contested in May 2015; and
- b) evidence of current support: This consists of evidence of current support over a period of time up to and including February 2015 in relation to England<sup>38</sup>, Wales, Scotland and Northern Ireland *as demonstrated by opinion poll data*. In summary, this evidence is comprised of the following:
  - England: we have used the Great Britain-wide polls as a proxy for gauging levels of current support in England only. The figures we used are contained in: the BBC Poll of Polls (of Great Britain-wide polls); and the monthly polling reports produced by the Polling Observatory project<sup>39</sup>; and
  - Wales, Scotland and Northern Ireland: we note that few opinion polls relate individually to Wales, Scotland<sup>40</sup> or Northern Ireland. Nevertheless, we present the limited information that is available in Annex 2.

3.20 We have updated the relevant evidence of current support since the publication of our Consultation to include the latest available data until the end of February 2015.

3.21 As explained further at paragraph 4.9, following consideration of submissions from respondents to our Consultation we have placed less weight on the evidence of electoral

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<sup>36</sup> Consistent with our methodology for assessing the data, as laid out in paragraph 2.25 above, the General Election data has been listed separately for the four nations of the UK.

<sup>37</sup> Such as Westminster Parliamentary by-elections and elections to: the European Parliament; the Scottish Parliament; the National Assembly for Wales; the Northern Ireland Assembly; the London Assembly; Police and Crime Commissioner elections; and local elections in Wales, Scotland and Northern Ireland.

<sup>38</sup> Ofcom is not aware of any recent aggregated figures of different polling organisations' opinion polls, showing support for the political parties in England only. We have therefore used the Great Britain-wide polls in the BBC Poll of Polls and the Polling Observatory figures as a proxy for gauging levels of current support in England only.

<sup>39</sup> See <http://blog.policy.manchester.ac.uk/posts/2014/12/polling-observatory-43-stability-returns-with-race-close-to-dead-heat/>

<sup>40</sup> We have included the two opinion polls cited by the SNP relating to the whole of Scotland (see footnote 111). We have not included the third poll cited by the SNP, because this related only to 16 of the 59 seats in Scotland.

performance two electoral cycles ago and greater weight on evidence of electoral support in more recent elections as well as evidence of current support in opinion polls.

### Summary of the relevant electoral evidence

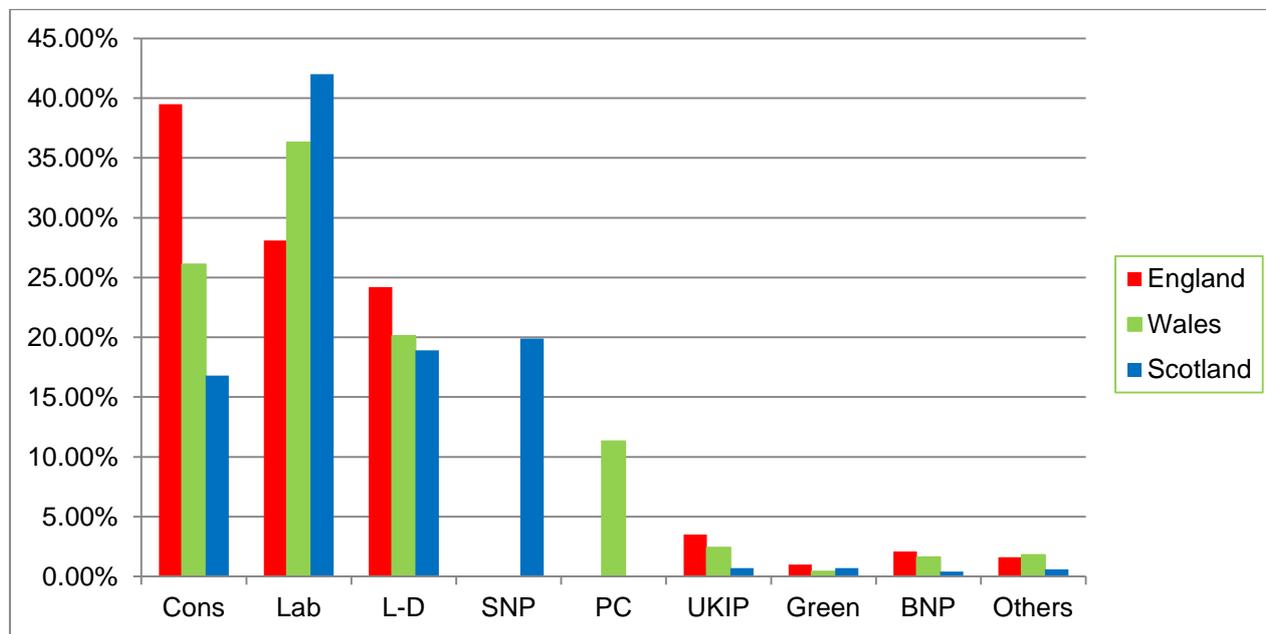
3.22 Figures 1 to 6 below provide details of electoral performance in the 2010 General Election and the 2013 and 2014 English local elections (being the type of elections being held on 7 May 2015). Figures 7 to 11 shows levels of current support for parties in: Great Britain-wide opinion polls, as demonstrated by the BBC Poll of Polls and the Polling Observatory; and opinion polls in relation to Wales, Scotland and Northern Ireland.

**Figure 1: Number of seats and share of vote at the 2010 General Election (England, Wales and Scotland)**

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party <sup>41</sup>	BNP	Others
<b>2010 General Election</b>									
England	297 39.5%	191 28.1%	43 24.2%	N/A	N/A	0 3.5%	1 1.0%	0 2.1%	1 1.6%
Wales	8 26.1%	26 36.3%	3 20.1%	N/A	3 11.3%	0 2.4%	0 0.4%	0 1.6%	0 1.8%
Scotland	1 16.8%	41 42.0%	11 18.9%	6 19.9%	N/A	0 0.7%	0 0.7%	0 0.4%	0 0.6%

Source: BBC and House of Commons Library

**Figure 2: Share of vote at the 2010 General Election (England, Wales and Scotland)**



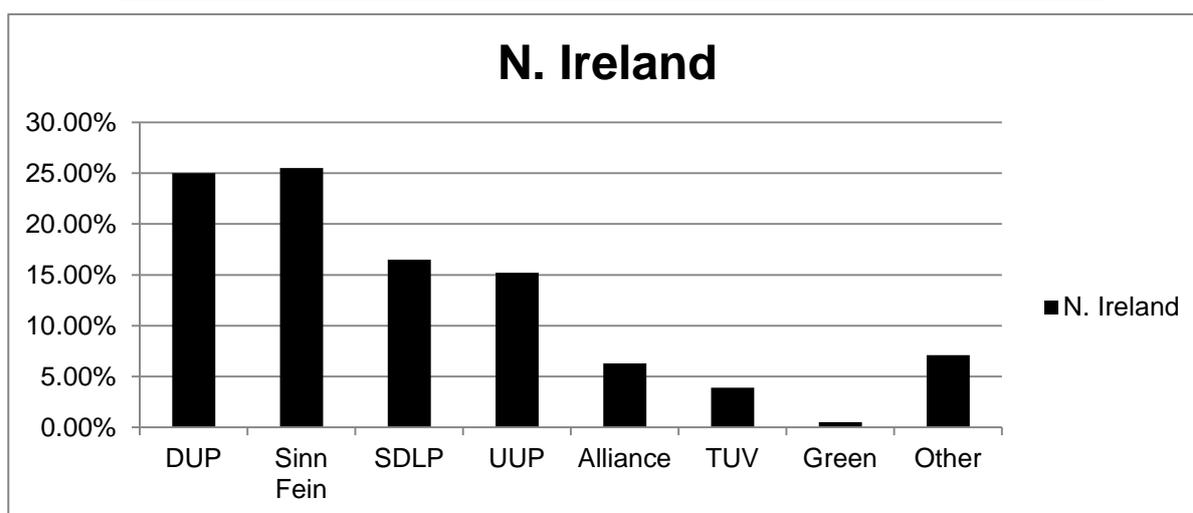
<sup>41</sup> And Scottish Green Party.

**Figure 3: Number of seats and share of vote at the 2010 General Election (Northern Ireland)**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
<b>2010 General Election</b>							
8 25.0%	5 25.5%	3 16.5%	0 15.2%	1 6.3%	0 3.9%	0 0.5%	1 7.1%

Source: BBC and House of Commons Library

**Figure 4: Share of vote at the 2010 General Election (Northern Ireland)**



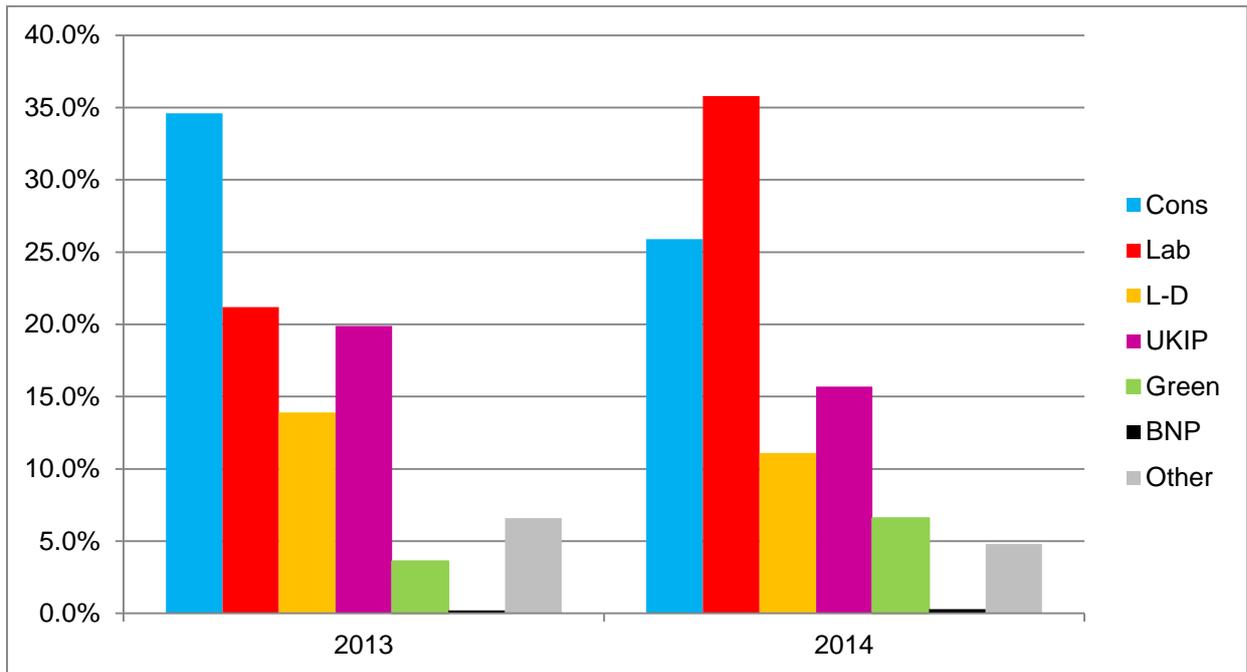
**Figure 5: Number of seats and share of vote at the 2013 and 2014 English local elections**

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Others
2014	2,124 25.9%	1,366 35.8%	429 11.1%	163 <sup>42</sup> 15.7%	38 6.6%	1 0.3%	145 4.8%
2013	1,117 34.6%	538 21.2%	352 13.9%	147 19.9%	22 3.6%	0 0.2%	186 6.6%

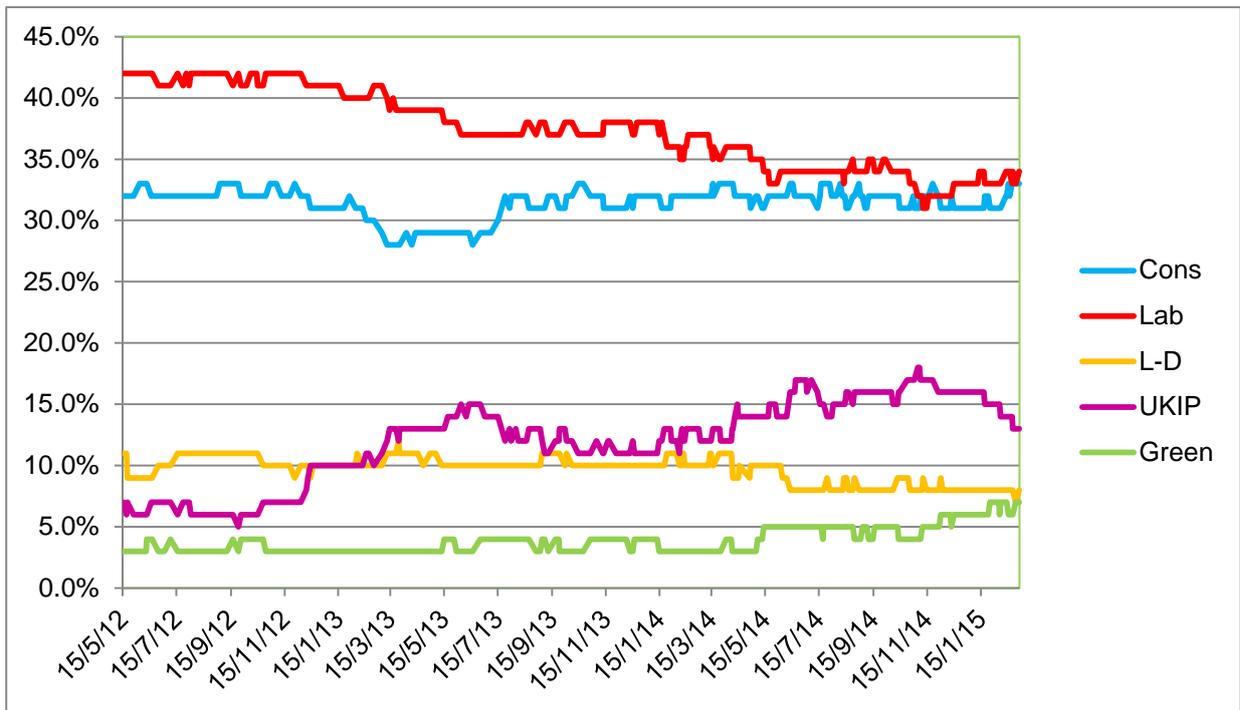
Source: The Elections Centre, Plymouth University

<sup>42</sup> Due to a typographic error in the Consultation it was wrongly stated that UKIP had won “16” seats in the 2014 English local elections rather than the 163 seats they actually won.

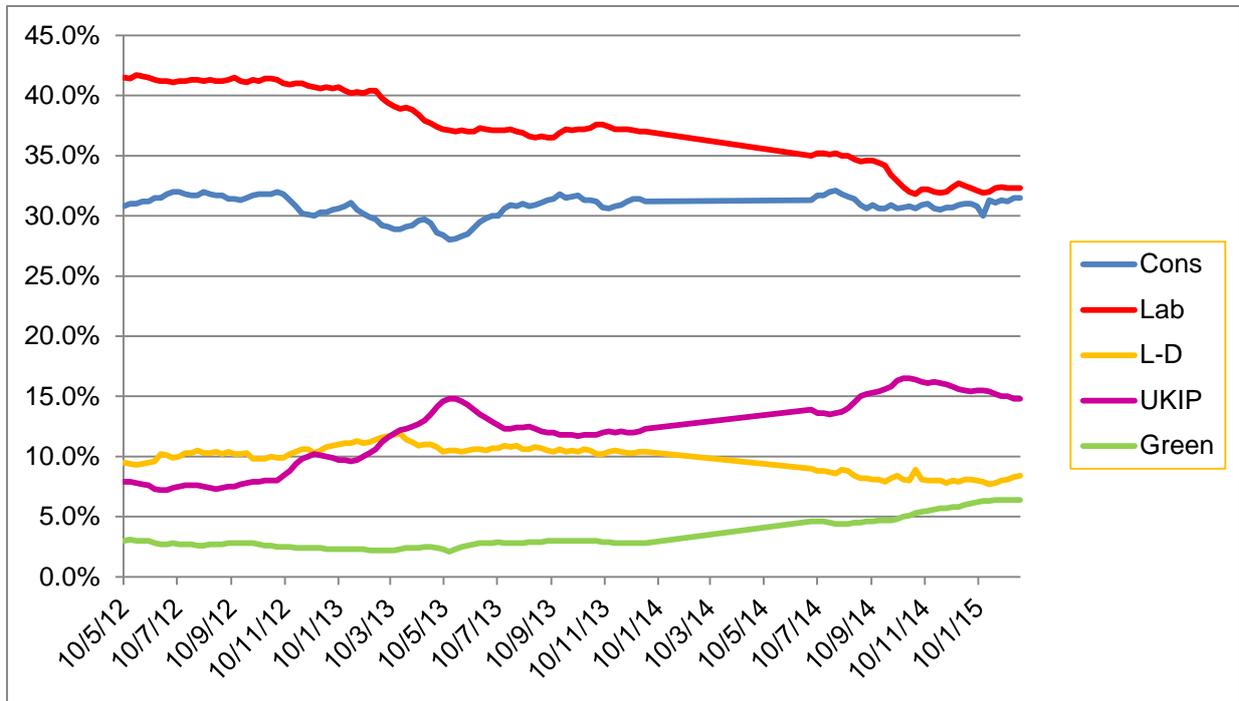
**Figure 6: Share of vote at the 2013 and 2014 English local elections**



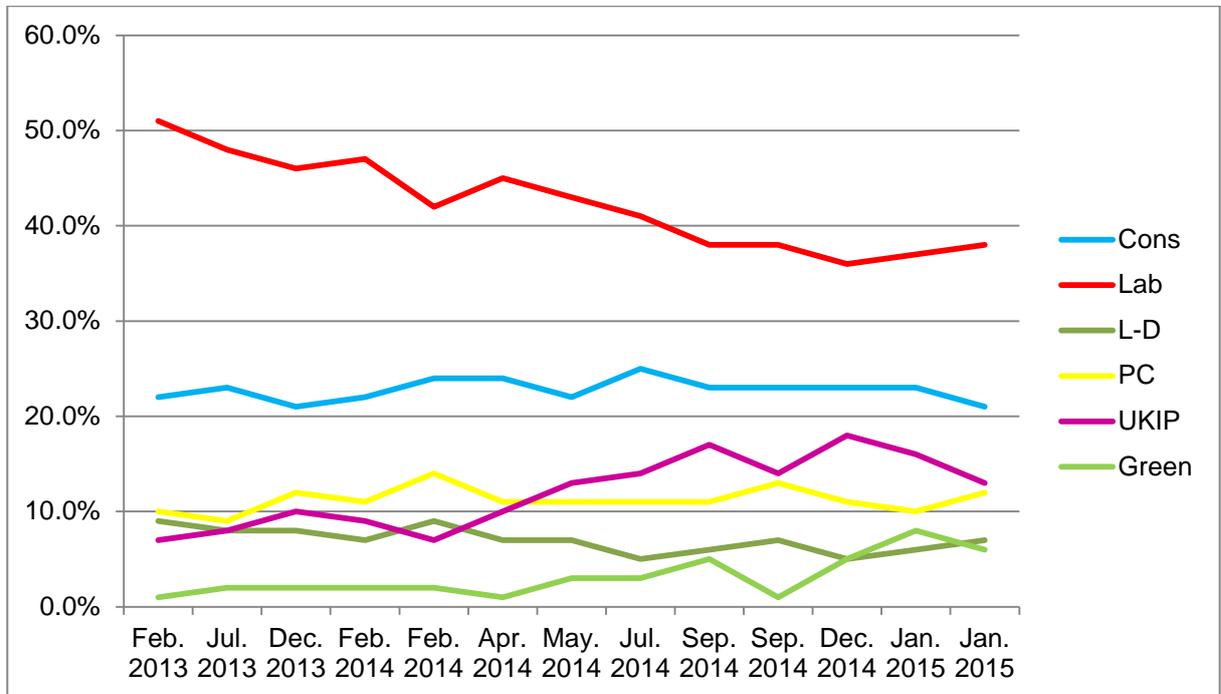
**Figure 7: Evidence of current support in Great Britain-wide opinion polls May 2012 to February 2015 (BBC Poll of Polls)**



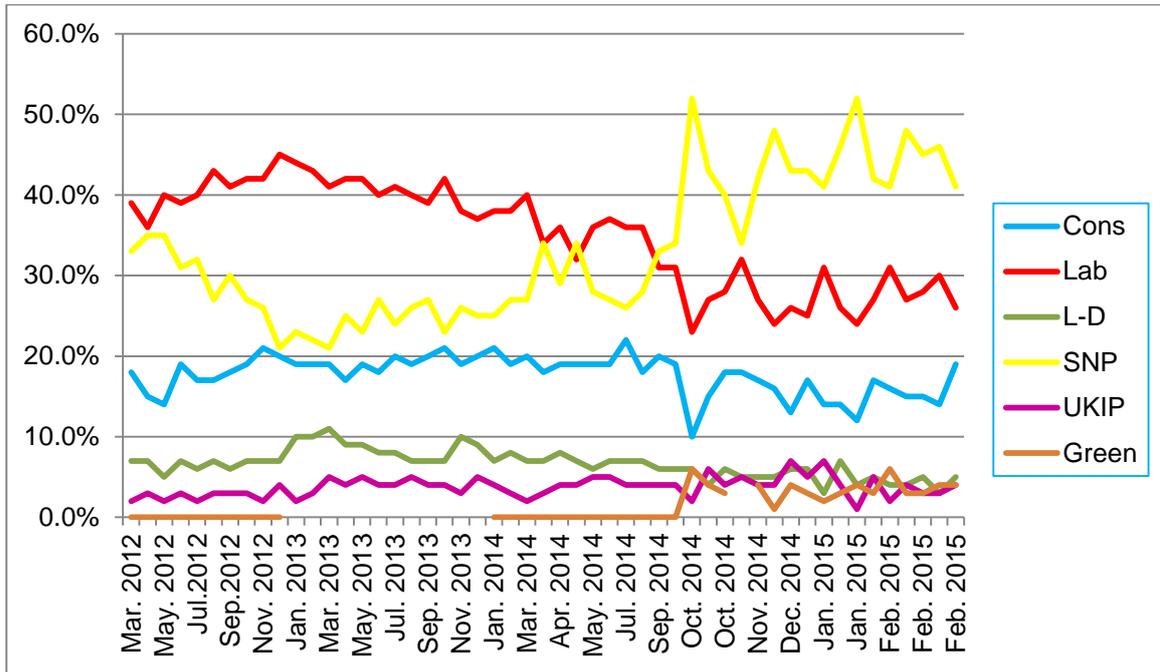
**Figure 8: Evidence of current support in Great Britain-wide opinion polls  
May 2012 to February 2015 (Polling Observatory)**



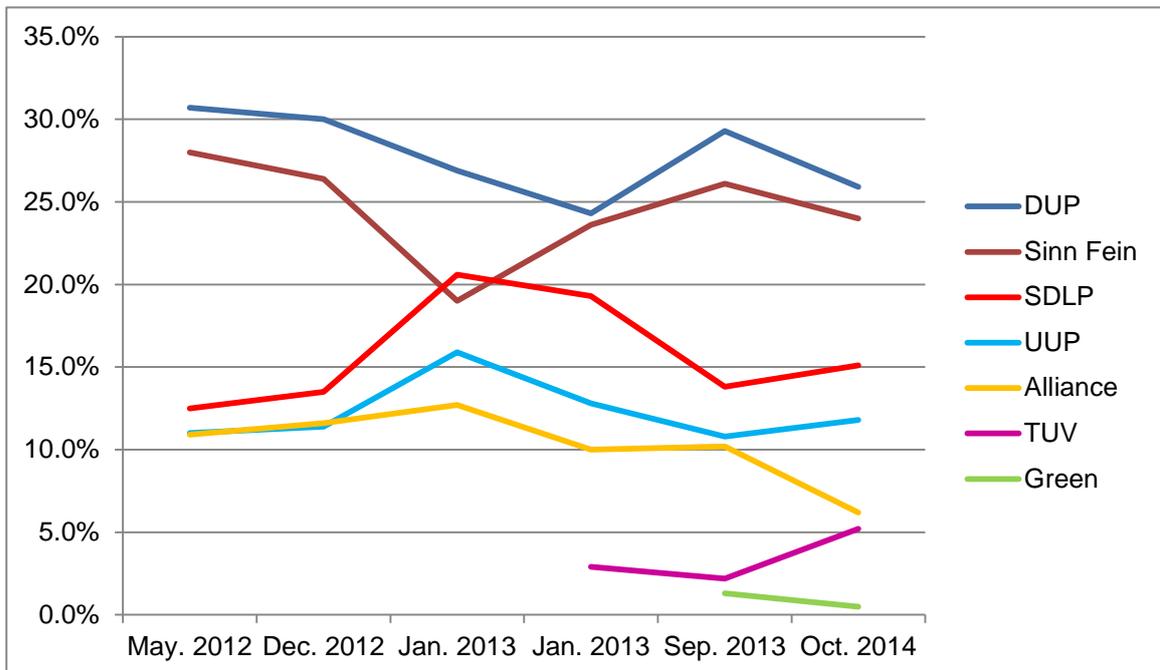
**Figure 9: Evidence of current support in Wales-only opinion polls  
May 2012 to February 2015**



**Figure 10: Evidence of current support in Scotland-only opinion polls  
May 2012 to February 2015**



**Figure 11: Evidence of current support in Northern Ireland-only opinion polls  
May 2012 to February 2015**



3.23 By way of summary, our analysis of the relevant electoral evidence<sup>43</sup> in each of England, Wales, Scotland and Northern Ireland is as follows:

England:

- in relation to the three existing major parties (the Conservative Party, the Labour Party and the Liberal Democrats), they have each demonstrated:
  - electoral support in the 2010 General Election in England of 24.2% of the vote<sup>44</sup> and above;
  - electoral support in local elections in England, with their lowest share of the popular vote since 2010 being, respectively: the Conservative Party (25.9%); the Labour Party (21.2%) and the Liberal Democrats (11.1%). In addition, in relation to the relevant mayoral elections being contested in 2015 these three parties' average share of the vote in previous elections for these posts has been: the Conservative Party (18.6%); the Labour Party (17.3%) and the Liberal Democrats (17.5%); and
  - in relation to the Conservative Party and the Labour Party, electoral support in a range of other elections in England<sup>45</sup>, with the lowest share of the vote being 19.7%; and
  - the Liberal Democrats have demonstrated lower levels of electoral support in other significant elections in England since 2010, of between 4.2% and 9.5%;
- in terms of evidence of current support on the basis of the Great Britain-wide polls, these polls indicated support for (figures below are from the BBC Poll of Polls/Polling Observatory<sup>46</sup>):
  - the Conservative Party of 31.2%/31.1% on average in 2015 to date (31.8%/31% on average for July to December 2014);
  - the Labour Party 33.3%/32.2% on average in 2015 to date (33.4%/33.6% on average for July to December 2014);
- the relevant polls indicated a lower level of support for the Liberal Democrats of 8.0% on average in 2015 to date (8.2%/8.3% on average for July to December 2014);
- in relation to UKIP:
  - in the 2010 General Election in England this party achieved 3.5% of the vote;

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<sup>43</sup> See paragraph 2.23.

<sup>44</sup> The number of General Election seats won by these three parties in England in 2010 were: Conservative Party, 297 seats; Labour Party, 191 seats; and Liberal Democrats, 43 seats.

<sup>45</sup> European Parliamentary elections 2014, Police and Crime Commissioner elections 2012, London Mayoral and Assembly elections 2012, and Westminster Parliamentary by-elections since the 2010 General Election.

<sup>46</sup> See footnote 38. We use both the BBC Poll of Polls data and the Polling Observatory data (see Annex 2).

- in the last two sets of English local elections, in 2013 and 2014, UKIP obtained 19.9% and 15.7% of the vote, respectively;
- in the two relevant mayoral elections it contested, UKIP obtained 5.4% share of the vote on average;
- in the 2014 European Parliamentary elections, UKIP obtained the largest share of the vote of any party in England, with 29.2% of the vote;
- in other significant elections in England<sup>47</sup> since 2010 its share of the vote has been between 2.0% and 20.7%. In addition, UKIP won its first two Westminster Parliamentary seats in by-elections in 2014<sup>48</sup>; and
- in terms of current support, Great Britain-wide<sup>49</sup> opinion polls demonstrate current support for UKIP of 15.5%<sup>50</sup>/15.2%<sup>51</sup> on average in 2015 to date (15.9%<sup>52</sup>/15.2%<sup>53</sup> on average for July to December 2014);
- in relation to the Green Party:
  - in the 2010 General Election this party achieved 1.0% of the vote, and won one Westminster seat;
  - in English local elections since 2010, the Green Party has obtained between 3.4% and 6.6% of votes. The Green Party's average share of the vote in previous elections for mayoral posts has been 4.0%;
  - the Green Party achieved 8.0% of the vote in the 2014 European Parliamentary elections in England;
  - in other significant elections in England<sup>54</sup> since 2010 its share of the vote has varied between 0.2% and 8.5%; and
  - in terms of current support, Great Britain-wide<sup>55</sup> opinion polls demonstrate current support the Green Party of 6.3%<sup>56</sup> average in 2015 to date (4.9%<sup>57</sup>/5%<sup>58</sup> average in July to December 2014);

and

- no other parties have demonstrated significant levels of support in previous elections and nor are there any other parties for which there is evidence of significant current support in England<sup>59</sup>.

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<sup>47</sup> Police and Crime Commissioner elections 2012, London Mayoral and Assembly elections 2012, and Westminster Parliamentary by-elections since the 2010 General Election..

<sup>48</sup> Clacton on 9 October 2014 and Rochester and Strood on 20 November 2014.

<sup>49</sup> See footnote 38.

<sup>50</sup> BBC Poll of Polls.

<sup>51</sup> Polling Observatory.

<sup>52</sup> BBC Poll of Polls.

<sup>53</sup> Polling Observatory.

<sup>54</sup> See footnote 45.

<sup>55</sup> See footnote 38.

<sup>56</sup> In both the BBC Poll of Polls and Polling Observatory figures.

<sup>57</sup> BBC Poll of Polls.

<sup>58</sup> Polling Observatory.

Wales:

- in relation to the four existing major parties (the Conservative Party, the Labour Party, the Liberal Democrats and Plaid Cymru):
  - in the 2010 General Election, all achieved 11.3%<sup>60</sup> of the vote or above;
  - in relation to performance in other significant elections in Wales<sup>61</sup> since 2010, the Conservative Party, the Labour Party and Plaid Cymru have demonstrated electoral support in a range of elections with the lowest share of the vote being 9.6%;
  - the Liberal Democrats have demonstrated lower levels of electoral support, obtaining between 3.9% and 10.9% of the vote in other significant elections in Wales<sup>62</sup>;
  - in terms of evidence of current support, the limited data available in terms of Wales-only opinion polls shows the following levels of current support: for the Conservative Party, 22% in 2015 (year to date average) and 23.3% in 2014 (yearly average); for the Labour Party, 37.5% in 2015 (year to date average) and 41.3% in 2014 (yearly average); and for Plaid Cymru, 11% in 2015 (year to date average) and 11.6% in 2014 (yearly average); and
  - the relevant polls indicate a lower level of support for the Liberal Democrats of 6.5% in 2015 (year to date average) and 6.6% in 2014 (yearly average);
- in relation to UKIP:
  - in the 2010 General Election in Wales, this party obtained 2.4% of the vote;
  - in the 2014 European Parliamentary elections in Wales, UKIP obtained 27.6% of the vote;
  - in other significant elections in Wales<sup>63</sup> since 2010 it has obtained between 1.7% and 6.1% of the vote; and
  - in terms of evidence of current support, Wales-only opinion polls in 2014 indicate current support for UKIP of 14.5% in 2015 (year to date average) and 12.8% in 2014 (yearly average);

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<sup>59</sup> In relation to General Elections in England the BNP achieved 2.1% of the vote in 2010. This party achieved between 0.2% and 2.5% in English local elections since 2010. The BNP has polled between 1.2% and 2.1% in other significant elections in England since the 2010 General Election. In addition, the BNP has not demonstrated significant levels of current support in Great Britain-wide opinion polls (see footnote 38).

<sup>60</sup> The number of General Election seats won by these four parties in Wales in 2010 were: Conservative Party: eight seats; Labour Party: 26 seats; Liberal Democrats: three seats; and Plaid Cymru: three seats.

<sup>61</sup> European Parliamentary elections 2014, Police and Crime Commissioner elections 2012, Welsh local elections 2012, Welsh assembly elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

<sup>62</sup> Ibid.

<sup>63</sup> Police and Crime Commissioner elections 2012, Welsh local elections 2012, Welsh Assembly elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

and

- no other parties have demonstrated significant levels of support in previous elections in Wales and nor are there any other parties for which there is evidence of significant current support in Wales<sup>64</sup>.

Scotland:

- in relation to the four existing major parties (the Conservative Party, the Labour Party, the Liberal Democrats and the Scottish National Party (“SNP”)):
  - in the 2010 General Election in Scotland, all achieved 16.8%<sup>65</sup> or more of the vote;
  - in relation to performance in other significant elections in Scotland<sup>66</sup> since 2010, the Conservative Party, the Labour Party and SNP have demonstrated electoral support in a range of elections with the lowest share of the vote being 9.9%;
  - the Liberal Democrats have demonstrated lower levels of electoral support in a range of significant election of between 5.2%<sup>67</sup> and 7.9%; and
  - in terms of evidence of current support, the limited data available in terms of Scotland-only opinion polls in 2014 shows the following levels of support:
    - for the Conservative Party, 15.1% in 2015 (year to date average) and 17.9% in 2014 (yearly average);
    - for the Labour Party, 27.8% in 2015 (year to date average) and 31.9% in 2014 (yearly average);
    - for the SNP, 44.7% in 2015 (year to date average) and 34.9% in 2014 (yearly average);
    - the relevant polls indicate a lower level of support for the Liberal Democrats of 4.4% in 2015 (year to date average) and 6.3% in 2014 (yearly average);
- in relation to UKIP:

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<sup>64</sup> In relation to General Elections in Wales: the Green Party achieved 0.4% of the vote in 2010; and the BNP achieved 1.6% of the vote in 2010. The Green Party has polled between 0.2% and 4.5% in other significant elections in Wales since the 2010 General Election whilst the BNP has polled between 0.7% and 2.4%. In addition the BNP has not demonstrated significant levels of current support in the few Wales-only opinion polls that are available, whilst the Green Party has polled 2.8% in 2014 (yearly average). In the two Wales-only opinion polls during 2015, the Green Party averaged 7% (year to date average).

<sup>65</sup> The number of General Election seats won by these four parties in Scotland in 2010 were: Conservative Party: one seat; Labour Party: 41 seats; Liberal Democrats: 11 seats; and SNP: six seats.

<sup>66</sup> European Parliamentary elections 2014, Scottish local elections 2012, Scottish Parliamentary elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

<sup>67</sup> However, in the one Westminster Parliamentary by-election that has taken place in Scotland since 2010, the Liberal Democrats achieved 2.2% of the vote.

- in the 2010 General Election in Scotland this party achieved 0.7% of the vote<sup>68</sup>;
  - in the 2014 European Parliamentary elections in Scotland, UKIP obtained 10.5% of the vote;
  - in other significant elections in Scotland since 2010<sup>69</sup> it achieved between 0.1% and 1.0% of the vote; and
  - in terms of evidence of current support, Scotland-only opinion polls in 2014 indicate current support for UKIP of 3.7% in 2015 (year to date average) and 4.2% in 2014 (yearly average);
- in relation to the Scottish Green Party:
    - In the 2010 General Election in Scotland this party achieved 0.7% of the vote<sup>70</sup>;
    - the Scottish Green Party received 8.1% of the vote in the 2014 European Parliamentary elections in Scotland; and
    - in terms of evidence of current support, Scotland-only opinion polls in 2014 indicated current support for the Scottish Green Party of 3.6% in both 2014 (October to December average) and 2015 (year to date average);

and

- no other parties have demonstrated significant levels of support in previous elections in Scotland and nor are there any other parties for which there is evidence of significant current support in Scotland.

#### Northern Ireland:

- in relation to the five existing major parties (the Democratic Unionist Party (“DUP”), Sinn Fein, the Social Democratic and Labour Party (“SDLP”); the Ulster Unionist Party (“UUP”) and the Alliance Party:
  - in the 2010 General Election in Northern Ireland, for the DUP, Sinn Fein, the SDLP and the UUP all achieved 15.2%<sup>71</sup> of the vote and above. The Alliance Party achieved 6.3% of the vote<sup>72</sup> in the 2010 General Election;
  - in relation to performance in other significant elections in Northern Ireland<sup>73</sup> since 2010, the DUP, Sinn Fein, the SDLP and the UUP

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<sup>68</sup> UKIP has not won any Westminster seats in past General Elections in Scotland.

<sup>69</sup> Scottish local elections 2012, Scottish parliamentary elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

<sup>70</sup> UKIP has not won any Westminster seats in past General Elections in Scotland.

<sup>71</sup> The number of General Election seats won by these four parties in Northern Ireland in 2010 were: DUP: eight seats; Sinn Fein: five seats; SDLP: three seats; and the UUP: zero seats.

<sup>72</sup> The Alliance Party did win one Westminster seat in Northern Ireland in the 2010 General Election.

<sup>73</sup> European Parliamentary elections 2014, Northern Ireland local elections 2011 and 2014, Northern Ireland Assembly elections 2011, and Westminster Parliamentary by-elections since the 2010 General Election.

demonstrated electoral support in a range of significant elections with the lowest share of the vote being 13.0%<sup>74</sup>.

- the Alliance Party has demonstrated lower levels of electoral support in a range of significant elections of between 6.7% and 7.7%<sup>75</sup>; and
- in terms of evidence of current support, the limited data available in terms of Northern Ireland-only opinion polls from 2012 to 2015<sup>76</sup>, showed average levels of current support in the period May 2012 to October 2014 for the DUP (27.9%), Sinn Fein (24.5%), the SDLP (15.8%), the UUP (12.3%) and the Alliance Party (10.3%);
- in relation to Traditional Unionist Voice (“TUV”):
  - in the 2010 General Election in Northern Ireland this party achieved 3.9% of the vote<sup>77</sup>;
  - TUV obtained 12.1.% of the vote in the 2014 European Parliamentary elections in Northern Ireland;
  - in other significant elections in Northern Ireland<sup>78</sup> since 2010 it has achieved between 2.0% and 4.5% of the vote; and
  - in terms of evidence of current support, Northern Ireland-only opinion polls in 2012 and 2013 indicate c.2.9% support for TUV;

and

- no other parties have demonstrated significant levels of electoral support in previous elections or current support in Northern Ireland<sup>79</sup>.

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<sup>74</sup> However, in the two Westminster Parliamentary by-elections that have taken place in Northern Ireland since 2010, the DUP has achieved 2.3% of the vote and the UUP has achieved 0.6% of the vote.

<sup>75</sup> However, in the two Westminster Parliamentary by-elections that have taken place in Northern Ireland since 2010, the Alliance Party has achieved 1.0% of the vote.

<sup>76</sup> No Northern Ireland-only opinion polls have been published in 2015 of which Ofcom is aware.

<sup>77</sup> TUV did not win any Westminster seats in the 2010 General Election in Northern Ireland.

<sup>78</sup> Northern Ireland local elections 2014 and 2011, Northern Ireland assembly elections 2011, and Westminster Parliamentary by-elections since the 2010 General Election.

<sup>79</sup> In relation to General Elections in Northern Ireland, the Green Party achieved 0.5% of the vote in 2010. The Green Party has also polled between 0.9% and 1.7% in other significant elections in Northern Ireland since 2010. In addition, this party has not demonstrated a significant level of current support in the very few Northern Ireland-only opinion polls that are available.

## Section 4

# Our assessment of the evidence and decision

## Introduction

4.1 In this section, we set out:

- our assessment of the evidence in order to determine the list of major parties for the relevant elections taking place on 7 May 2015 (including consideration of submissions from respondents to our Consultation); and
- our decision on the composition of the list of major parties specific to the elections due to take place on 7 May 2015.

## Our consultation proposals

4.2 Our proposals, on which we sought respondents' views, were as follows:

- there were no strong arguments to remove any of the existing major parties from the Ofcom list of major parties in advance of the May 2015 elections (paragraph 2.14 of the Consultation);
- the criteria suggest that Traditional Unionist Voice ("TUV") had not sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in Northern Ireland (paragraph 2.16 of the Consultation);
- the criteria suggest that the Green Party (including the Scottish Green Party) had not sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in England, Wales, Scotland or Northern Ireland (paragraph 2.17 of the Consultation); and
- the criteria suggest that the UK Independence Party ("UKIP") had sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in England and Wales for the purposes of the General Election and English local (and mayoral) elections in May 2015 (paragraph 2.19 of the Consultation).

## Ofcom's views on respondents' submissions and our assessment

### General points

4.3 Before setting out our assessment of the evidence and our decision, we address two general points, namely: our approach to balancing the available evidence and the Scottish National Party ("SNP")'s argument that it should be designated as a major party across Great Britain, not just Scotland. A detailed summary of respondents' submissions regarding our assessment of evidence is set out at Annex 4, paragraphs A4.15 to A4.38.

### Balancing past performance and current support

- 4.4 In our Consultation, we signalled that in carrying out our assessment for the 2015 Review, we had taken into account:
- all relevant evidence of such support including, for example, electoral results in a given category of elections over two election cycles, as well as evidence of other electoral support such as results in other elections, and current opinion polling; and
  - our preference to place greater weight on the performance of a given political party in the same type of election over two election cycles, or other significant elections rather than on opinion poll data. We said this reflects the fact that past electoral performance is a measure of how voters have actually exercised their democratic choice. This compares with the greater uncertainty associated with opinion poll evidence, which may not translate into votes or seats at an election.
- 4.5 This is consistent with our previous practice in our 2014 Review and how we signalled we would undertake such reviews in our PPRB Statement.
- 4.6 Several respondents, particularly the Green Party, argued that this approach placed undue weight on levels of historical support and that Ofcom should place greater weight on evidence of more recent support in the period two to three years before the elections in question. Other respondents suggested that a more mechanistic approach might be appropriate, for instance including all parties with opinion poll ratings of over 5%.
- 4.7 We continue to consider that the best approach is to undertake an assessment taking into account both evidence of actual electoral performance and evidence of current support as indicated by opinion polls. This ensures that the list of major parties is capable of reflecting the long standing support that some parties have experienced over time whilst being sufficiently flexible to accommodate the emergence of popular support for other political parties that have not previously been on the list. We do not consider that such an assessment is amenable to a mechanistic threshold based on a single factor like opinion polls.
- 4.8 Evidence of actual performance in previous elections is an important factor in our assessment. This is actual evidence of how citizens have exercised their vote. It avoids any differences between how people say they will vote and how they do vote. We do not think that it would be appropriate to base our assessment entirely or predominantly on data from two to three years prior to a General Election because this would then ignore or underemphasise this important evidence. We recognise, however, that placing greater weight on past performance over two electoral cycles could result in evidence of support relating to the 2005 General Election being given greater importance than evidence of current support or of evidence of more recent actual voting patterns in other forms of election. This is not our intention, which is to undertake a balanced assessment having regard to the totality of relevant evidence.
- 4.9 In light of the consultation responses we have amended our approach for the purposes of this decision. We have undertaken our assessment taking into account all of the evidence presented in Annex 2. This does incorporate evidence of past performance in relevant elections over two cycles. However, we have placed less weight on the more historical data from two elections ago. Consequently, we have placed more weight on the evidence of performance at the last General Election in 2010 (which reflects each party's current standing in Parliament) and other important forms of election since that time, as well as placing weight on the opinion polling data.

### The SNP's argument that it should be a major party across Great Britain

- 4.10 We also note that the SNP and a number of individual respondents argued that the SNP should be designated as a major party across Great Britain<sup>80</sup>, rather than just in Scotland. In support of this argument, the SNP cited the fact that it was: “the third largest political party” in the UK; “the only political party in the UK to hold a majority government”; polling evidence “all indicating the significance of the SNP and our potential vote on a UK-wide basis”; and that it had now been invited by broadcasters to participate in planned broadcast leaders’ debates. In addition, some respondents cited the SNP having the third largest number of party members of a UK party, and the predictions by some that it might have the third highest number of MPs after the 2015 General Election, and might have a role in any UK Government following the 2015 General Election.
- 4.11 We do not consider that it would be appropriate to add the SNP to the list of major parties across Great-Britain. The SNP exclusively fields candidates in Scotland, not England and Wales. The fundamental purpose of a PEB is to allow people who may vote for that party to hear its views. Viewers in England and Wales will not be able to vote for SNP candidates.
- 4.12 Furthermore, Rule 6.2 of the Code is, in our view, sufficiently flexible to ensure that broadcasters across the UK can provide appropriate coverage of the SNP and its policies during an election campaign. In this context, as we mention in paragraph 2.22 above, in the forthcoming General Election, there may be reasons for broadcasters to give particular editorial coverage to the SNP and other parties that stand candidates in only one country of the UK.

### **Our assessment**

#### The existing major parties

- 4.13 We note that of the responses we received relating to the existing major parties, the large majority of these, including the Combined Broadcaster Response<sup>81</sup>, the Liberal Democrats and Plaid Cymru agreed with our proposal to retain all existing parties on the list of major parties. The one key exception was our proposal in relation to the Liberal Democrats, with certain respondents citing that party’s recent lower opinion poll ratings and performance in some recent elections as reasons for removing the Liberal Democrats from the list of major parties.
- 4.14 Having regard to our assessment of the evidence and responses to the Consultation, our assessment in relation to the existing major parties is that none of them should be removed from the list of major parties. We note that:
- the **Conservative Party** and the **Labour Party** have each demonstrated significant levels of electoral performance, in particular in the 2010 General Election, as well as the English local (and mayoral) elections, but also in a range of other significant elections (in England, Wales and Scotland);
  - reflecting that electoral performance, the Conservative Party currently has 303 MPs within Parliament and is the majority party in the Coalition Government. The

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<sup>80</sup> This argument was also made by a very small number of individual respondents in relation to Plaid Cymru.

<sup>81</sup> A combined response from Channel 4, Channel 5, ITV Plc and UTV Television.

Labour Party has 257 MPs and is the official opposition within Parliament. The Labour Party is also the governing party in the National Assembly for Wales;

- relevant<sup>82</sup> opinion polls indicate significant levels of current support for the Conservative Party and the Labour Party in each of England, Wales and Scotland;
- in relation to the **Liberal Democrats** we note that those respondents advocating this party's removal from the list placed little or no weight on the strong performance of the Liberal Democrats in the previous General Election in England, Wales and Scotland. The evidence shows that the Liberal Democrats achieved significant electoral support in the 2010 General Election and has done so in subsequent English local (and mayoral) elections. Consequently, they have 56 MPs in Parliament and are part of the Coalition Government at UK level. Current<sup>83</sup> opinion polls indicate lower levels of support when compared with other parties, including the Conservative Party, Labour Party and now UKIP. However, taking together all the relevant evidence our decision is that the Liberal Democrats should remain on the list of major parties;
- **Plaid Cymru** demonstrated significant electoral performance in the 2010 General Election and in other recent significant elections in Wales. Similarly, Wales-only opinion polls indicate significant levels of current support for this party;
- **the SNP** demonstrated significant electoral performance in the 2010 General Election and in other recent significant elections in Scotland. The party is the governing party in the Scottish Parliament. Similarly, Scotland-only opinion polls indicate significant levels of support for this party. We have not added the SNP to the list of major parties in England and Wales for the reasons set out above;
- the **Democratic Unionist Party**, **Sinn Fein**, the **Social Democratic and Labour Party** and the **Ulster Unionist Party** each demonstrated significant electoral performance in the 2010 General Election in Northern Ireland and have done so in a range of other significant elections in Northern Ireland that have taken place since the last General Election. All these parties have Departmental Ministerial posts within the Northern Ireland Executive. Similarly, Northern Ireland-only opinion polls indicate significant levels of support for these parties; and
- the **Alliance Party** demonstrated lower levels of electoral performance in the 2010 General Election in Northern Ireland as well as in other significant elections in Northern Ireland, compared with the other major parties. However, this party is part of the Northern Ireland Executive, holding two of the 11 Departmental Ministerial posts within that administration. It holds one of the eighteen Northern Ireland Westminster Parliamentary seats. Furthermore, Northern Ireland-only opinion polls indicate significant levels of support for this party. We consider that all the relevant evidence taken together suggests that the Alliance Party should remain on the list of major parties for Northern Ireland.

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<sup>82</sup> Great Britain-wide opinion polls for England (see footnote 38), and Wales-only and Scotland-only opinion polls as appropriate.

<sup>83</sup> Ibid.

### Traditional Unionist Voice (“TUV”)

- 4.15 Concerning Ofcom’s proposal not to designate TUV as a major party in Northern Ireland, a clear majority of the small number of responses we received on this matter supported Ofcom’s proposal. However a number of respondents who favoured TUV’s designation as a major party noted TUV’s relatively strong performance in the 2014 European Parliamentary elections.
- 4.16 Having reviewed the latest evidence, we continue to consider that the evidence does not justify the addition of TUV to the list of major parties for Northern Ireland. This is because this party did not demonstrate significant electoral performance in Northern Ireland in the previous General Election. It performed better in the 2014 European Parliamentary elections, obtaining 12.1% of the vote in Northern Ireland. However, it has not received significant support in other forms of election and nor does this party have significant current support in opinion polls.

### UK Independence Party (“UKIP”)

- 4.17 Many respondents who opposed our proposal to designate UKIP as a major party in England and Wales did so based on the perceived nature of this party and its policies, and a perception that UKIP had received a disproportionate amount of media coverage. We do not consider these to be relevant considerations for the purposes of our decision.
- 4.18 The confidential response from a Welsh political organisation said that UKIP should not be designated as a major party in Wales, citing: UKIP’s performance in the only Westminster by-election<sup>84</sup> to have taken place in Wales since 2010; and the fact that although UKIP had demonstrated significant support at previous European Parliamentary elections in 2004 and 2009, the party had not followed this up with a strong electoral performance at the General Elections which followed in 2005 and 2010. However, we note that this respondent did not make reference to UKIP’s continuing significant level of support in Wales-only opinion polls (which is 14.5% in 2015 (year to date average) and 12.8% in 2014(yearly average)) which in our view, is an important factor to take into account.
- 4.19 One individual respondent, Mr Shadrack, questioned Ofcom’s decision not to designate UKIP as a major party in Scotland compared with the Liberal Democrats when looking at both parties’ performance in the 2014 European Parliamentary elections. However, this respondent appears to put no or little weight on the Liberal Democrats’ significant performance in the 2010 General Election, which is reflected in its current status in Parliament.
- 4.20 Having assessed the evidence and the views of respondents to our Consultation, we have decided that that UKIP should be added to the list of major parties for the General Election and English local (and mayoral) elections for the purposes of the May 2015 elections in England and Wales only (not Scotland). This is because of the following:
- UKIP did not demonstrate significant electoral support in the 2010 General Election (achieving between 0.7% and 3.5% of the vote in England, Wales and Scotland). The party has never won a Parliamentary seat at a General Election;
  - UKIP’s performance in a number of other significant forms of election has, however, been stronger. Notably, since the 2010 General Election:

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<sup>84</sup> Cardiff South and Penarth, where UKIP achieved 6.1% of the vote and finished in fifth place.

- UKIP has won two seats in Parliament at recent by-elections. UKIP obtained 59.7% of the vote in Clacton on 9 October 2014 and 42.1% in Rochester and Strood on 20 November 2014. We recognise, however, that levels of support indicated by by-election outcomes may reflect specific circumstances that do not necessarily apply to a General Election;
- UKIP demonstrated a significant level of support in England and Wales in the European Parliament elections in 2014 (29.2% in England and 27.6% in Wales). UKIP's share of the vote was lower in Scotland (10.5%). We recognise, however, that levels of support indicated by European Parliamentary election outcomes may reflect specific circumstances relating to the European debate that do not necessarily apply to a General Election or local elections; and
- UKIP has received significant levels of support in the English local elections (15.7% in 2014 and 19.9% in 2013);
- the opinion poll data indicates that UKIP currently has significant levels of support in England and Wales to the extent that it has the third highest rating in those polls after the Conservative and Labour parties. Opinion poll data in Scotland shows lower levels of current support; and
- the level of support for UKIP exhibited in the opinion poll data for England and Wales has been growing steadily for a number of years in the period since the 2010 General Election (from an average of 6.8% in 2012 to an average 15.5% in 2015, in the BBC Poll of Polls, and from an average of 8.1% in 2012 to an average of 15.2% in 2015 in the Polling Observatory figures; and from an average of 8.3% in 2012 to an average of 14.5% in Wales-only opinion polls).

#### The Green Party (including the Scottish Green Party)

- 4.21 The large majority of responses we received to the Consultation from individuals expressed disagreement with our proposal not to designate the Green Party (including the Scottish Green Party) as a major party in any of the four nations of the UK. Most of these respondents argued that the Green Party merited being designated as a major party based on comparisons with the Liberal Democrats and/or UKIP.<sup>85</sup>
- 4.22 In relation to making comparisons with other parties, it is important to stress that as a matter of consistency we have adopted the same framework for assessment and looked at the same categories of evidence for all of the political parties considered in this document.
- 4.23 As regards the comparisons with the Liberal Democrats, we note that a number of respondents,<sup>86</sup> cited the Green Party (and Scottish Green Party) as outperforming the Liberal Democrats in, for example, the 2014 European Parliamentary elections and the 2012 London Mayoral and Assembly elections. In a similar vein, many respondents made reference to the fact that the Green Party had either matched or exceeded the

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<sup>85</sup> For example, an individual respondent compared the better performance of the Green Party in Northern Ireland to the Conservative Party. But in Ofcom's view both these parties have not demonstrated significant evidence of past electoral or current support to be designated as a major party in Northern Ireland.

<sup>86</sup> Including the Green Party, Scottish Green Party, Molly Scott Cato MEP and an individual respondent, Mr. Shadrack

opinion poll rating of the Liberal Democrats in some polls. We have taken into account these parties' performance in all the elections cited by respondents.

- 4.24 The above facts in isolation are not, in our view, determinative of whether these parties should be designated as major parties. More particularly, the above respondents appeared to put little or no weight on the strong performance of the Liberal Democrats in the previous General Election, and the correspondingly lower performance of the Green Party (and Scottish Green Party) in that General Election. In addition, when considering opinion poll data, we do not consider it appropriate to consider certain opinion polls in isolation as, due to methodological differences between the various polling organisations, there will be slight variances between various opinion polls. We therefore consider it appropriate to use the average opinion poll figures for the different parties in all the relevant polls.
- 4.25 In relation to the comparison with UKIP, some respondents expressed their views that that the Green Party should be designated as a major party if UKIP was to be so designated, taking account of various facts such as the Green Party outperforming UKIP in the 2012 London Mayoral and Assembly elections. Our decision to designate UKIP as a major party in England and Wales took into account: the evidence of significant current support as demonstrated by its high opinion poll ratings<sup>87</sup>; the evidence of support in English local elections in 2013 (19.9%) and 2014 (15.7%); and its very significant performance in the 2014 European Parliamentary elections<sup>88</sup>. These are significant points of distinction between UKIP and the Green Party for the purposes for this assessment.<sup>89</sup>
- 4.26 On a related point, we note the Green Party, and a large number of individual respondents argued that Ofcom should take account of the fact that the Green Party has had an MP since 2010 whereas UKIP had won its two Westminster seats in late 2014 through defections from the Conservative Party. As argued by the Green Party those "victories are as likely to reflect confidence in these individuals as an endorsement of the UKIP platform". In response to this point, we did take account of the Green Party having an MP, and this was a seat won at a General Election, when drawing up our proposals and have done so in reaching our decision. We have also had regard to the fact that the Green Party has three MEPs and a number of elected councillors at a local level. Having reviewed the latest evidence, we have had regard to the following factors in our assessment:
- the Green Party and Scottish Green Party did not demonstrate significant electoral support in the 2010 General Election (achieving between 0.4% and 1% of the vote in England, Wales, Scotland and Northern Ireland);
  - the Green Party does have one MP in Parliament (Brighton Pavilion) and this seat was won at the General Election in 2010;

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<sup>87</sup> In the Consultation, in relation to England we noted UKIP was polling an average of 13.5% to 13.9% in Great Britain-wide opinion polls in 2014, compared with an average of 4% for the Green Party (rising to 5.9% in December 2014). In addition, in relation to Wales we noted UKIP was polling an average of 12.8% in 2014 compared with an average of 2.3% for the Green Party.

<sup>88</sup> In the 2014 European Parliamentary elections UKIP obtained 29.2% of the vote in England and 27.6% in Wales. This compares with corresponding figures of 8% and 4.5% for the Green Party in those two countries.

<sup>89</sup> Similarly, although an individual respondent, Mr Shadrack, submitted that the Scottish Green Party should be designated as a major party in Scotland since that party and UKIP are "currently polling at roughly the same level", we did not propose designating either of these parties as a major party in Scotland, in part because of their relatively low opinion poll ratings.

- these parties have performed more strongly in some other significant elections (such as the 2014 European Parliamentary elections, obtaining 8.0% and 8.1% of the vote in England and Scotland respectively resulting in three MEPs) The Green Party also achieved 8.5% in the 2012 London Assembly elections;
- the Green Party and Scottish Green Party have not demonstrated significant levels of support in other forms of election:
  - in England, although the Green Party's performance has increased in English local elections, it has not exceeded 6.6%, and this party has achieved: 4.5% in the 2012 London Mayoral election; 0.2% in the 2012 Police and Crime Commissioner elections; and 1.7% in Westminster by-elections;
  - in Wales, the Green Party achieved: 4.5% in the 2014 European Parliamentary elections; 1.2% in the 2012 Welsh local elections; 3.4% in the 2011 Welsh Assembly elections; and 4.1% in the only Westminster by-election to have taken place in Wales;
  - in Scotland, the Scottish Green Party achieved: 2.3% in the 2012 Scottish local elections and 4.4% in the 2011 Scottish Parliamentary elections; and
  - in Northern Ireland, the Green Party achieved: 0.9% in the 2014 Northern Ireland local elections; 0.9% in the 2011 Northern Ireland Assembly elections; and 1% in the 2011 Northern Ireland local elections.
- In terms of evidence of current support, the Green Party's opinion poll rating has increased over the last 2-3 years from an average of 3% in May 2012 to an average high of 7% in February 2015 in Great-Britain wide opinion polls<sup>90</sup>. This is a steady level of support that clearly distinguishes the Green Party from the "tail" of other parties;
- In terms of evidence of current support for the Scottish Green Party, opinion polls in Scotland indicate average support of under 4%.

4.27 We have undertaken our assessment taking together all the evidence referred to above, noting that the Green Party are the largest party that would not be included on the list of major parties. In doing so we have had particular regard to our duty to further the interests of citizens, noting the large number of individual respondents to our consultation who supported the inclusion of the Green Party on the major parties list<sup>91</sup>.

4.28 We have considered the relevant evidence in light of our duty to further the interests of citizens and in this context the freedom of expression of political parties to present their policies to voters in advance of the General Election and the implications for democratic participation. We have also taken into account the freedom of the expression of the broadcasters, recognising that the mandatory requirement to carry PEBs is an exceptional example of Ofcom imposing pre-broadcast requirements in relation to the material broadcast.

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<sup>90</sup> BBC Poll of Polls.

<sup>91</sup> The Green Party made reference to Ofcom's statutory duty to further the interests of the citizens stating there was "strong public desire"<sup>91</sup> for it "to be given equal opportunity to that given UKIP to present its policies and commitments publically through broadcast media".

- 4.29 The relevant rules, in totality, seek to strike an appropriate balance between these interests. The PPRB Rules impose mandatory minimum requirements in relation to PEBs (which the broadcasters' may increase at their discretion) and Rule Six of the Code is designed to be suitably flexible to ensure that all political parties can gain appropriate broadcast coverage, without placing unreasonably intrusive burdens on broadcasters.
- 4.30 Whilst the Green Party has an MP in Parliament (a seat won at the 2010 General Election), the evidence shows that the party did not perform strongly as a whole in the 2010 election (this is in contrast, for example, to the Liberal Democrats). In other forms of election, the Green Party has performed more strongly, although not as strongly in some instances as the Liberal Democrats or UKIP. In terms of evidence of current support, the opinion polls do not indicate significant levels of support for the Scottish Green Party. For the Green Party in England and Wales the opinion polls indicate a level of support that has grown recently, which clearly distinguishes the Green Party from the "tail" of other parties. However, the level of support is materially lower than that indicated for UKIP (which is the party with the most comparable evidence of previous electoral performance). Current polls suggest a level of average support of approximately 15% for UKIP compared to average support of 6.3% for the Green Party in Great Britain-wide opinion polls<sup>92</sup>. Having regard to all the relevant evidence, we have decided that it would not be appropriate to add the Green Party to the list of major parties on this occasion. In addition, we have decided that it would not be appropriate to add the Scottish Green Party to the list of major parties in Scotland.

#### Other submissions related to the Green Party

- 4.31 Respondents made a range of other submissions regarding our assessment in relation to the Green Party. We address these below:
- the fact that the Green Party had been invited to take part in an online five party debate by The Daily Telegraph, The Guardian and YouTube has no bearing on Ofcom's decisions concerning the list of major parties, as it is a matter for these organisations alone, in agreement with the parties, as to any debates that might wish to host during an election campaign;
  - we do not agree that we should take account of: the Green Party being "part of a global movement of green parties", as argued by Molly Scott Cato MEP; or to the performance of sister parties to the Green Party or Liberal Democrats overseas, as suggested by one individual respondent, Mr Shadrack. In our view these issues have no relevant bearing on whether the UK-based Green Party has significant current support;
  - several respondents argued that the policy position of the Green Party, which was a distinctive, or 'left-wing', alternative to the other parties, should be taken into account in our assessment. On a related matter, the Scottish Green Party pointed to the "prominent role" that the Scottish Green Party had placed in the Scottish Independence Referendum campaign. Similarly, an individual respondent, Mr Shadrack, said that given that Ofcom had made reference in the Consultation to "the relationship between the Liberal Democrats and the Conservatives in Westminster", Ofcom should take account of the "relationships"

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<sup>92</sup> The 2015 year to date average for UKIP in the BBC Poll of Polls is 15.5% and in the Polling Observatory figures it is 15.2%. The Green Party 2015 average year to date figure is 6.3% in both sources. In Wales-only opinion polls average support for UKIP is currently at 14.5% in 2015 compared with 7% for the Green Party.

that exist between the Scottish Green Party and the SNP in the Scottish Parliament, and “Scottish and Welsh Nationalists and the Green Party representatives in the European Parliament”. We disagree with these arguments. The nature of a party’s policy platform, or whether particular policy viewpoints are reflected amongst parties on the list of major parties do not in our view relate to the levels of parties’ current support. In addition, in paragraph 2.14 of the Consultation, we made reference to the Liberal Democrats as being part of the UK Coalition Government as just one factor in determining that party’s continued major party status, particularly because it relates to that party’s performance in the 2010 General Election. We do not consider that the relationships between the Scottish Green Party, Green Party, the SNP and Plaid Cymru are of the same order of magnitude;

## Decision

- 4.32 For the reasons set out above, we have decided that the existing major parties should remain on the list. These are:
- In Great Britain, the Conservative Party; the Labour Party; and the Liberal Democrats.
  - In Scotland, the Scottish National Party.
  - In Wales, Plaid Cymru.
  - In Northern Ireland, the Alliance Party; the Democratic Unionist Party; Sinn Fein; the Social Democratic and Labour Party; and the Ulster Unionist Party.
- 4.33 In addition, we have added the UK Independence Party to the list of major parties in England and Wales for the purposes of the General Election and English local (and mayoral) elections being held on 7 May 2015.
- 4.34 A full version of the updated list of major parties is at Annex 1.

## Section 5

# Ofcom's procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts

## Introduction

5.1 In this section we set out our decision in relation to an amendment to Ofcom's procedures for the determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules").

## Consultation proposals

5.2 In paragraphs 3.1 to 3.7 of the Consultation we set out the background to a proposed amendment to our Procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules Procedures")<sup>93</sup>. These are the procedures that Ofcom follows to determine disputes between broadcasters and political parties<sup>94</sup> in relation to allocations of PEBs in accordance with the PPRB Rules<sup>95</sup>. Such disputes are considered by Ofcom's Election Committee<sup>96</sup>.

5.3 Disputes concerning allocation of PEBs normally occur shortly before or during an election period. As referred to in Rule 9<sup>97</sup> of the PPRB Rules, such disputes require the relevant broadcasters to provide<sup>98</sup> up to two sets of representations, often according to

<sup>93</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/disputes.pdf> (and reproduced in Annex 3).

<sup>94</sup> And designated organisations in referendums in relation to the allocation of Referendum Campaign Broadcasts.

<sup>95</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf> Section 333 of the Communications Act 2003 empowers Ofcom to make rules which may include provision for determining the political parties on whose behalf party political broadcasts, including PEBs, may be made. The PPRB Rules contain minimum requirements set by Ofcom which Licensees must abide by in deciding the allocation, length, frequency and scheduling of PEBs and broadcasts outside of elections, party political broadcasts ("PPBs").

<sup>96</sup> See <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/election-committee/> The Election Committee is a delegated committee of the Ofcom Board whose role is (a) to consider and adjudicate on complaints received with regard to: the allocation by Ofcom licensed broadcasters of PEBs; the scheduling of PEBs, or their duration; and, (b) to consider and adjudicate on complaints received in relation to due impartiality in programmes transmitted by Ofcom licensed broadcasters where Ofcom considers that a substantive issue is raised and where the complaint, if upheld, might require redress before the election.

<sup>97</sup> Rule 9 states: "On receipt of a Party's Referral Letter, the Committee will write to the Party confirming whether it has accepted the dispute and, where applicable, requesting any relevant further information ("the Acceptance Letter"). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email".

<sup>98</sup> Rules 10 and 11 of the PPRB Rules Procedures require the Election Committee to forward details of the party's dispute to the relevant broadcaster, giving the broadcaster an opportunity to respond to the dispute with any comments, representations and additional evidence. On receiving the broadcaster's response, the Election Committee will write to the party again, giving it a final opportunity to reply to the

very tight deadlines. As such, we recognise the administrative burden such disputes can place on parties to these disputes. As currently drafted we consider that (assuming that a party is registered with the Electoral Commission and has provided all relevant evidence or background information), Rule 9 envisages that the Election Committee would automatically consider any PEB allocation dispute referred to it by a political party.

- 5.4 In paragraph 3.6 of the Consultation, we said that that some PEB allocation disputes referred by political parties to the Election Committee might be based on unsustainable arguments or, for some other reason, they may be clearly an unsustainable case. Without discretion not to entertain such disputes, the Election Committee is presently obliged to proceed in all cases to a full investigation and to issue a comprehensive written decision according to the PPRB Rules Procedures. This has the potential to place a considerable burden in terms of time and costs not only on the parties in dispute, but also on Ofcom. In the period prior to an election, we consider that it is important that the Election Committee (and broadcasters) are able to deploy their resources most effectively.
- 5.5 In light of the above, we therefore proposed that Ofcom be given the discretion, in appropriate cases, to decide that a dispute over PEBs<sup>99</sup> does not merit referral to the Election Committee. We therefore proposed that the current wording of Rule 9 of the PPRB Rules Procedures to be amended as follows (proposed amendments are shown in bold):

“On receipt of a Party’s Referral Letter, **Ofcom will assess the Referral Letter and, if appropriate, write to the Party requesting any relevant further information. If, after consulting the Chair of the Committee, in Ofcom’s view:**

- **the Party wishing to refer a dispute to the Committee has not set out a sustainable case for the Committee to determine that dispute;**
- **there has been undue delay in the Party sending the Referral Letter to the Committee; and/or**
- **for any other reason, it is inappropriate for the Committee to proceed to decide the dispute set out in the Referral Letter,**

**Ofcom will write to the Party stating that the Committee will take no further action and providing an explanation of that decision. Otherwise,** the Committee will write to the Party confirming **that** it has accepted the dispute (“the Acceptance Letter”). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email”.

- 5.6 In Question 3 of the Consultation, we asked stakeholders for their views on the proposed amendment. A summary of the responses to our proposals is at Annex 4, paragraphs A4.39 to A4.42.

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contents of the broadcaster’s response. Any further response from the party will be forwarded to the broadcaster to give it a final opportunity to respond.

<sup>99</sup> Or a complaint about an alleged lack of due impartiality during an election or referendum period (see footnote 96 above)

## **Ofcom's response and decision on the proposed amendment to the PPRB Procedures**

- 5.7 In reaching our decision in this area, we note the various concerns expressed by some respondents about the degree of discretion that the proposed amendment might give to the Ofcom Executive and/or the Chairman of the Election Committee. We also note the view expressed that Ofcom had not provided sufficient evidence to justify the introduction of the proposed amendment. In addition, we took into consideration the argument that given the importance of the democratic process, there should be no amendment to the existing PPRB Rules Procedures.
- 5.8 Against this, we note the strong support for the proposed amendment, as expressed by the Combined Broadcaster Response, which made reference to the significant administrative burden imposed on broadcasters under the PPRB Rules Procedures when the Election Committee considers a complaint "whether or not there is any clear merit in a party's representations".
- 5.9 Taking into account the various representations we received in this area, we consider that there are strong arguments to amend the PPRB Rules Procedures to ensure that the Election Committee does not have to consider disputes without merit. However, we acknowledge the importance of the issues being referred to the Election Committee to the democratic process. Therefore, we consider that any change to the procedures should only be what is necessary to ensure the Election Committee is not required to deal with unsustainable cases. We have therefore amended our proposal set out in the Consultation and limited the scope of grounds for disputes to the Election Committee as follows (changes from the Consultation are shown in italics):

"On receipt of a Party's Referral Letter, **Ofcom will assess the Referral Letter and, if appropriate, write to the Party requesting any relevant further information. If, after consulting the Chair of the Committee, in Ofcom's view:**

- **the Party wishing to refer a dispute to the Committee has not set out a sustainable case for the Committee to determine that dispute; *and/or***
- **there has been undue delay in the Party sending the Referral Letter to the Committee, *and/or***
- **~~for any other reason, it is inappropriate for the Committee to proceed to decide the dispute set out in the Referral Letter,~~**

**Ofcom will write to the Party stating that the Committee will take no further action and providing an explanation of that decision. Otherwise,** the Committee will write to the Party confirming **that** it has accepted the dispute ("the Acceptance Letter"). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email".

- 5.10 We also note the concerns expressed that the proposed amendment lacked an appeal mechanism. However, there has never been an internal appeal mechanism in the PPRB

Rules Procedures, and when we originally introduced<sup>100</sup> these procedures, we stated that we did not consider it necessary for the PPRB Rules Procedures to provide for a decision of the Election Committee to be the subject of an internal appeal. Both the Party and the Licensee may appeal a decision of the Election Committee to the High Court by way of an application for judicial review. We consider that no evidence has been provided to persuade us to change our position on this point.

5.11 A full version of the PPRB Rules Procedures is at Annex 3.

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<sup>100</sup> See <http://stakeholders.ofcom.org.uk/binaries/consultations/pprb/statement/Statement.pdf>, paragraph 3.18.

## Annex 1

# Finalised Ofcom list of major parties

- A1.1 This document sets out the definition of “major parties” as applies to Section Six of the Ofcom Broadcasting Code<sup>169</sup> and the Ofcom rules on Party Political and Referendum Broadcast.
- A1.2 Ofcom will periodically review the definition of “major parties”, taking account of relevant evidence, such as changes in the electoral landscape, across a range of elections.
- A1.3 At present in Great Britain, major parties are defined as: the Conservative Party; the Labour Party; and the Liberal Democrats.
- A1.4 In addition, major parties in Scotland and Wales respectively are the Scottish National Party and Plaid Cymru.
- A1.5 The major parties in Northern Ireland are: the Alliance Party; the Democratic Unionist Party; Sinn Fein; the Social Democratic and Labour Party; and the Ulster Unionist Party.
- A1.6 In addition to the above, in England and Wales the major parties for the purposes of the Parliamentary General Election and the English local (and mayoral) elections taking place on 7 May 2015 include the UK Independence Party.

## Annex 2

# Evidence of past electoral support and updated evidence of current support

A2.1 In this annex we reproduce Annex 2 of the Consultation, but updating evidence of current support as appropriate. We lay out:

- relevant evidence of past electoral support for General Elections, English local (including English mayoral) elections, and also other significant elections that have taken place since the 2010 General Election; and
- relevant updated evidence of current support across Great Britain and within Wales, Scotland and Northern Ireland.

## Evidence of past electoral support

### General Elections

A2.2 Figure 12 lays out the numbers of seats won and share of the popular vote achieved by the various political parties for the last two General Elections in England, Wales and Scotland (2005 and 2010).

**Figure 12: Number of seats and share of vote at General Elections (England, Wales and Scotland)**

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party <sup>101</sup>	BNP	Others
<b>2010 General Election</b>									
England	297 39.5%	191 28.1%	43 24.2%	N/A	N/A	0 3.5%	1 1.0%	0 2.1%	1 1.6%
Wales	8 26.1%	26 36.3%	3 20.1%	N/A	3 11.3%	0 2.4%	0 0.4%	0 1.6%	0 1.8%
Scotland	1 16.8%	41 42.0%	11 18.9%	6 19.9%	N/A	0 0.7%	0 0.7%	0 0.4%	0 0.6%
<b>2005 General Election</b>									
England	194 35.7%	286 35.5%	47 22.9%	N/A	N/A	0 2.5%	0 1.1%	0 0.8%	2 3.5%
Wales	3 21.4%	29 42.7%	4 18.4%	N/A	3 12.6%	0 1.5%	0 0.5%	0 0.1%	1 2.8%
Scotland	1 15.8%	40 38.9%	11 22.6%	6 17.7%	N/A	0 0.4%	0 1.1%	0 0.1%	1 3.4%

Source: BBC and House of Commons Library

A2.3 Figure 13 sets out the numbers of seats won and share of the popular vote achieved by the various political parties for the last two General Elections in Northern Ireland (2005 and 2010).

<sup>101</sup> And Scottish Green Party.

**Figure 13: Number of seats and share of vote at General Elections (Northern Ireland)**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
<b>2010 General Election</b>							
8 25.0%	5 25.5%	3 16.5%	0 15.2%	1 6.3%	0 3.9%	0 0.5%	1 7.1%
<b>2005 General Election</b>							
9 33.7%	5 24.3%	3 17.5%	1 17.8%	0 3.9%	N/A	N/A	0 2.8%

Source: BBC and House of Commons Library

A2.4 Figures 14 and 15 lay out the numbers of seats and the aggregate share of the popular vote in the 20 Westminster Parliamentary by-elections that have taken place to date since the 2010 General Election

**Figure 14: Seats won and aggregate share of vote in the 20 Westminster by-elections (England, Wales and Scotland) since the 2010 General Election to 9 October 2014**

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party	BNP	Others
England	1 19.7%	12 39.0%	1 9.5%	N/A	N/A	2 20.7%	0 1.7%	0 1.7%	1 7.7%
Wales	0 19.9%	1 47.5%	0 10.9%	N/A	0 9.6%	0 6.1%	0 4.1%	N/A	0 1.9%
Scotland	0 9.9%	1 53.8%	0 2.2%	0 33.0%	N/A	0 1.0%	N/A	N/A	N/A

Source: BBC

**Figure 15: Seats won and aggregate share of vote in Westminster by-elections (Northern Ireland)**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
0 2.3%	2 56.0%	0 15.9%	0 0.6%	0 1.0%	N/A	N/A	0 24.2%

Source: BBC

## English local elections

A2.5 Figure 16 shows figures collated by the Elections Centre, Plymouth University, of the numbers of seats won and share of the popular vote achieved by the various political parties for English local elections for the period 2009 to 2014.

**Figure 16: Numbers of seats and share of vote at English local elections**

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Others
2014	2,124 25.9%	1,366 35.8%	429 11.1%	163 <sup>102</sup> 15.7%	38 6.6%	1 0.3%	145 4.8%
2013	1,117 34.6%	538 21.2%	352 13.9%	147 19.9%	22 3.6%	0 0.2%	186 6.6%
2012	786 27.5%	1,189 43.1%	288 14.1%	7 4.4%	26 4.2%	0 0.5%	116 6.2%
2011	5,113 37.8%	2,461 31.6%	1,099 16.1%	8 2.4%	79 3.6%	2 0.5%	698 8.0%
2010	1,611 32.5%	1,778 31.9%	728 23.8%	1 1.6%	13 3.4%	2 2.5%	93 4.3%
2009	1,520 44.4%	167 12.7%	463 24.8%	8 4.6%	17 4.6%	3 2.5%	140 6.4%

Source: The Elections Centre, Plymouth University

A2.6 Mayoral elections are due to take place in May 2015 in: Bedford; Leicester; Mansfield; Middlesbrough; and Torbay. Figure 17 lays out for each of the parties the number of mayoralities won and the aggregate share of the vote when these mayoral elections have taken place in the past.

**Figure 17: Number of mayoralities and average share of vote**

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2011 (5 contests)	1 17.2%	1 31.7%	1 15.4%	0 5.4%	0 3.7%	2 33.4%
2009 (1 contest)	0 25.9%	0 9.9%	1 26.8%	N/A	0 3.4%	0 34.0%
2007 (3 contests)	0 13.7%	0 17.9%	0 18.4%	N/A	0 4.6%	3 44.0%
2005 (1 contest)	1 21.9%	0 3.2%	0 15.8%	N/A	N/A	0 59.1%
2002 (3 contests)	0 14.5%	0 23.6%	0 10.9%	N/A	0 4.2%	3 48.5%
Overall Average	18.6%	17.3%	17.5%	5.4%	4.0%	43.8%

Source: Local authority websites

## Other significant elections since the 2010 General Election

A2.7 Figures 18 to 29 set out the numbers of seats won and share of the popular vote achieved by the various political parties in a range of significant elections that have taken place since the 2010 General Election.

<sup>102</sup> Due to a typographic error in the Consultation it was wrongly stated that UKIP had won “16” seats in the 2014 English local elections rather than the 163 seats they actually won.

**Elections taking place across different nations of the UK (numbers of seats and share of vote)****Figure 18: 2014 European Parliamentary elections – England, Wales and Scotland**

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party <sup>103</sup>	BNP	Others
England	17 24.9%	17 25.2%	1 7.0%	N/A	N/A	22 29.2%	3 8.0%	0 1.2%	0 4.5%
Wales	1 17.4%	1 28.1%	0 3.9%	N/A	1 15.3%	1 27.6%	0 4.5%	0 1.0%	0 2.1%
Scotland	1 17.2%	2 25.9%	0 7.1%	2 29.0%	N/A	1 10.5%	0 8.1%	0 0.8%	0 1.5%

Source: BBC and House of Commons Library

**Figure 19: 2014 European Parliamentary elections – Northern Ireland**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
1 20.9%	1 25.5%	0 13.0%	0 13.3%	0 7.1%	0 12.1%	0 1.7%	0 6.4%

Source: BBC and House of Commons Library

**Figure 20: 2012 Police and Crime Commissioner elections**

	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
England	15 28.2%	12 31.4%	0 7.7%	0 7.4%	0 0.2%	10 25.1%
Wales	1 20.8%	1 41.8%	N/A	0 1.7%	N/A	2 35.7%

Source: BBC

**Elections taking place in England only (numbers of seats and share of vote)****Figure 21: 2012 London Mayoral election**

Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Ind.
44.0%	40.3%	4.2%	2.0%	4.5%	1.3%	3.8%

Source: BBC

**Figure 22: 2012 London Assembly elections**

Type of Vote	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Others
Directly elected seats	6 32.7%	8 42.3%	0 8.8%	0 4.3%	0 8.5%	0 1.4%	0 2.0%
Top-up list	3 32.0%	4 41.1%	2 6.8%	0 4.5%	2 8.5%	0 2.1%	0 5.0%

Source: BBC

<sup>103</sup> And the Scottish Green Party

**Elections taking place in Wales only (numbers of seats and share of vote)****Figure 23: 2012 Welsh local elections**

Cons.	Lab.	Lib-Dem.	Plaid Cymru	Green Party	Others
105 12.7%	576 35.6%	72 8.0%	158 15.7%	0 1.2%	313 26.8%

Source: BBC and Electoral Commission

**Figure 24: 2011 Welsh Assembly elections**

Type of Vote	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	BNP	Others
Directly elected seats	6 25.0%	28 42.3%	1 10.6%	5 19.3%	N/A	0 0.2%	0 0.7%	0
Regional lists	8 22.5%	2 36.9%	4 8.0%	6 17.9%	0 4.6%	0 3.4%	0 2.4%	0 4.3%

Source: BBC and Electoral Commission

**Elections taking place in Scotland only (numbers of seats and share of vote)****Figure 25: 2012 Scottish local elections**

Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	Others
115 13.3%	394 31.4%	71 6.6%	425 32.3%	0 0.3%	14 <sup>104</sup> 2.3%	204 <sup>105</sup> 13.8%

Source: Electoral Commission

**Figure 26: 2011 Scottish Parliamentary elections**

Type of Vote	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	BNP	Others
Directly elected seats	3 13.9%	15 31.7%	2 7.9%	53 45.4%	0 0.1%	N/A	N/A	0 1.0%
Regional lists	12 12.4%	22 26.3%	3 5.2%	16 44.0%	0 0.9%	2 4.4%	0 0.8%	0 4.0%

Source: Electoral Commission

<sup>104</sup> Due to a typographic error in the Consultation it was wrongly stated that the Scottish Green Party had won "8" seats in the 2012 Scottish local elections rather than the 14 seats they actually won.

<sup>105</sup> Due to a typographic error in the Consultation it was wrongly stated that 'Others' had won "0" seats in the 2012 Scottish local elections rather than the 204 seats they actually won.

**Elections taking place in Northern Ireland only (numbers of seats and share of vote)**

**Figure 27: 2014 Northern Ireland local elections**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
130 23.1%	105 24.1%	66 13.6%	88 16.2%	32 6.7%	13 4.5%	4 0.9%	9 10.9%

Source: BBC

**Figure 28: 2011 Northern Ireland Assembly elections**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
38 30.0%	29 26.9%	14 14.2%	16 13.2%	8 7.7%	1 2.5%	1 0.9%	1 4.6%

Source: BBC

**Figure 29: 2011 Northern Ireland local elections**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
175 27.2%	138 24.8%	87 15.0%	99 15.2%	44 7.4%	6 2.0%	3 1.0%	30 7.4%

Source: BBC

## Evidence of current support

A2.8 We lay out below evidence of current support, as indicated by opinion polls, in respect of the four separate nations of the UK.

### England

A2.9 We are not aware of any recent aggregated figures of different polling organisations' opinion polls, showing support for the political parties in England only. In the 2014 Review, we used the Great Britain-wide polls as a proxy for gauging levels of current support in England only. The figures we used were contained in the BBC Poll of Polls (of Great Britain-wide polls). We have used this data for the 2015 Review. Figure 21 in the Consultation showed the BBC Poll of Polls since it started in May 2012 to December 2014. This poll looked at the five most recent polls and took the middle value for each party i.e. the value that means there are two figures higher and two figures lower.

A2.10 In January 2015, the BBC Poll of Polls was recalibrated as an interactive poll so as to include the figure for the Green Party as a separate category, and give the combined opinion poll rating for each party based on the combined poll ratings for a range of opinion poll companies on any given date (i.e. a rolling average). The updated version of Figure 21 (see figure 30 below) therefore provides the recalibrated BBC Poll of Polls figures from May 2012 to February 2015. (The polls of the following companies are included in the BBC Poll of Polls: ComRes; ICM; Ipsos-Mori; Populus; Survation; TNS-BMRB; and YouGov). There is a slight variation in the annual average figures between Figure 21 in the Consultation and figure 30 below. This is because in the former the

BBC Poll of Poll figures listed were rolling median values whereas in the latter, the BBC Poll of Poll figures listed were rolling average figures.

- A2.11 To obtain the most comprehensive range of data possible, in addition to the BBC Poll of Polls, we have also considered information produced by the Polling Observatory project<sup>106</sup>. This project has produced estimates of current support by pooling all the currently available polling data, while taking into account the estimated biases of the individual pollsters (“house effects”), the effects of sample size on the likely accuracy of polls, and the effects of the sampling decisions pollsters make, which mean their samples are not truly random (“design effects”). The model uses the 2010 General Election result as a reference point for judging the accuracy of pollsters, and adjusts the poll figures to reflect the estimated biases in the pollsters figures based on this reference point. Figure 22 in the Consultation showed the monthly Polling Observatory data<sup>107</sup> since it started including UKIP in November 2012 to December 2014.
- A2.12 Since the beginning of 2015, the Polling Observatory started to include the figure for the Green Party as a separate category. Ofcom has also managed to obtain the weekly breakdown data for the Polling Observatory. Therefore, the updated version of Figure 22 (see figure 31) below therefore provides the Polling Observatory figures broken down to weekly figures to give a greater level of detail. There is a slight variation in the annual average figures between Figure 22 in the Consultation and figure 31 below. This is because in the former monthly figures were used and some monthly periods were of five weeks whilst other monthly figures actually covered a period of less than a month.
- A2.13 In order to more accurately recent trends in opinion poll data, the half yearly averages for 2014 have also been included in figures 30 and 31.

**Figure 30: BBC Poll of Polls opinion poll data (Great Britain-wide May 2012 to February 2015)**

Date	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
27/2/15	33.0%	34.0%	8.0%	13.0%	7.0%	6.0%
23/2/15	33.0%	33.0%	7.0%	13.0%	7.0%	6.0%
20/2/15	34.0%	33.0%	8.0%	13.0%	6.0%	6.0%
19/2/15	33.0%	33.0%	8.0%	14.0%	6.0%	6.0%
16/2/15	32.0%	34.0%	8.0%	14.0%	6.0%	6.0%
15/2/15	33.0%	34.0%	8.0%	14.0%	6.0%	6.0%
13/2/15	32.0%	34.0%	8.0%	14.0%	7.0%	6.0%
12/2/15	32.0%	34.0%	8.0%	14.0%	7.0%	5.0%
6/2/15	31.0%	33.0%	8.0%	14.0%	7.0%	7.0%
5/2/15	31.0%	33.0%	8.0%	15.0%	6.0%	6.0%
4/2/15	31.0%	33.0%	8.0%	15.0%	7.0%	6.0%
30/1/15	31.0%	33.0%	8.0%	15.0%	7.0%	6.0%
29/1/15	31.0%	33.0%	8.0%	15.0%	7.0%	6.0%
25/1/15	31.0%	33.0%	8.0%	15.0%	7.0%	6.0%
23/1/15	32.0%	33.0%	8.0%	15.0%	6.0%	6.0%

<sup>106</sup> See <http://blog.policy.manchester.ac.uk/posts/2014/12/polling-observatory-43-stability-returns-with-race-close-to-dead-heat/>

<sup>107</sup> From 1 June 2014 onwards the Polling Observatory model was adjusted due to concerns that: Liberal Democrat support was being underestimated; disagreement between pollsters as to what the level of UKIP support has been; and changes to methodology by individual pollsters. The polling Observatory now makes adjustment relative to the “average pollster” rather than the 2010 General Election.

Review of Ofcom list of major political parties for elections taking place on 7 May 2015

19/1/15	32.0%	33.0%	8.0%	15.0%	6.0%	6.0%
18/1/15	31.0%	34.0%	8.0%	16.0%	6.0%	5.0%
16/1/15	31.0%	34.0%	8.0%	16.0%	6.0%	5.0%
15/1/15	31.0%	34.0%	8.0%	16.0%	6.0%	6.0%
13/1/15	31.0%	34.0%	8.0%	16.0%	6.0%	6.0%
11/1/15	31.0%	33.0%	8.0%	16.0%	6.0%	6.0%
8/1/15	31.0%	33.0%	8.0%	16.0%	6.0%	6.0%
<b>2015 Average</b>	<b>31.2%</b>	<b>33.3%</b>	<b>8.0%</b>	<b>15.5%</b>	<b>6.3%</b>	<b>5.8%</b>
19/12/14	31.0%	33.0%	8.0%	16.0%	6.0%	6.0%
18/12/14	31.0%	31.0%	8.0%	16.0%	6.0%	6.0%
16/12/14	31.0%	33.0%	8.0%	16.0%	6.0%	6.0%
15/12/14	31.0%	33.0%	8.0%	16.0%	6.0%	6.0%
12/12/14	32.0%	32.0%	8.0%	16.0%	5.0%	6.0%
11/12/14	31.0%	32.0%	8.0%	16.0%	6.0%	7.0%
5/12/14	31.0%	32.0%	8.0%	16.0%	6.0%	7.0%
4/12/14	31.0%	32.0%	8.0%	16.0%	6.0%	7.0%
2/12/14	31.0%	32.0%	8.0%	16.0%	6.0%	7.0%
30/11/14	31.0%	32.0%	9.0%	16.0%	6.0%	7.0%
28/11/14	32.0%	32.0%	8.0%	16.0%	5.0%	7.0%
27/11/14	32.0%	32.0%	8.0%	16.0%	5.0%	6.0%
21/11/14	33.0%	32.0%	8.0%	17.0%	5.0%	7.0%
16/11/14	32.0%	32.0%	8.0%	17.0%	5.0%	7.0%
14/11/14	32.0%	31.0%	8.0%	17.0%	5.0%	7.0%
10/11/14	32.0%	31.0%	9.0%	17.0%	5.0%	7.0%
9/11/14	32.0%	32.0%	8.0%	17.0%	5.0%	7.0%
7/11/14	32.0%	32.0%	8.0%	17.0%	4.0%	7.0%
6/11/14	31.0%	32.0%	8.0%	18.0%	4.0%	7.0%
4/11/14	31.0%	32.0%	8.0%	18.0%	4.0%	7.0%
31/10/14	31.0%	33.0%	8.0%	17.0%	4.0%	6.0%
30/10/14	32.0%	33.0%	8.0%	17.0%	4.0%	6.0%
26/10/14	31.0%	33.0%	8.0%	17.0%	4.0%	6.0%
24/10/14	31.0%	34.0%	9.0%	17.0%	4.0%	6.0%
23/10/14	31.0%	34.0%	9.0%	17.0%	4.0%	6.0%
14/10/14	31.0%	34.0%	9.0%	16.0%	4.0%	6.0%
13/10/14	32.0%	34.0%	9.0%	16.0%	4.0%	5.0%
12/10/14	32.0%	34.0%	9.0%	15.0%	5.0%	5.0%
7/10/14	32.0%	34.0%	8.0%	15.0%	5.0%	6.0%
5/10/14	32.0%	34.0%	8.0%	16.0%	5.0%	6.0%
28/9/14	32.0%	35.0%	8.0%	16.0%	5.0%	6.0%
26/9/14	32.0%	35.0%	8.0%	16.0%	5.0%	5.0%
21/9/14	32.0%	34.0%	8.0%	16.0%	5.0%	5.0%
19/9/14	32.0%	34.0%	8.0%	16.0%	5.0%	5.0%
16/9/14	32.0%	34.0%	8.0%	16.0%	5.0%	5.0%
14/9/14	32.0%	35.0%	8.0%	16.0%	4.0%	5.0%
12/9/14	32.0%	35.0%	8.0%	16.0%	4.0%	5.0%
9/9/14	32.0%	35.0%	8.0%	16.0%	4.0%	5.0%
7/9/14	31.0%	34.0%	8.0%	16.0%	5.0%	6.0%
5/9/14	31.0%	34.0%	8.0%	16.0%	5.0%	5.0%
2/9/14	32.0%	34.0%	8.0%	16.0%	5.0%	6.0%
31/8/14	32.0%	34.0%	8.0%	16.0%	4.0%	6.0%
29/8/14	33.0%	34.0%	8.0%	16.0%	4.0%	5.0%
24/8/14	32.0%	34.0%	9.0%	16.0%	4.0%	5.0%
22/8/14	32.0%	35.0%	8.0%	15.0%	5.0%	6.0%
17/8/14	31.0%	34.0%	8.0%	16.0%	5.0%	6.0%
15/8/14	31.0%	34.0%	9.0%	16.0%	5.0%	6.0%
13/8/14	32.0%	34.0%	9.0%	15.0%	5.0%	6.0%
12/8/14	32.0%	33.0%	9.0%	15.0%	5.0%	7.0%

Review of Ofcom list of major political parties for elections taking place on 7 May 2015

11/8/14	32.0%	34.0%	8.0%	15.0%	5.0%	7.0%
10/8/14	32.0%	34.0%	8.0%	15.0%	5.0%	6.0%
8/8/14	33.0%	34.0%	8.0%	15.0%	5.0%	6.0%
3/8/14	32.0%	34.0%	8.0%	15.0%	5.0%	6.0%
31/7/14	32.0%	34.0%	8.0%	15.0%	5.0%	6.0%
29/7/14	32.0%	34.0%	8.0%	14.0%	5.0%	6.0%
27/7/14	33.0%	34.0%	8.0%	14.0%	5.0%	6.0%
24/7/14	33.0%	34.0%	9.0%	14.0%	5.0%	6.0%
20/7/14	33.0%	34.0%	8.0%	15.0%	5.0%	6.0%
19/7/14	33.0%	34.0%	8.0%	15.0%	4.0%	6.0%
17/7/14	33.0%	34.0%	8.0%	15.0%	5.0%	6.0%
16/7/14	32.0%	34.0%	8.0%	15.0%	5.0%	6.0%
13/7/14	31.0%	34.0%	8.0%	16.0%	5.0%	7.0%
6/7/14	32.0%	34.0%	8.0%	17.0%	5.0%	7.0%
1/7/14	32.0%	34.0%	8.0%	16.0%	5.0%	7.0%
<b>July to December 2014 Average</b>	<b>31.8%</b>	<b>33.4%</b>	<b>8.2%</b>	<b>15.9%</b>	<b>4.9%</b>	<b>6.1%</b>
30/6/14	32.0%	34.0%	8.0%	17.0%	5.0%	7.0%
29/6/14	32.0%	34.0%	8.0%	17.0%	5.0%	7.0%
22/6/14	32.0%	34.0%	8.0%	17.0%	5.0%	7.0%
18/6/14	32.0%	34.0%	8.0%	17.0%	5.0%	7.0%
17/6/14	32.0%	34.0%	8.0%	16.0%	5.0%	6.0%
15/6/14	33.0%	34.0%	8.0%	16.0%	5.0%	5.0%
14/6/14	33.0%	34.0%	8.0%	16.0%	5.0%	5.0%
12/6/14	33.0%	34.0%	8.0%	16.0%	5.0%	5.0%
8/6/14	32.0%	34.0%	9.0%	14.0%	5.0%	5.0%
3/6/14	32.0%	34.0%	9.0%	14.0%	5.0%	6.0%
1/6/14	32.0%	34.0%	10.0%	14.0%	5.0%	6.0%
28/5/14	32.0%	33.0%	10.0%	14.0%	5.0%	6.0%
26/5/14	32.0%	33.0%	10.0%	15.0%	5.0%	5.0%
25/5/14	32.0%	33.0%	10.0%	15.0%	5.0%	6.0%
19/5/14	32.0%	33.0%	10.0%	15.0%	5.0%	6.0%
18/5/14	32.0%	34.0%	10.0%	14.0%	5.0%	6.0%
13/5/14	31.0%	34.0%	10.0%	14.0%	5.0%	6.0%
11/5/14	31.0%	35.0%	10.0%	14.0%	4.0%	6.0%
6/5/14	32.0%	35.0%	10.0%	14.0%	4.0%	6.0%
4/5/14	32.0%	35.0%	10.0%	14.0%	3.0%	6.0%
28/4/14	31.0%	35.0%	10.0%	14.0%	3.0%	6.0%
27/4/14	32.0%	36.0%	9.0%	14.0%	3.0%	6.0%
15/4/14	32.0%	36.0%	10.0%	14.0%	3.0%	6.0%
14/4/14	32.0%	36.0%	9.0%	14.0%	3.0%	5.0%
13/4/14	32.0%	36.0%	9.0%	15.0%	3.0%	5.0%
10/4/14	32.0%	36.0%	9.0%	14.0%	3.0%	5.0%
8/4/14	33.0%	36.0%	9.0%	13.0%	3.0%	5.0%
7/4/14	33.0%	36.0%	10.0%	13.0%	3.0%	5.0%
6/4/14	33.0%	36.0%	11.0%	12.0%	4.0%	5.0%
31/3/14	33.0%	36.0%	11.0%	12.0%	4.0%	5.0%
25/3/14	33.0%	35.0%	11.0%	12.0%	3.0%	5.0%
24/3/14	33.0%	35.0%	11.0%	13.0%	3.0%	5.0%
23/3/14	33.0%	35.0%	11.0%	13.0%	3.0%	5.0%
17/3/14	32.0%	36.0%	10.0%	13.0%	3.0%	5.0%
16/3/14	33.0%	35.0%	10.0%	13.0%	3.0%	5.0%
14/3/14	32.0%	36.0%	11.0%	12.0%	3.0%	5.0%
13/3/14	32.0%	36.0%	11.0%	12.0%	3.0%	5.0%
11/3/14	32.0%	37.0%	10.0%	12.0%	3.0%	5.0%
10/3/14	32.0%	37.0%	10.0%	12.0%	3.0%	6.0%

Review of Ofcom list of major political parties for elections taking place on 7 May 2015

9/3/14	32.0%	37.0%	10.0%	12.0%	3.0%	6.0%
3/3/14	32.0%	37.0%	10.0%	12.0%	3.0%	6.0%
2/3/14	32.0%	37.0%	10.0%	12.0%	3.0%	6.0%
28/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	6.0%
24/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	6.0%
23/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	6.0%
21/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	6.0%
17/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	5.0%
16/2/14	32.0%	37.0%	10.0%	13.0%	3.0%	6.0%
14/2/14	32.0%	36.0%	10.0%	13.0%	3.0%	6.0%
12/2/14	32.0%	36.0%	10.0%	12.0%	3.0%	6.0%
11/2/14	32.0%	35.0%	11.0%	12.0%	3.0%	6.0%
10/2/14	32.0%	35.0%	11.0%	12.0%	3.0%	5.0%
9/2/14	32.0%	35.0%	10.0%	13.0%	3.0%	6.0%
7/2/14	32.0%	35.0%	10.0%	12.0%	3.0%	6.0%
6/2/14	32.0%	36.0%	10.0%	11.0%	3.0%	6.0%
3/2/14	32.0%	36.0%	11.0%	12.0%	3.0%	5.0%
2/2/14	32.0%	36.0%	11.0%	12.0%	3.0%	6.0%
28/1/14	32.0%	36.0%	11.0%	12.0%	3.0%	6.0%
27/1/14	31.0%	36.0%	11.0%	13.0%	3.0%	5.0%
23/1/14	31.0%	36.0%	11.0%	13.0%	3.0%	5.0%
20/1/14	31.0%	37.0%	10.0%	13.0%	3.0%	6.0%
17/1/14	31.0%	38.0%	10.0%	12.0%	3.0%	6.0%
14/1/14	32.0%	37.0%	10.0%	12.0%	3.0%	7.0%
12/1/14	32.0%	38.0%	10.0%	11.0%	4.0%	6.0%
<b>January to June 2014 Average</b>	<b>32.1%</b>	<b>35.5%</b>	<b>9.9%</b>	<b>13.4%</b>	<b>3.6%</b>	<b>5.7%</b>
<b>2014 Average</b>	<b>32.0%</b>	<b>34.5%</b>	<b>9.1%</b>	<b>14.7%</b>	<b>4.3%</b>	<b>5.9%</b>
22/12/13	32.0%	38.0%	10.0%	11.0%	4.0%	6.0%
20/12/13	32.0%	38.0%	10.0%	11.0%	4.0%	7.0%
17/12/13	32.0%	37.0%	10.0%	11.0%	4.0%	7.0%
15/12/13	31.0%	37.0%	10.0%	12.0%	3.0%	6.0%
12/12/13	32.0%	38.0%	10.0%	11.0%	3.0%	6.0%
8/12/13	31.0%	38.0%	10.0%	11.0%	4.0%	7.0%
1/12/13	31.0%	38.0%	10.0%	11.0%	4.0%	7.0%
26/11/13	31.0%	38.0%	10.0%	11.0%	4.0%	7.0%
18/11/13	31.0%	38.0%	10.0%	12.0%	4.0%	6.0%
17/11/13	31.0%	38.0%	10.0%	12.0%	4.0%	6.0%
12/11/13	31.0%	38.0%	10.0%	11.0%	4.0%	7.0%
11/11/13	32.0%	37.0%	10.0%	11.0%	4.0%	7.0%
4/11/13	32.0%	37.0%	10.0%	12.0%	4.0%	7.0%
28/10/13	32.0%	37.0%	10.0%	11.0%	4.0%	6.0%
20/10/13	33.0%	37.0%	10.0%	11.0%	3.0%	6.0%
16/10/13	33.0%	37.0%	10.0%	11.0%	3.0%	6.0%
14/10/13	33.0%	37.0%	10.0%	11.0%	3.0%	6.0%
7/10/13	32.0%	38.0%	10.0%	12.0%	3.0%	6.0%
1/10/13	32.0%	38.0%	11.0%	12.0%	3.0%	5.0%
29/9/13	31.0%	38.0%	10.0%	13.0%	3.0%	5.0%
23/9/13	31.0%	37.0%	11.0%	13.0%	3.0%	5.0%
22/9/13	31.0%	37.0%	11.0%	12.0%	4.0%	6.0%
18/9/13	32.0%	37.0%	11.0%	12.0%	4.0%	6.0%
10/9/13	32.0%	37.0%	11.0%	11.0%	3.0%	6.0%
6/9/13	31.0%	38.0%	11.0%	11.0%	4.0%	6.0%
3/9/13	31.0%	38.0%	11.0%	12.0%	4.0%	6.0%
1/9/13	31.0%	38.0%	10.0%	13.0%	3.0%	5.0%
27/8/13	31.0%	37.0%	10.0%	13.0%	3.0%	5.0%

Review of Ofcom list of major political parties for elections taking place on 7 May 2015

19/8/13	31.0%	38.0%	10.0%	13.0%	4.0%	5.0%
16/8/13	32.0%	38.0%	10.0%	12.0%	4.0%	5.0%
11/8/13	32.0%	37.0%	10.0%	12.0%	4.0%	6.0%
7/8/13	32.0%	37.0%	10.0%	12.0%	4.0%	6.0%
4/8/13	32.0%	37.0%	10.0%	13.0%	4.0%	6.0%
30/7/13	32.0%	37.0%	10.0%	12.0%	4.0%	6.0%
28/7/13	31.0%	37.0%	10.0%	13.0%	4.0%	6.0%
23/7/13	32.0%	37.0%	10.0%	12.0%	4.0%	6.0%
15/7/13	30.0%	37.0%	10.0%	14.0%	4.0%	6.0%
7/7/13	29.0%	37.0%	10.0%	14.0%	4.0%	7.0%
30/6/13	29.0%	37.0%	10.0%	14.0%	4.0%	7.0%
25/6/13	29.0%	37.0%	10.0%	15.0%	4.0%	7.0%
16/6/13	28.0%	37.0%	10.0%	15.0%	3.0%	7.0%
12/6/13	29.0%	37.0%	10.0%	15.0%	3.0%	7.0%
9/6/13	29.0%	37.0%	10.0%	14.0%	3.0%	6.0%
3/6/13	29.0%	37.0%	10.0%	15.0%	3.0%	6.0%
29/5/13	29.0%	38.0%	10.0%	14.0%	3.0%	6.0%
26/5/13	29.0%	38.0%	10.0%	14.0%	4.0%	6.0%
19/5/13	29.0%	38.0%	10.0%	14.0%	4.0%	6.0%
15/5/13	29.0%	38.0%	10.0%	13.0%	4.0%	6.0%
12/5/13	29.0%	39.0%	10.0%	13.0%	3.0%	6.0%
5/5/13	29.0%	39.0%	11.0%	13.0%	3.0%	6.0%
29/4/13	29.0%	39.0%	11.0%	13.0%	3.0%	6.0%
21/4/13	29.0%	39.0%	10.0%	13.0%	3.0%	6.0%
15/4/13	29.0%	39.0%	11.0%	13.0%	3.0%	6.0%
12/4/13	29.0%	39.0%	11.0%	13.0%	3.0%	6.0%
8/4/13	28.0%	39.0%	11.0%	13.0%	3.0%	6.0%
2/4/13	29.0%	39.0%	11.0%	13.0%	3.0%	6.0%
25/3/13	28.0%	39.0%	11.0%	13.0%	3.0%	6.0%
24/3/13	28.0%	39.0%	12.0%	12.0%	3.0%	6.0%
21/3/13	28.0%	39.0%	11.0%	13.0%	3.0%	6.0%
18/3/13	28.0%	40.0%	11.0%	13.0%	3.0%	6.0%
14/3/13	28.0%	39.0%	11.0%	13.0%	3.0%	6.0%
11/3/13	28.0%	40.0%	11.0%	12.0%	3.0%	6.0%
5/3/13	29.0%	41.0%	10.0%	11.0%	3.0%	6.0%
24/2/13	30.0%	41.0%	10.0%	10.0%	3.0%	6.0%
18/2/13	30.0%	40.0%	10.0%	11.0%	3.0%	7.0%
15/2/13	30.0%	40.0%	10.0%	11.0%	3.0%	7.0%
11/2/13	31.0%	40.0%	10.0%	10.0%	3.0%	6.0%
5/2/13	31.0%	40.0%	11.0%	10.0%	3.0%	6.0%
3/2/13	31.0%	40.0%	10.0%	10.0%	3.0%	6.0%
27/1/13	32.0%	40.0%	10.0%	10.0%	3.0%	6.0%
21/1/13	31.0%	40.0%	10.0%	10.0%	3.0%	7.0%
15/1/13	31.0%	41.0%	10.0%	10.0%	3.0%	6.0%
8/1/13	31.0%	41.0%	10.0%	10.0%	3.0%	5.0%
6/1/13	31.0%	41.0%	10.0%	10.0%	3.0%	6.0%
2/1/13	31.0%	41.0%	10.0%	10.0%	3.0%	6.0%
<b>2013 Average</b>	<b>30.5%</b>	<b>38.3%</b>	<b>10.3%</b>	<b>12.1%</b>	<b>3.4%</b>	<b>6.1%</b>
23/12/12	31.0%	41.0%	10.0%	10.0%	3.0%	6.0%
17/12/12	31.0%	41.0%	10.0%	10.0%	3.0%	6.0%
14/12/12	31.0%	41.0%	9.0%	10.0%	3.0%	6.0%
11/12/12	32.0%	41.0%	10.0%	9.0%	3.0%	6.0%
9/12/12	32.0%	41.0%	10.0%	8.0%	3.0%	6.0%
3/12/12	32.0%	42.0%	10.0%	7.0%	3.0%	6.0%
26/11/12	33.0%	42.0%	9.0%	7.0%	3.0%	6.0%
20/11/12	32.0%	42.0%	10.0%	7.0%	3.0%	7.0%
16/11/12	32.0%	42.0%	10.0%	7.0%	3.0%	7.0%

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13/11/12	32.0%	42.0%	10.0%	7.0%	3.0%	6.0%
11/11/12	32.0%	42.0%	10.0%	7.0%	3.0%	6.0%
5/11/12	33.0%	42.0%	10.0%	7.0%	3.0%	6.0%
29/10/12	33.0%	42.0%	10.0%	7.0%	3.0%	6.0%
24/10/12	32.0%	42.0%	10.0%	7.0%	3.0%	7.0%
21/10/12	32.0%	41.0%	10.0%	7.0%	4.0%	6.0%
15/10/12	32.0%	41.0%	11.0%	6.0%	4.0%	6.0%
14/10/12	32.0%	42.0%	11.0%	6.0%	4.0%	6.0%
7/10/12	32.0%	42.0%	11.0%	6.0%	4.0%	6.0%
2/10/12	32.0%	41.0%	11.0%	6.0%	4.0%	6.0%
26/9/12	32.0%	41.0%	11.0%	6.0%	4.0%	6.0%
23/9/12	33.0%	42.0%	11.0%	5.0%	3.0%	6.0%
17/9/12	33.0%	41.0%	11.0%	6.0%	4.0%	6.0%
10/9/12	33.0%	42.0%	11.0%	6.0%	3.0%	6.0%
2/9/12	33.0%	42.0%	11.0%	6.0%	3.0%	7.0%
29/8/12	32.0%	42.0%	11.0%	6.0%	3.0%	7.0%
12/8/12	32.0%	42.0%	11.0%	6.0%	3.0%	6.0%
7/8/12	32.0%	42.0%	11.0%	6.0%	3.0%	6.0%
31/7/12	32.0%	42.0%	11.0%	6.0%	3.0%	6.0%
29/7/12	32.0%	41.0%	11.0%	7.0%	3.0%	6.0%
26/7/12	32.0%	42.0%	11.0%	7.0%	3.0%	6.0%
22/7/12	32.0%	41.0%	11.0%	7.0%	3.0%	5.0%
16/7/12	32.0%	42.0%	11.0%	6.0%	3.0%	6.0%
8/7/12	32.0%	41.0%	10.0%	7.0%	4.0%	8.0%
1/7/12	32.0%	41.0%	10.0%	7.0%	3.0%	8.0%
24/6/12	32.0%	41.0%	10.0%	7.0%	3.0%	7.0%
17/6/12	32.0%	42.0%	9.0%	7.0%	4.0%	8.0%
16/6/12	32.0%	42.0%	9.0%	7.0%	4.0%	6.0%
11/6/12	33.0%	42.0%	9.0%	6.0%	4.0%	6.0%
10/6/12	33.0%	42.0%	9.0%	6.0%	3.0%	6.0%
3/6/12	33.0%	42.0%	9.0%	6.0%	3.0%	6.0%
27/5/12	32.0%	42.0%	9.0%	6.0%	3.0%	6.0%
20/5/12	32.0%	42.0%	9.0%	7.0%	3.0%	6.0%
19/5/12	32.0%	42.0%	11.0%	6.0%	3.0%	6.0%
15/5/12	32.0%	42.0%	11.0%	7.0%	3.0%	6.0%
<b>2012 Average</b>	<b>32.2%</b>	<b>41.7%</b>	<b>10.2%</b>	<b>6.8%</b>	<b>3.3%</b>	<b>6.3%</b>
<b>Overall Average</b>	<b>31.6%</b>	<b>37.0%</b>	<b>9.4%</b>	<b>12.1%</b>	<b>4.3%</b>	<b>6.0%</b>

Source: BBC

**Figure 31: Polling Observatory opinion poll data (Great Britain-wide) November 2012 to February 2015**

Date	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
26/2/15	31.5%	32.3%	8.4%	14.8%	6.4%	6.6%
19/2/15	31.5%	32.3%	8.3%	14.8%	6.4%	6.7%
12/2/15	31.2%	32.3%	8.1%	15.0%	6.4%	7.0%
5/2/15	31.3%	32.4%	8.0%	15.0%	6.4%	6.9%
29/1/15	31.1%	32.3%	7.8%	15.2%	6.4%	7.2%
22/1/15	31.3%	32.0%	7.7%	15.4%	6.3%	7.3%
15/1/15	30.0%	31.9%	7.9%	15.5%	6.3%	8.4%
8/1/15	30.8%	32.1%	8.0%	15.5%	6.2%	7.4%
1/1/15	31.0%	32.3%	8.1%	15.4%	6.1%	7.1%
<b>2015 Average</b>	<b>31.1%</b>	<b>32.2%</b>	<b>8.0%</b>	<b>15.2%</b>	<b>6.3%</b>	<b>7.2%</b>
25/12/14	31.0%	32.5%	8.1%	15.5%	6.0%	6.9%
18/12/14	30.9%	32.7%	7.9%	15.6%	5.8%	7.1%
11/12/14	30.7%	32.4%	8.0%	15.8%	5.8%	7.3%
4/12/14	30.7%	32.0%	7.8%	16.0%	5.7%	7.8%
27/11/14	30.5%	31.9%	8.0%	16.1%	5.7%	7.8%
20/11/14	30.6%	32.0%	8.0%	16.2%	5.6%	7.6%
13/11/14	31.0%	32.2%	8.0%	16.1%	5.5%	7.2%
6/11/14	30.9%	32.2%	8.1%	16.2%	5.4%	7.2%
30/10/14	30.6%	31.8%	8.9%	16.4%	5.3%	7.0%
23/10/14	30.8%	32.0%	8.0%	16.5%	5.1%	7.6%
16/10/14	30.7%	32.4%	8.1%	16.5%	5.0%	7.3%
9/10/14	30.6%	32.9%	8.4%	16.3%	4.8%	7.0%
2/10/14	30.9%	33.4%	8.2%	15.8%	4.7%	7.0%
25/9/14	30.6%	34.2%	7.9%	15.6%	4.7%	7.0%
18/9/14	30.6%	34.4%	8.1%	15.4%	4.7%	6.8%
11/9/14	30.9%	34.6%	8.1%	15.3%	4.6%	6.5%
4/9/14	30.6%	34.6%	8.2%	15.2%	4.6%	6.8%
28/8/14	30.9%	34.5%	8.2%	15.0%	4.5%	6.9%
21/8/14	31.4%	34.7%	8.4%	14.5%	4.5%	6.5%
14/8/14	31.6%	35.0%	8.8%	14.0%	4.4%	6.2%
7/8/14	31.8%	35.0%	8.9%	13.7%	4.4%	6.2%
31/7/14	32.1%	35.2%	8.6%	13.6%	4.4%	6.1%
24/7/14	32.0%	35.1%	8.7%	13.5%	4.5%	6.2%
17/7/14	31.7%	35.2%	8.8%	13.6%	4.6%	6.1%
10/7/14	31.7%	35.2%	8.8%	13.6%	4.6%	6.1%
3/7/14	31.3%	35.0%	9.0%	13.9%	4.6%	6.2%
<b>July to December 2014 Average</b>	<b>31.0%</b>	<b>33.6%</b>	<b>8.3%</b>	<b>15.2%</b>	<b>5.0%</b>	<b>6.9%</b>
26/6/14	31.4%	34.9%	8.7%	14.1%	4.7%	6.2%
19/6/14	31.1%	34.8%	8.6%	14.5%	4.6%	6.4%
12/6/14	31.2%	34.8%	8.5%	14.7%	4.6%	6.2%
5/6/14	31.1%	34.6%	8.3%	14.8%	4.6%	6.6%
29/5/14	30.8%	34.4%	8.5%	15.0%	4.5%	6.8%
22/5/14	31.1%	34.0%	8.9%	15.0%	4.4%	6.6%
15/5/14	31.4%	34.0%	9.3%	14.7%	4.2%	6.4%
8/5/14	31.5%	33.9%	9.3%	14.8%	4.0%	6.5%
1/5/14	31.4%	34.1%	9.3%	14.9%	3.7%	6.6%
24/4/14	31.1%	34.4%	9.6%	14.9%	3.5%	6.5%
17/4/14	31.3%	34.7%	9.8%	14.6%	3.3%	6.3%

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10/4/14	31.3%	35.0%	9.7%	14.3%	3.1%	6.6%
3/4/14	31.5%	35.2%	9.8%	14.1%	3.0%	6.4%
27/3/14	31.8%	35.4%	10.0%	13.5%	2.9%	6.4%
20/3/14	32.3%	35.6%	10.1%	13.0%	2.8%	6.2%
13/3/14	31.8%	36.0%	10.1%	13.0%	2.9%	6.2%
6/3/14	31.6%	36.2%	10.0%	13.2%	2.9%	6.1%
27/2/14	31.5%	36.4%	9.8%	13.2%	2.9%	6.2%
20/2/14	31.4%	36.6%	9.9%	13.2%	2.9%	6.0%
13/2/14	31.2%	36.7%	9.8%	13.2%	2.9%	6.2%
6/2/14	31.3%	36.6%	9.9%	13.2%	2.8%	6.2%
30/1/14	31.2%	36.8%	9.9%	12.9%	2.8%	6.4%
23/1/14	31.3%	36.8%	10.0%	12.7%	2.8%	6.4%
16/1/14	31.1%	36.9%	10.2%	12.6%	2.8%	6.4%
9/1/14	31.0%	36.8%	10.5%	12.6%	2.8%	6.3%
2/1/14	31.0%	36.8%	10.4%	12.5%	2.8%	6.5%
<b>January to June 2014 Average</b>	<b>31.3%</b>	<b>35.5%</b>	<b>9.6%</b>	<b>13.8%</b>	<b>3.4%</b>	<b>6.4%</b>
<b>2014 Average</b>	<b>31.2%</b>	<b>34.6%</b>	<b>9.0%</b>	<b>14.5%</b>	<b>4.2%</b>	<b>6.7%</b>
26/12/13	31.2%	37.0%	10.4%	12.3%	2.8%	6.3%
19/12/13	31.4%	37.0%	10.4%	12.1%	2.8%	6.3%
12/12/13	31.4%	37.1%	10.3%	12.0%	2.8%	6.4%
5/12/13	31.2%	37.2%	10.3%	12.0%	2.8%	6.5%
28/11/13	30.9%	37.2%	10.4%	12.1%	2.8%	6.6%
21/11/13	30.8%	37.2%	10.5%	12.0%	2.8%	6.7%
14/11/13	30.6%	37.4%	10.4%	12.1%	2.9%	6.6%
7/11/13	30.7%	37.6%	10.2%	12.0%	2.9%	6.6%
31/10/13	31.2%	37.6%	10.2%	11.8%	3.0%	6.2%
24/10/13	31.3%	37.3%	10.5%	11.8%	3.0%	6.1%
17/10/13	31.3%	37.2%	10.6%	11.8%	3.0%	6.1%
10/10/13	31.7%	37.2%	10.4%	11.7%	3.0%	6.0%
3/10/13	31.6%	37.1%	10.5%	11.8%	3.0%	6.0%
26/9/13	31.5%	37.2%	10.4%	11.8%	3.0%	6.1%
19/9/13	31.8%	36.9%	10.6%	11.8%	3.0%	5.9%
12/9/13	31.4%	36.5%	10.4%	12.0%	3.0%	6.7%
5/9/13	31.3%	36.5%	10.5%	12.0%	3.0%	6.7%
29/8/13	31.1%	36.6%	10.7%	12.1%	2.9%	6.6%
22/8/13	30.9%	36.5%	10.8%	12.3%	2.9%	6.6%
15/8/13	30.8%	36.6%	10.6%	12.5%	2.9%	6.6%
8/8/13	31.0%	36.9%	10.6%	12.4%	2.8%	6.3%
1/8/13	30.8%	37.0%	10.9%	12.4%	2.8%	6.1%
25/7/13	30.9%	37.2%	10.8%	12.3%	2.8%	6.0%
18/7/13	30.6%	37.1%	10.9%	12.3%	2.8%	6.3%
11/7/13	30.0%	37.1%	10.7%	12.6%	2.9%	6.7%
4/7/13	30.0%	37.1%	10.7%	12.9%	2.8%	6.5%
27/6/13	29.8%	37.2%	10.5%	13.2%	2.8%	6.5%
20/6/13	29.5%	37.3%	10.6%	13.5%	2.8%	6.3%
13/6/13	29.0%	37.0%	10.6%	13.9%	2.7%	6.8%
6/6/13	28.5%	37.0%	10.5%	14.3%	2.6%	7.1%
30/5/13	28.3%	37.1%	10.4%	14.6%	2.5%	7.1%
23/5/13	28.1%	37.0%	10.5%	14.8%	2.3%	7.3%
16/5/13	28.0%	37.1%	10.5%	14.8%	2.1%	7.5%
9/5/13	28.4%	37.2%	10.4%	14.6%	2.3%	7.1%
2/5/13	28.6%	37.4%	10.8%	14.1%	2.4%	6.7%
25/4/13	29.4%	37.7%	11.0%	13.5%	2.5%	5.9%
18/4/13	29.7%	37.9%	11.0%	13.0%	2.5%	5.9%

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11/4/13	29.6%	38.4%	10.9%	12.7%	2.4%	6.0%
4/4/13	29.2%	38.8%	11.2%	12.5%	2.4%	5.9%
28/3/13	29.1%	39.0%	11.4%	12.3%	2.4%	5.8%
21/3/13	28.9%	38.9%	11.9%	12.2%	2.3%	5.8%
14/3/13	28.9%	39.1%	11.8%	11.9%	2.2%	6.1%
7/3/13	29.1%	39.4%	11.7%	11.6%	2.2%	6.0%
28/2/13	29.2%	39.8%	11.6%	11.2%	2.2%	6.0%
21/2/13	29.7%	40.4%	11.4%	10.6%	2.2%	5.7%
14/2/13	29.9%	40.4%	11.2%	10.3%	2.2%	6.0%
7/2/13	30.2%	40.2%	11.1%	10.0%	2.3%	6.2%
31/1/13	30.5%	40.3%	11.3%	9.7%	2.3%	5.9%
24/1/13	31.1%	40.2%	11.1%	9.6%	2.3%	5.7%
17/1/13	30.8%	40.4%	11.1%	9.7%	2.3%	5.7%
10/1/13	30.6%	40.7%	11.0%	9.7%	2.3%	5.7%
3/1/13	30.5%	40.6%	10.9%	9.9%	2.3%	5.8%
<b>2013 Average</b>	<b>30.2%</b>	<b>37.9%</b>	<b>10.8%</b>	<b>12.2%</b>	<b>2.6%</b>	<b>6.3%</b>
27/12/12	30.3%	40.7%	10.8%	10.0%	2.3%	5.9%
20/12/12	30.3%	40.6%	10.5%	10.1%	2.4%	6.1%
13/12/12	30.0%	40.7%	10.3%	10.2%	2.4%	6.4%
6/12/12	30.1%	40.8%	10.6%	10.0%	2.4%	6.1%
29/11/12	30.2%	41.0%	10.6%	9.8%	2.4%	6.0%
22/11/12	30.8%	41.0%	10.4%	9.4%	2.4%	6.0%
15/11/12	31.3%	40.9%	10.2%	8.8%	2.5%	6.3%
8/11/12	31.8%	41.0%	9.9%	8.4%	2.5%	6.4%
1/11/12	32.0%	41.3%	9.9%	8.0%	2.5%	6.3%
25/10/12	31.8%	41.4%	10.0%	8.0%	2.6%	6.2%
18/10/12	31.8%	41.4%	9.8%	8.0%	2.6%	6.4%
11/10/12	31.8%	41.2%	9.8%	7.9%	2.7%	6.6%
4/10/12	31.7%	41.3%	9.8%	7.9%	2.8%	6.5%
27/9/12	31.5%	41.1%	10.3%	7.8%	2.8%	6.5%
20/9/12	31.3%	41.2%	10.2%	7.7%	2.8%	6.8%
13/9/12	31.4%	41.5%	10.2%	7.5%	2.8%	6.6%
6/9/12	31.4%	41.3%	10.4%	7.5%	2.8%	6.6%
30/8/12	31.7%	41.2%	10.2%	7.4%	2.7%	6.8%
23/8/12	31.7%	41.2%	10.4%	7.3%	2.7%	6.7%
16/8/12	31.8%	41.3%	10.3%	7.4%	2.7%	6.5%
9/8/12	32.0%	41.2%	10.3%	7.5%	2.6%	6.4%
2/8/12	31.7%	41.3%	10.5%	7.6%	2.6%	6.3%
26/7/12	31.7%	41.3%	10.3%	7.6%	2.7%	6.4%
19/7/12	31.8%	41.2%	10.3%	7.6%	2.7%	6.4%
12/7/12	32.0%	41.2%	10.0%	7.5%	2.7%	6.6%
5/7/12	32.0%	41.1%	9.9%	7.4%	2.8%	6.8%
28/6/12	31.8%	41.2%	10.1%	7.2%	2.7%	7.0%
21/6/12	31.5%	41.2%	10.2%	7.2%	2.7%	7.2%
14/6/12	31.5%	41.3%	9.6%	7.3%	2.8%	7.5%
7/6/12	31.2%	41.5%	9.5%	7.6%	3.0%	7.2%
31/5/12	31.2%	41.6%	9.4%	7.7%	3.0%	7.1%
24/5/12	31.0%	41.7%	9.3%	7.8%	3.0%	7.2%
17/5/12	31.0%	41.4%	9.4%	7.9%	3.1%	7.2%
10/5/12	30.8%	41.5%	9.5%	7.9%	3.0%	7.3%
<b>2012 Average</b>	<b>31.4%</b>	<b>41.2%</b>	<b>10.1%</b>	<b>8.1%</b>	<b>2.7%</b>	<b>6.6%</b>
<b>Overall Average</b>	<b>31.0%</b>	<b>36.5%</b>	<b>9.5%</b>	<b>12.5%</b>	<b>4.0%</b>	<b>26.8%</b>

Source: Polling Observatory

A2.14 In the Consultation, we noted that the various Great Britain-wide opinion polls typically included support for the Green Party in the “Others” category. We therefore included figure 23, which separately laid out the average Great Britain-wide opinion poll rating for the Green Party, from January 2013 to December 2014, from the following companies: ComRes; ICM; Ipsos-Mori; Opinium; Populus; Survation; TNS-BMRB; and YouGov. Due to the fact that both the BBC Poll of Polls and the Polling Observatory figures (in Figures 30 and 31 respectively above) contain the Green Party as a separate category, we have not reproduced figure 23 of the Consultation in this annex.

### Wales

A2.15 It is Ofcom’s understanding that very few opinion polls have been carried out in relation to Wales only. Figure 32 overleaf sets out indicative levels of current support for the period from February 2013 to February 2015 in Wales only, as suggested by polls carried out by YouGov (with three polls conducted by ICM). This is therefore an updated version of figure 24 in the Consultation.

**Figure 32: Opinion poll data (Wales only) February 2013 to February 2015**

Date	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	Others
*Jan. 2015	21.0%	38.0%	7.0%	12.0%	13.0%	6.0%	3.0%
Jan. 2015	23.0%	37.0%	6.0%	10.0%	16.0%	8.0%	1.0%
<b>2015 Average</b>	<b>22.0%</b>	<b>37.5%</b>	<b>6.5%</b>	<b>11.0%</b>	<b>14.5%</b>	<b>7.0%</b>	<b>2.0%</b>
Dec. 2014	23.0%	36.0%	5.0%	11.0%	18.0%	5.0%	2.0%
*Sep.2014	23.0%	38.0%	7.0%	13.0%	14.0%	1.0%	4.0%
Sep. 2014	23.0%	38.0%	6.0%	11.0%	17.0%	5.0%	0.0%
July 2014	25.0%	41.0%	5.0%	11.0%	14.0%	3.0%	1.0%
May 2014	22.0%	43.0%	7.0%	11.0%	13.0%	3.0%	1.0%
April 2014	24.0%	45.0%	7.0%	11.0%	10.0%	1.0%	2.0%
*Feb.2014	24.0%	42.0%	9.0%	14.0%	7.0%	2.0%	2.0%
Feb. 2014	22.0%	47.0%	7.0%	11.0%	9.0%	2.0%	3.0%
<b>2014 Average</b>	<b>23.3%</b>	<b>41.3%</b>	<b>6.6%</b>	<b>11.6%</b>	<b>12.8%</b>	<b>2.8%</b>	<b>1.9%</b>
Dec. 2013	21.0%	46.0%	8.0%	12.0%	10.0%	2.0%	1.0%
July 2013	23.0%	48.0%	8.0%	9.0%	8.0%	2.0%	2.0%
Feb. 2013	22.0%	51.0%	9.0%	10.0%	7.0%	1.0%	0.0%
<b>2013 Average</b>	<b>22.0%</b>	<b>48.3%</b>	<b>8.3%</b>	<b>10.3%</b>	<b>8.3%</b>	<b>1.7%</b>	<b>1.0%</b>
<b>Overall Average</b>	<b>22.4%</b>	<b>42.4%</b>	<b>7.1%</b>	<b>11.0%</b>	<b>35.6%</b>	<b>3.8%</b>	<b>1.6%</b>

Source: YouGov (and \*ICM)

A2.16 It is also Ofcom’s understanding that relatively few opinion polls have been carried out in relation to Scotland only. Figure 33 indicates levels of current opinion poll support for the period from October 2012 to February 2015 in Scotland only, according to aggregated opinion polls carried out by YouGov (with polls carried out by Populus, Ipsos-Mori, Survation and ICM). This is therefore an updated version of figure 25 in the Consultation.

**Figure 33: Opinion poll data (Scotland only) March 2012 to February 2015**

Date	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	Others
Feb. 2015	19.0%	26.0%	5.0%	41.0%	4.0%	4.0%	1.0%
(f) Feb. 2015	14.0%	30.0%	3.0%	46.0%	3.0%	4.0%	0.0%
(c) Feb. 2015	15.0%	28.0%	5.0%	45.0%	3.0%	3.0%	1.0%
Feb. 2015	15.0%	27.0%	4.0%	48.0%	4.0%	3.0%	0.0%
(f) Feb. 2015	16.0%	31.0%	4.0%	41.0%	2.0%	6.0%	0.0%
Jan. 2015	17.0%	27.0%	5.0%	42.0%	5.0%	3.0%	1.0%
(b) Jan. 2015	12.0%	24.0%	4.0%	52.0%	1.0%	4.0%	3.0%
(c) Jan. 2015	14.0%	26.0%	7.0%	46.0%	4.0%	3.0%	0.0%
(e) Jan. 2015	14.0%	31.0%	3.0%	41.0%	7.0%	2.0%	2.0%
<b>2015 Average</b>	<b>15.1%</b>	<b>27.8%</b>	<b>4.4%</b>	<b>44.7%</b>	<b>3.7%</b>	<b>3.6%</b>	<b>0.9%</b>
Dec. 2014	17.0%	25.0%	6.0%	43.0%	5.0%	3.0%	1.0%
(d) Dec. 2014	13.0%	26.0%	6.0%	43.0%	7.0%	4.0%	1.0%
(c) Dec. 2014	16.0%	24.0%	5.0%	48.0%	4.0%	1.0%	2.0%
Nov. 2014	17.0%	27.0%	5.0%	42.0%	4.0%	4.0%	1.0%
(c) Oct. 2014	18.0%	32.0%	5.0%	34.0%	5.0%	(In 'Others')	6.0%
Oct. 2014	18.0%	28.0%	6.0%	40.0%	4.0%	3.0%	1.0%
Oct. 2014	15.0%	27.0%	4.0%	43.0%	6.0%	4.0%	1.0%
(b) Oct. 2014	10.0%	23.0%	6.0%	52.0%	2.0%	6.0%	1.0%
Sep. 2014	19.0%	31.0%	6.0%	34.0%	4.0%	(In 'Others')	6.0%
Sep. 2014	20.0%	31.0%	6.0%	33.0%	4.0%	(In 'Others')	6.0%
Aug. 2014	18.0%	36.0%	7.0%	28.0%	4.0%	(In 'Others')	7.0%
Jul. 2014	22.0%	36.0%	7.0%	26.0%	4.0%	(In 'Others')	5.0%
Jun. 2014	19.0%	37.0%	7.0%	27.0%	5.0%	(In 'Others')	4.0%
May 2014	19.0%	36.0%	6.0%	28.0%	5.0%	(In 'Others')	5.0%
(a) Apr. 2014	19.0%	32.0%	7.0%	34.0%	4.0%	(In 'Others')	4.0%
Apr. 2014	19.0%	36.0%	8.0%	29.0%	4.0%	(In 'Others')	4.0%
(a) Mar. 2014	18.0%	34.0%	7.0%	34.0%	3.0%	(In 'Others')	4.0%
Mar. 2014	20.0%	40.0%	7.0%	27.0%	2.0%	(In 'Others')	5.0%
Feb. 2014	19.0%	38.0%	8.0%	27.0%	3.0%	(In 'Others')	6.0%
Jan. 2014	21.0%	38.0%	7.0%	25.0%	4.0%	(In 'Others')	5.0%
<b>2014 Average</b>	<b>17.9%</b>	<b>31.9%</b>	<b>6.3%</b>	<b>34.9%</b>	<b>4.2%</b>	<b>3.6% (Oct-Dec)</b>	<b>c.1.1% (Oct-Dec) 5.1% (Jan to Sep)</b>
Date	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	Others
Dec. 2013	20.0%	37.0%	9.0%	25.0%	5.0%	(In 'Others')	4.0%
Nov. 2013	19.0%	38.0%	10.0%	26.0%	3.0%	(In 'Others')	4.0%
Oct. 2013	21.0%	42.0%	7.0%	23.0%	4.0%	(In 'Others')	3.0%
Sep. 2013	20.0%	39.0%	7.0%	27.0%	4.0%	(In 'Others')	3.0%
Aug. 2013	19.0%	40.0%	7.0%	26.0%	5.0%	(In 'Others')	3.0%
July 2013	20.0%	41.0%	8.0%	24.0%	4.0%	(In 'Others')	3.0%
June 2013	18.0%	40.0%	8.0%	27.0%	4.0%	(In 'Others')	3.0%
May 2013	19.0%	42.0%	9.0%	23.0%	5.0%	(In 'Others')	2.0%
April 2013	17.0%	42.0%	9.0%	25.0%	4.0%	(In 'Others')	3.0%
Mar. 2013	19.0%	41.0%	11.0%	21.0%	5.0%	(In 'Others')	3.0%
Feb. 2013	19.0%	43.0%	10.0%	22.0%	3.0%	(In 'Others')	3.0%
Jan. 2013	19.0%	44.0%	10.0%	23.0%	2.0%	(In 'Others')	2.0%
<b>2013 Average</b>	<b>19.2%</b>	<b>40.8%</b>	<b>8.8%</b>	<b>24.3%</b>	<b>4.0%</b>	(In 'Others')	<b>3.0%</b>

Dec. 2012	20.0%	45.0%	7.0%	21.0%	4.0%	(In 'Others')	3.0%
Nov. 2012	21.0%	42.0%	7.0%	26.0%	2.0%	(In 'Others')	2.0%
Oct. 2012	19.0%	42.0%	7.0%	27.0%	3.0%	(In 'Others')	2.0%
Sep. 2012	18.0%	41.0%	6.0%	30.0%	3.0%	(In 'Others')	2.0%
Aug. 2012	17.0%	43.0%	7.0%	27.0%	3.0%	(In 'Others')	3.0%
Jul. 2012	17.0%	40.0%	6.0%	32.0%	2.0%	(In 'Others')	3.0%
Jun. 2012	19.0%	39.0%	7.0%	31.0%	3.0%	(In 'Others')	1.0%
May 2012	14.0%	40.0%	5.0%	35.0%	2.0%	(In 'Others')	4.0%
Apr. 2012	15.0%	36.0%	7.0%	35.0%	3.0%	(In 'Others')	4.0%
Mar. 2012	18.0%	39.0%	7.0%	33.0%	2.0%	(In 'Others')	1.0%
<b>2012 Average</b>	<b>17.8%</b>	<b>40.7%</b>	<b>6.6%</b>	<b>29.7%</b>	<b>2.7%</b>	(In 'Others')	<b>2.5%</b>
<b>Overall Average</b>	<b>17.5%</b>	<b>35.3%</b>	<b>6.3%</b>	<b>33.4%</b>	<b>3.7%</b>	<b>N/A</b>	<b>N/A</b>

Source: YouGov (and (a) Populus, (b) Ipsos-Mori, (c) Survation (d) ICM (e) Panelbase and (f) TNS BMRB)

### Northern Ireland

A2.17 Hardly any opinion polls have been carried out in relation to Northern Ireland only and no Northern Ireland-only opinion polls have been published in 2015 of which Ofcom is aware. Figure 34 below lays out indicative evidence of levels of current support for the period from May 2012 to February 2015 in Northern Ireland only, according to opinion polls carried out by Lucidtalk (with one poll carried out by Ipsos-Mori and one poll as part of the Northern Ireland Life and Times Survey). This is therefore an updated version of figure 26 in the Consultation.

**Figure 26: Opinion poll data (Northern Ireland only) May 2012 to February 2015**

Date	DUP	Sinn Fein	SDLP	UUP	Alliance	TUV	Green	Others
Oct. 2014	25.9%	24.0%	15.1%	11.8%	6.2%	5.2%	0.5%	11.3%
Sep. 2013	29.3%	26.1%	13.8%	10.8%	10.2%	2.2%	1.3%	6.3%
Jan. 2013*	24.3%	23.6%	19.3%	12.8%	10.0%	2.9%	7.1%	
Jan. 2013**	26.9%	19.0%	20.6%	15.9%	12.7%	4.9%		
Dec. 2012	30.0%	26.4%	13.5%	11.4%	11.6%	7.1%		
May 2012	30.7%	28.0%	12.5%	11.0%	10.9%	3.2%	3.7%	0%
<b>Overall Average</b>	<b>27.9%</b>	<b>24.5%</b>	<b>15.8%</b>	<b>12.3%</b>	<b>10.3%</b>	<b>c.2.9%</b>	<b>c.2.2%</b>	<b>c.4.2%</b>

Source: Lucidtalk (and \*Ipsos-Mori and \*\*NI Life and Times Survey)

## Annex 3

# Finalised Ofcom procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts

- A3.1 This document outlines the procedures which apply to Ofcom's determination of unresolved disputes between political parties and broadcast licensees under Ofcom's Rules on Party Political and Referendum Broadcasts ("Ofcom's PPRB Rules"): <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>
- A3.2 Such disputes will be determined by Ofcom's Election Committee ("the Committee") applying Ofcom's PPRB Rules, in accordance with section 333 of the Communications Act 2003 ("the Act") which requires Ofcom to ensure that party political broadcasts (including party election broadcasts) and referendum broadcasts are included in the services of every "licensed public service channel" and "national (i.e. UK-wide, commercial) radio service" ("the Licensee").
- A3.3 Under Ofcom's PPRB Rules, decisions as to the precise length, frequency, allocation and/or scheduling of broadcasts offered to political parties/designated organisations are the responsibility of the Licensee in the first place. When Licensees make the decision, they should notify the relevant political party/designated organisation ("the Party") promptly in writing, setting out the basis of the relevant decision. If the Party wishes to dispute any element of the Licensee's decision, it should first make representations direct to the Licensee to enable the Licensee to reconsider its decision.
- A3.4 If any dispute remains unresolved between any Licensee and any Party, as to the length, frequency, allocation and/or scheduling of broadcasts ("the dispute"), it may be referred by the Party or the Licensee to Ofcom for determination under Ofcom's PPRB Rules using these procedures.
- A3.5 These procedures contemplate a dispute being referred to Ofcom in the first place by a political party/designated organisation under Ofcom's PPRB Rules, and will be appropriately modified where a dispute is first referred by a Licensee.

## Initial Referral of Disputes

- A3.6 If the Party considers it appropriate to refer the dispute to Ofcom under Ofcom's PPRB Rules, it should do so in writing by email to the Committee ("the Referral Letter") as soon as reasonably practicable. The letter should be addressed to the Secretary to the Corporation at Ofcom: [graham.howell@ofcom.org.uk](mailto:graham.howell@ofcom.org.uk)
- A3.7 The Party's Referral Letter should set out the details of the dispute and the Licensee in relation to which the dispute is referred, together with the Party's grounds for disputing a Licensee's decision.
- A3.8 The Referral Letter should also enclose any correspondence relevant to the disputed decision, and provide any other relevant evidence or background information. For

example, if the Party's dispute concerns the number of party election broadcasts allocated to the Party by a Licensee during an election period, the Party should provide correspondence from the Licensee notifying the Party and setting out the basis of its decision, together with any relevant supplementary information about the Party (e.g. its size, support, number of candidates at the election).

## Acceptance of Dispute

A3.9 On receipt of a Party's Referral Letter, Ofcom will assess the Referral Letter and, if appropriate, write to the Party requesting any relevant further information. If, after consulting the Chair of the Committee, in Ofcom's view:

- the Party wishing to refer a dispute to the Committee has not set out a sustainable case for the Committee to determine that dispute; and/or
- there has been undue delay in the Party sending the Referral Letter to the Committee,

Ofcom will write to the Party stating that the Committee will take no further action and providing an explanation of that decision. Otherwise, the Committee will write to the Party confirming that it has accepted the dispute ("the Acceptance Letter"). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email.

A3.10 The Committee will also forward the Referral Letter (and any other documentation provided by the Party) to the Licensee, giving the Licensee an opportunity to respond to the dispute with any comments, representations and additional evidence. The Committee will state a deadline by which the Licensee should respond.

A3.11 On receiving the Licensee's response, the Committee will write to the Party again, giving it a final opportunity to reply to the contents of the Licensee's response, and stating the deadline for doing so. Any further response from the Party will be forwarded to the Licensee, together with any other relevant documentation, to give it a final opportunity to respond, with a deadline for doing so.

## Resolution of the Dispute

A3.12 Prior to determination of the dispute by the Committee, if the Licensee and the Party are able to resolve the dispute, the Party should notify the Committee that it wishes to withdraw the dispute from the Committee. In such circumstances, the Committee will take no further action.

## Determination of the Dispute

A3.13 If the dispute remains unresolved, the Committee will meet at an arranged time to determine the dispute under Ofcom's PPRB Rules, considering all the written representations and evidence provided by the Party and the Licensee.

- A3.14 The Committee will not normally hold an oral hearing. However, the Committee may consider it appropriate to do so in exceptional circumstances, in which case both the Party and the Licensee will be invited to attend.
- A3.15 The Committee may also consult any relevant third parties (e.g. the Electoral Commission) in order to obtain or confirm any factual or contextual information relevant to determining the dispute. Where appropriate, the Committee will give the Party and/or Licensee the opportunity to respond to such information.

### **Decision Letter**

- A3.16 Once the Committee has determined the dispute, the Committee will write to the Party and the Licensee informing them of its decision, and setting out its reasoning.
- A3.17 The Committee will publish its decision on the Ofcom website in accordance with its normal process and the principles of transparency and best regulatory practice under section 3(3) of the Act.
- A3.18 The Committee's decision is final and not subject to internal appeal.

## Annex 4

# Respondents' views on our Consultation proposals

A4.1 In this Annex we set out a summary of respondents views on the proposals made in our Consultation. Our views on those submissions in set out in Sections 2 and 3.

## The nature of the evidence relied upon by Ofcom in the 2015 Review

A4.2 The following stakeholders responded to this aspect of the Consultation: the Electoral Commission; the English Democrats; the Green Party; Plaid Cymru; the Scottish National Party ("SNP"); Molly Scott Cato MEP, Bristol for Democracy; a Welsh political organisation who had responded confidentially; the Combined Broadcaster Response<sup>108</sup>; the UEA academics. In addition, approximately a quarter of the 7,420 responses that we received were from individuals who responded to this aspect of the Consultation. In large part these individual respondents echoed points made by the named respondents. However, where individual respondents made substantive points not covered by other responses, we deal with these below.

A4.3 The Electoral Commission stated its belief that Ofcom had identified "the relevant factors that need to be taken into account" in relation to reviewing the list of major parties It added, however, that it did not express a view on "how the criteria have been applied".

A4.4 The Combined Broadcaster Response agreed with Ofcom that decisions about the list of major parties should be based on separate analyses in each of the four nations of the UK. In addition, such analyses should consider: "past performance in comparable elections, with reference to relevant data for electoral performance in other types of election since the last comparable elections" and opinion poll data. In summary, this respondent said that: "Ofcom has assembled all the relevant evidence both of past election results and of current support in Annex 2 of its consultation document".

A4.5 The Green Party said that evidence of current support laid out in the Consultation was "inadequate" for three reasons:

- As opinion poll support for the Green Party in Great Britain-wide opinion polls was not displayed separately<sup>109</sup> from data for the other parties, this did not "permit a robust comparison";
- the existence of other measures of current support; and
- the evidence presented as an indication of "current support" gave undue weight to historic support. The Green Party said that more weight should be attached to recent data than to data from two or three years prior to the election because this will provide a better indication of which parties the public wish to learn about. This respondent requested that Ofcom weight the analysis to primarily reflect current support over older levels of support.

A4.6 The Green Party provided specific data to support the above points:

<sup>108</sup> Channel 4, Channel 5, ITV plc and UTV Television.

<sup>109</sup> In figure 23 of the Consultation.

- Party membership: The Green Party stated that: "The decision to join a political party represents a significant commitment and we find it a striking omission that this has not been considered in the review". It added that at the beginning of February 2015, Green Party membership across the UK was 61,035 (52,223 in England and Wales, 8,490 in Scotland, and 322 in Northern Ireland) i.e. a total of 61,035 for the UK. According to this respondent: "This is higher than the membership of the Liberal Democrats or UKIP as last reported";
- Data on public support for policies: The Green Party cited data provided from the website [www.voteforpolicies.org.uk](http://www.voteforpolicies.org.uk), which "provides data from 514,064 completed surveys of the views of members of the public on the policy positions of different parties". This respondent said that this website put "support for the policies of each party at: Green Party 27.36%, Labour 20.07%, Liberal Democrats 16.74%, Conservatives 14.04%, UKIP 11.91%, BNP 9.98%". The Green Party added that YouGov had "polled levels of support for three core Green Party policies which are distinct from those of other parties and results show that: 66% support bringing the railway back into public hands, 66% support the building of more social housing, and 64% of respondents support a mandatory living wage";
- Data on the level of interest among the public in a party receiving public exposure: The Green Party also cited the "high level of support among the general public for the inclusion of the Green Party in the TV leaders' debates" which it said "reflects a high level of interest in greater exposure to our policies and candidates". In this regard, the Green Party said that: "Over 79% of the public believe the Green Party leader should be invited to participate in TV debates according to an ICM poll and over 280,000 people have signed a petition to this end"; and
- January 2015 opinion polls: The Green Party also requested that Ofcom take into account three opinion polls<sup>110</sup> from January 2015.

- A4.7 The Green Party, a Green Party MEP Molly Scott Cato, and an individual respondent, Mr Shadrack, all stressed their view that it was important for Ofcom to take particular account of young voters in gauging current support.
- A4.8 The SNP also made reference to party membership numbers as factor, noting that the SNP is "now the UK's third largest political party with over 93,000 members". This respondent also brought Ofcom's attention to three Scottish opinion polls<sup>111</sup>.
- A4.9 Plaid Cymru noted the reference to the fact that UKIP had won two Westminster by-elections in 2014. In this context, it said that Ofcom should take account of "the only major by-election to have taken place in Wales since 2010, which was the Ynys Mon Assembly by-election in 2013...Plaid Cymru won this by-election with a majority of 9,166 taking 58.2% of the vote".

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<sup>110</sup> The Green Party cited: a Lord Ashcroft national poll, showing Green Party support at 11%; a Guardian/ICM poll showing Green Party support at 9%; and a YouGov poll showing: Green Party support at 8% "ahead of the Liberal Democrats who are on 7% and in tied second place at 22% among 18-24 year olds".

<sup>111</sup> These were: a January 2015 Survation poll showing voting intentions across Scotland (<http://survation.com/new-scottish-voting-intentions-for-daily-record-shows-desire-for-snp-in-government/>); a January 2015 Ipsos Mori poll (<https://www.ipsos-mori.com/researchpublications/researcharchive/3514/SNP-remains-in-dominant-position-as-election-approaches.aspx>); and the February 2015 Lord Ashcroft poll in 16 Scottish constituencies.

- A4.10 In its response, the English Democrats disputed that for England: "it is right to use statistics that are for the whole of Great Britain whereas for Scotland and Wales [Ofcom has used] information specific to those nations".
- A4.11 The confidential response we received from a Welsh political organisation said that "Wales-specific opinion polling and psephology is very much in its infancy" and major party status should not be based solely on opinion poll data.
- A4.12 Bristol for Democracy objected to Ofcom using as evidence opinion poll data based on the 'First Past the Post' ("FPTP") voting system because, in this respondent's view, this electoral system "grossly misrepresents the preferences of the electorate". It therefore said that Ofcom should give more weighting to any polls<sup>112</sup> that allowed for "split voting"<sup>113</sup>. This respondent also suggested that 18 months of historic opinion poll data should be assessed to allow for "short-term influences" but with "more weighting given to more recent polls".
- A4.13 The UEA academics noted that the opinion polls that Ofcom had relied on to gauge support in England were Great Britain-wide polls. These respondents said that they had developed a "forecasting model"<sup>114</sup> to gauge "levels of support in England only". These respondents said that: "Our estimates<sup>115</sup>...suggest that the same parties identified by [Ofcom] as major parties in Great Britain are also the four largest parties in England".
- A4.14 A minority of the individual responses we received on this aspect of the Consultation said that the evidence of current support that Ofcom had used was acceptable. The majority of individual respondents said that Ofcom should take into account other indicators of current support suggested by respondents above. Individuals also variously suggested that Ofcom should take account of: the trajectory of recent opinion polls; levels of social media support for the parties; the number of candidates being fielded at the General Election; and the fact that some smaller parties receive much less media coverage than other parties. Some respondents also argued that minor parties, such as the Green Party, will see their support under measured in opinion polls, because polling organisations will not list the Green Party with the existing major parties when questioning individuals over voting intention<sup>116</sup>.

## **Proposed assessment of the evidence for the purposes of the May 2015 elections**

- A4.15 The following stakeholders responded to this aspect of the Consultation: the Electoral Commission; the English Democrats; the Green Party; the Liberal Democrats; Mebyon Kernow; Plaid Cymru; the Scottish Green Party; the Scottish National Party ("SNP"); Jonathan Edwards MP; Molly Scott Cato MEP; Bristol for Democracy; a Welsh political

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<sup>112</sup> Bristol for Democracy cited a November 2014 YouGov poll which asked respondents: "If candidates from the following parties were standing in your constituency and had a chance of winning, how likely would you be to vote for them?"

<sup>113</sup> Bristol for Democracy described "split voting" as when "people who might like to vote for one of the smaller parties often feel compelled to vote for a larger party in order for their vote to make a difference".

<sup>114</sup> See [www.electionforecast.co.uk](http://www.electionforecast.co.uk) This model used: data from several polling organisations (YouGov, Survation and Lord Ashcroft) "to estimate parties' vote share in each constituency"; and a projection of vote shares "in the light of what we know about pre-election polling trends from 1979 onwards".

<sup>115</sup> The electionforecast.co.uk estimates of share for England were: Conservative: 31.8%; Labour: 31.5%; Liberal Democrats: 10.4%; Green Party: 6.3%; and UKIP: 18.6%

<sup>116</sup> These respondents said that opinion polls will typically ask individuals if they will vote for one of the named major parties or an "other" party. Individuals will only be able to indicate support for the Green Party in a follow-up question.

organisation who had responded confidentially; the Combined Broadcaster Response<sup>117</sup>; Nick Anstead of the London School of Economics and Political Science. In addition, a large number of the 7,420 responses that we received from individuals responded to this aspect of the Consultation. In large part these individual respondents echoed points made by the named respondents. However, where individual respondents made substantive points not otherwise covered, we deal with these below.

- A4.16 The Combined Broadcaster Response said that having considered the evidence in detail “Ofcom’s conclusions about which parties should be classified as major parties are correct”.
- A4.17 The Green Party accepted Ofcom’s assessment of the existing major parties. However, it argued that it should be added to the list of major parties because it had:
- been “polling at up to 11%” (having gone up from 2.1% in January 2013) and “at 22% (joint second place with the Conservatives) among young people aged 18-24”;
  - “the fourth largest” number of party members in the UK, exceeding UKIP and the Liberal Democrats;
  - its policies were “more popular than those of any other party according to” the website [www.voteforpolitics.org.uk](http://www.voteforpolitics.org.uk);
  - had an MP since 2010 whereas UKIP had “won its two seats in by-elections when already popular MPs defected to the party, so these victories are as likely to reflect confidence in these individuals as an endorsement of the UKIP platform”;
  - outperformed the Liberal Democrats and UKIP in the 2012 London Mayoral and Assembly elections”, and had outperformed the Liberal Democrats in the 2014 European Parliamentary elections;
  - a “strong public desire”<sup>118</sup> for it “to be given equal opportunity to that given UKIP to present its policies and commitments publically through broadcast media”. In this regard, the Green Party said that “Ofcom has a legal duty to ‘further the interests of citizens’” which this respondent believed “is best delivered by ensuring that broadcast coverage in election periods responds to high levels of public interest in particular voices being heard...particularly when a party is engaging young people in the political process”.
- A4.18 The Green Party also stated its belief that UKIP “should be awarded major party status provided the Green Party is too”, given the comparison of several of the various factors listed in paragraph A4.17 above.

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<sup>117</sup> Channel 4, Channel 5, ITV plc and UTV Television.

<sup>118</sup> The Green Party cited an ICM poll (<http://www.icmunlimited.com/data/media/pdf/OmGreens-ITV%20debate.pdf>) which the Green Party said showed: “Over 79% of the public believes the Green Party leader should be invited to participate in TV debates”. This respondent also cited a petition (<https://www.change.org/p/bbc-itv-channel-4-sky-include-the-green-party-in-the-tv-leaders-debates-ahead-of-the-2015-general-election>) which it said showed 280,000 also supporting the Green Party’s inclusion in any broadcast leaders’ debates.

A4.19 The Scottish Green Party made similar arguments to the Green Party in arguing that it should be designated as a major party in Scotland. This respondent pointed to: Scottish opinion polls showing the Scottish Green Party equal with or ahead of the Liberal Democrats; its performance in the 2012 Scottish Parliamentary elections and 2014 European Parliamentary elections; and, the fact it now had 8,500 members<sup>119</sup>. This respondent also said that it had “played a prominent role” in the Scottish Independence Referendum campaign “appearing regularly in televised debates and discussions”.

A4.20 Molly Scott Cato MEP echoed many of the Green Party’s arguments. In particular, this respondent said that:

- Green Party “support is automatically undervalued by polls which ask people how they would vote in a general election based on a voting system which makes it extremely difficult for us to gain seats”;
- Whilst she “would not suggest making a particular concession to young voters, it is important to note that their commitment to representative democracy is less strong than that of older groups and it would be reprehensible if Ofcom were to undermine their commitment further by excluding the party they choose to support from the majority of media coverage”;
- The Green Party was “part of a global movement of green parties and hence our significance should not be based entirely on our support in one country”;
- and
- The Green Party represented a political position not represented by any of the other parties.

A4.21 An individual respondent, Mr Shadrack, in a detailed response, made a number of points similar to the Green Party, the Scottish Green Party and Molly Scott Cato MEP. In particular, this respondent argued that the Green Party (and Scottish Green Party) should be designated as a major party across the UK, on a comparison with, in particular, the Liberal Democrats. In addition, he questioned whether the Liberal Democrats merited being designated as a major party in particular in Wales and Scotland.

A4.22 In particular, in addition to echoing points made by other respondents above, Mr. Shadrack stressed the following:

- Green Party performance in a range of elections, as mentioned above, but also English local elections<sup>120</sup> and the 2014 London Borough election;
- the decline in Liberal Democrat performance in: the 2014 European Parliamentary elections; English local elections; Scottish Parliamentary and Scottish local elections; Welsh Assembly elections;

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<sup>119</sup> The Scottish Green Party said that its 8,500 membership total was “close to the Scottish Conservatives’ published membership of 11,000 and that of Scottish Labour (understood to be between 8,000 and 13,500) and far outstripping the Scottish Libdems whose most recent published figures suggest a membership of 2,831”.

<sup>120</sup> This respondent pointed to the Green Party controlling Brighton and Hove Council and participating in government “among the 32 councils where no party has overall control”.

- opinion polls in Wales and Scotland showing Liberal Democrat and Green Party (or Scottish Green Party) support being “within the margin of error for a statistical tie”;
- in Northern Ireland the Green Party obtained more votes and seats than the Conservative Party;
- “the Daily Telegraph, The Guardian and YouTube have now invited the Green Party to join the Conservatives, Labour, Liberal Democrats and UKIP in a five party [online] debate”;
- the Green Party was likely to field candidates in 75% of English seats for the 2015 General Election”;
- given that Ofcom had taken into account “the relationship between the Liberal Democrats and the Conservatives in Westminster” the respondent said that similar account should be taken of “the relationships that exist between the Scottish Nationalists and the Scottish Green Party in the Scottish Assembly, and between the Scottish and Welsh Nationalists and the Green Party representatives in the European Parliament”;
- the Scottish Green Party should be designated as a major party in Scotland “since UKIP, the Liberal Democrats and the Scottish Green Party are all currently polling at roughly the same level”; and
- Green Party performance in recent elections in Australia, Canada and Germany to show how the Green parties in those countries had grown in support. In addition, he pointed to declining support for centrist parties in Australia and Germany, whilst in his view, Ofcom “pretends that all is well with Liberal Democrat support when it clearly is not”.

A4.23 Mr Shadrack agreed with the proposal to designate UKIP as a major party in England “but not without the Green Party being given the same status”. However, he questioned Ofcom’s proposal not to designate UKIP as a major party in Scotland, compared with the Liberal Democrats when UKIP won “a seat in the 2014 European election and continue to poll above” the Liberal Democrats in Scotland.

A4.24 In addition to the above, the English Democrats also said that the Green Party should be designated as a major party.

A4.25 The Liberal Democrats said that Ofcom’s proposals were “broadly correct”. In particular, it said that the Liberal Democrats should be considered to be a major party due to: its performance at the 2005 and 2010 General Elections; it fielding candidates in all constituencies in Great Britain in the 2015 General Election; and holding the post of deputy Prime Minister, five cabinet ministers and 24 ministers. This respondent also argued that it should receive an equal number of PEBs to the Conservative Party and the Labour Party.

A4.26 A confidential response from a Welsh political organisation agreed with Ofcom’s proposals in relating to the list of major parties in Wales with the exception of UKIP, because of UKIP’s previous performance at General Elections in Wales and in the only Westminster by-election<sup>121</sup> to have taken place in Wales since 2010. This respondent said that past election results for UKIP meant that “a high support level in 2014’s

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<sup>121</sup> Cardiff South and Penarth, where UKIP achieved 6.1% of the vote and finished in fifth place.

European elections should not be taken as proof that the party will receive a significant level in the 2015 General Election<sup>122</sup>.

- A4.27 The large majority of responses we received from individuals on this aspect of the Consultation stated their objection to Ofcom not proposing to designate the Green Party (and the Scottish Green Party) as a major party across the UK. However, many of these respondents linked their objection to what they perceived to be Ofcom's decision to exclude the Green Party from any broadcast leaders' debates that might take place before the 2015 General Election. In voicing support for the Green Party's inclusion on the list of major parties, individuals echoed the arguments made by other stakeholders above. In particular, individuals variously said that Ofcom should: put less weight on evidence of past electoral support or not take that evidence into account at all; and/or put more weight on opinion polls. A range of other suggestions were put forward to justify the Green Party's inclusion as a major party including: the fact that it has an MP, MEPs and elected councillors; that all parties with opinion poll ratings of over 5% should be considered to be a major party; that unlike the existing list of proposed major parties in England, the Green Party was the only party putting an alternative left-wing viewpoint across; and, broadcast coverage was important to the Green Party to get its message across.
- A4.28 A minority of individual respondents commented on Ofcom's proposal to retain all existing parties on the list of major parties. Of these, the large majority agreed with Ofcom's proposals, with a small number objecting to the Liberal Democrats continuing to be designated as a major party, due to factors such as its recent opinion poll ratings and performance in some recent elections.
- A4.29 A minority of individual respondents commented on Ofcom's proposal to designate UKIP as a major party in England and Wales, with a majority of this group opposing Ofcom's proposal. Arguments put forward for opposing UKIP's designation included that UKIP: was a single-issue party of protest; was extreme and too right wing; was less established than other parties such as the Green Party; and had received a disproportionate amount of media coverage.
- A4.30 A small minority of respondents commented on Ofcom's proposal not to designate TUV as a major party in Northern Ireland, but with a clear majority supporting Ofcom's proposal. A number of respondents who favoured TUV's designation as a major party noted TUV's relatively strong performance in the 2014 European Parliamentary elections.
- A4.31 In relation to other political parties, the SNP said that it should be designated as a major party across Great Britain (not just Scotland). This respondent said that it was: the "third largest political party" in the UK; "the only political party in the UK to hold a majority government", and pointed to polling evidence "all indicating the significance of the SNP and our potential vote on a UK-wide basis". In addition, it noted that since the publication of the Consultation the relevant broadcasters had "accepted that the SNP, along with other political parties previously excluded, should be included on an equal basis in their televised election debates". The SNP therefore argued that it would be "appropriate for Ofcom to redefine its list of 'major parties' on a GB basis accordingly". We received a small minority of responses who also considered that the SNP should be designated as a major party across Great Britain, citing the SNP having the third

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<sup>122</sup> This respondent said that: "A 12.8% share of the Welsh vote in the 2009 European elections for UKIP was followed by only 2.4% in Wales at the 2010 General Election. In 2004's European elections, UKIP received 10.5% in Wales; in the 2005 General Election, this was much lower at 1.5%".

largest number of party members of a UK party, and the predictions by some that the SNP might have the third highest number of MPs after the 2015 General Election.

- A4.32 Plaid Cymru said that it should retain its status as a major party because it had demonstrated: significant past electoral support in both General Elections and Welsh elections, and significant current support in Wales-only opinion polls. It added that viewers across the UK should have the opportunity to scrutinise the policies of parties such as Plaid Cymru, the SNP and the Green Party “in the eventuality of a hung parliament. A very small number of individual respondents argued that Plaid Cymru should be designated as a major party across Great Britain.

### Other issues

- A4.33 Respondents also raised other issues not covered above.
- A4.34 As mentioned above, a large number of respondents<sup>123</sup> perceived the Consultation to relate to the composition and format of any broadcast leader’s debates that might take place before the 2015 General Election. These respondents: either perceived Ofcom’s proposal not to proposing to designate the Green Party (and the Scottish Green Party) as a major across the UK, as Ofcom excluding the Green Party from any possible broadcast leaders’ debates that might take place in the 2015 General Election; or made other points relating to these proposed debates. Some respondents also perceived Ofcom’s proposals to be a decision: to prevent the Green Party from being allocated any PEBs; or exclude the Green Party from election coverage in general.
- A4.35 Nick Anstead, an academic from the London School of Economics, provided a submission setting out findings from his research into televised leadership debates in different countries. He suggested that the “decisions about debate inclusion and party status...made in other parliamentary democracies can be useful for framing a discussion around major party status in the UK”. In particular, he commented that Ofcom does not have “a formalised set of criteria for judging major party status” and it is not clear “what line would the Green Party need to cross in terms of its support to be reclassified as a major party”. This respondent, like the Electoral Commission, suggested that following the 2015 General Election, it might be worth ascertaining whether “the major-minor party distinction is a useful tool for organising elections” due to the “fragmentation of the party system coupled with the UK’s multiple electoral systems.
- A4.36 The Electoral Commission welcomed Ofcom’s review of the list of major parties and added that “whilst the list remains in its current form, it should be reviewed in advance of every set of major elections to ensure that the particular circumstances of each are considered”. However, this respondent expressed its view that “the list of major parties creates an unnecessarily inflexible approach to regulating broadcasting at elections and would encourage that Ofcom reconsiders the appropriateness of this after the General Election”.
- A4.37 A small minority of individual respondents queried the concept of major parties, which some felt favoured the status quo and militated against smaller parties. Some of these respondents argued that all political parties standing for election should have equal access to broadcast coverage. In addition, some questioned Ofcom having a role in elections, and said that Ofcom’s proposals in the Consultation were political and

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<sup>123</sup> For example, the English Democrats, Jonathan Edwards MP, and Bristol for Democracy, as well as a substantial minority of the individual responses we received, all referred to the issue of broadcast leaders’ debates.

undemocratic, and acted to limit discussion of key issues during elections. This point was echoed by Mr. Shadrack, who said that Ofcom's proposals, to designate the Liberal Democrats as a major party and to designate UKIP as major party but not the Green Party, "shows a terrible bias by a supposedly neutral public body" and was "tantamount to Ofcom pre-selecting the outcome of the 2015 UK Parliamentary election in England before it has actually occurred".

- A4.38 Mebyon Kernow objected to it being unable to qualify for any PEBs under Ofcom's PPRB Rules. It said that as the "Party for Cornwall" it will stand candidates in all six Cornish Parliamentary seats at the General Election. However, this party said it cannot qualify for a PEB because it does not field candidates in at least one sixth<sup>124</sup> of the seats being contested in England. It added that: "In April 2014, the UK Government recognised the Cornish people as a national minority through the Council of Europe's Framework Convention for the Protection of National Minorities (FCPNM)". As such it said it should be treated "with parity with the parties in Northern Ireland, Scotland and Wales" and be allocated a PEB.

## **Stakeholder responses on the proposed amendments to the PPRB Procedures**

- A4.39 The following stakeholders responded to this aspect of the Consultation: Plaid Cymru; the Combined Broadcaster Response, and an individual respondent, Andy Shadrack. In addition, a minority of the 7,420 responses that we received from individuals responded to this aspect of the Consultation.
- A4.40 Plaid Cymru agreed with, and the Combined Broadcaster Response "strongly" supported, the proposed amendment. The latter response said that: "it is important in a democratic system for any party to have the right to appeal to Ofcom if it believes it has been treated unfairly" in the allocation of PEBs. However, the Combined Broadcaster Response added that "current arrangements require both Ofcom and the broadcaster(s) involved in any dispute to engage in detailed correspondence about allocation decisions within a short timescale during the busy election period, whether or not there is any clear merit in a party's representations". It further added that the proposed amendment "should ensure that meritorious complaints are entertained and properly considered; and that frivolous or unsubstantiated complaints do not take up time and resources".
- A4.41 Mr Shadrack disagreed with the proposed amendment, stating that it "gives Ofcom too much discretionary power, when simply specifying a certain number of working days for a written response to a decision would do perfectly well instead".
- A4.42 A majority of the individual responses we received to this aspect of the Consultation disagreed with the proposed amendment, although a number of these respondents appeared to base their opposition to the amendment on Ofcom's separate proposal not to designate the Green Party (and Scottish Green Party) as a major party. A number of respondents expressed concern that the proposed criteria would give too much discretion to Ofcom and the Chair of the Election Committee. The view was also expressed that given the importance of the democratic process, all complaints from parties should automatically be considered by the Election Committee as under the existing rules. Other viewpoints expressed were that Ofcom had not provided sufficient

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<sup>124</sup> Rule 14 of the PPRB Rules states: "Other registered parties should qualify for a PEB if they are contesting one sixth or more of the seats up for election in the case of first-past-the-post, multi-constituency elections such as a General Election".

evidence to justify the introduction of the proposed amendment, and that the proposed amendment lacked an appeal mechanism.