



Review of Ofcom's list of larger
parties for elections taking place
on 5 May 2016
Consultation

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Publication date: 7 January 2016

Closing Date for Responses: 4 February 2016

About this document

This document is a consultation on Ofcom's proposals for the Ofcom list of larger parties¹ in advance of the various elections taking place in May 2016. Any decision that Ofcom makes on the composition of the list applies to elections currently scheduled in May 2016.

The list of larger parties reflects the fact that there are a number of larger political parties which have a significant level of electoral support, and a number of elected representatives, across a range of elections within the UK or the devolved nations.

In summary, we are proposing that the UK Independence Party should be added to the list in England and Wales and the Green Party should be added to the list in England for the purposes of the May 2016 London Assembly elections only. We are proposing that the existing parties on the list should remain on it.

We invite stakeholders to provide their views on this consultation by no later than **5pm on Thursday 4 February 2016**.

¹ As we explain in this document we have relabelled the term "major party" in Ofcom's various rules as "larger party" and the "Ofcom list of major parties" as the "Ofcom list of larger parties".

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Section 1

Introduction and background

Introduction

- 1.1 In this document we set out for consultation our proposals for the political parties to be included in Ofcom's list of larger parties in advance of the elections taking place on 5 May 2016. We have previously referred to this list as the Ofcom 'list of major parties', but for the reasons set out below we have decided to change the terminology used for the list.
- 1.2 The list of larger parties will include the larger political parties in each of the nations of the UK, determined by reference to the criteria set out in this document.
- 1.3 The following elections are taking place in May 2016:
- English local elections (in some parts of England) and English mayoral elections (in three areas)²;
 - London Assembly and London mayoral elections;
 - Police and Crime Commissioner elections (in England and Wales);
 - National Assembly for Wales elections;
 - Scottish Parliamentary elections; and
 - Northern Ireland Assembly elections.
- 1.4 Our proposals are relevant to two types of broadcast content during the election campaigns³:
- **party election broadcasts ("PEBs")** granted by relevant broadcasters to registered political parties under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")⁴. For the May 2016 elections PEBs must be broadcast by the relevant regional Channel 3 services⁵; and

² Due to take place in: Bristol; Liverpool and Salford. These are a form of English local election. In this consultation we treat the 2016 English local elections and 2016 English mayoral elections (other than London) together when reviewing our election rules for the purposes of the 'English local elections'.

³ The BBC has its own Editorial Guidelines in relation to the coverage of elections. Typically these have set out which parties are "larger" and "smaller" parties across Great Britain and in different devolved nations of the UK.

⁴ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>. As explained further in Annex 1, section 333 of the Communications Act 2003 requires 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 i.e. party political broadcasts ("PPBs").

⁵ In addition, under the PPRB Rules, relevant local digital television programme service licensees must carry local election broadcasts for the 2016 English local elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee.

- **broadcasters' own editorial coverage** relevant to the elections – e.g. news and current affairs programming. Such programming must comply with Section Five (due impartiality)⁶ and Section Six (elections and referendums)⁷ of the Ofcom Broadcasting Code ("the Code").

How we refer to the list

- 1.5 The list is important because our PPRB Rules and Section Six of the Code impose obligations on broadcasters by reference to a defined list of 'major parties'⁸. That list is contained in a self-standing annex to both the PPRB Rules and Section Six of the Code. The current list is reproduced in Annex 1.
- 1.6 Specifically, the PPRB Rules require certain licensed broadcasters to offer a minimum of two party election broadcasts ("PEBs") to the 'major parties'. In addition, if a party is not on the list it can still qualify for PEBs. To illustrate this, Figure 1 lays out Ofcom's understanding of the allocation of party election broadcasts by the Channel 3 services, ITV, STV and UTV in the 2015 General Election, with the minimum⁹ number of broadcasts required by the PPRB Rules shown in brackets.

[See next page]

⁶ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf>

⁷ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁸ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

⁹ Parties other than the major parties are eligible for at least one PEB if they are contesting one sixth or more of the seats in a nation in a first-past-the-post election such as the General Election.

Figure 1: Channel 3 allocations of PEBs for the 2015 General Election

Political Party	England ¹⁰	Wales ¹¹	Scotland ¹²	N. Ireland ¹³
Conservative	5 (2)	4 (2)	4 (2)	1 (1)
Labour	5 (2)	4 (2)	4 (2)	-
Lib-Dems	4 (2)	4 (2)	4 (2)	-
Plaid Cymru	-	4 (2)	-	-
SNP¹⁴	-	-	4 (2)	-
UKIP¹⁵	3 (2)	3 (2)	2 (1)	1 (1)
Green¹⁶	2 (1)	1 (1)	2 (1)	1 (1)
SLP¹⁷	-	1 (1)	-	-
TUSC¹⁸	1 (1)	1 (1)	1 (1)	-
DUP¹⁹	-	-	-	4 (2)
Sinn Fein	-	-	-	4 (2)
SDLP²⁰	-	-	-	4 (2)
UUP²¹	-	-	-	4 (2)
Alliance	-	-	-	3 (2)
TUV²²	-	-	-	2 (1)
CISTA²³	-	-	-	1 (1)
Workers Party	-	-	-	1 (1)

- 1.7 In relation to broadcasters' own election programming, Section Six of the Code requires broadcasters in their editorial coverage to give "due weight" to coverage of the 'major parties'. The Code does not prevent broadcasters from covering parties and independent candidates other than the parties on the list during election campaigns.
- 1.8 This review is the third²⁴ stand-alone review that we have conducted of the list. When we conducted our 2015 Review, we noted that many respondents and commentators questioned whether the term 'major party' was appropriate. Several respondents suggested that this term implied that the parties on the list were afforded a significant advantage in terms of allocation of PEBs and editorial coverage compared with other

¹⁰ Broadcast by ITV.

¹¹ Broadcast by ITV.

¹² Broadcast by STV.

¹³ Broadcast by UTV.

¹⁴ Scottish National Party.

¹⁵ UK Independence Party.

¹⁶ including the Scottish Green Party.

¹⁷ Socialist Labour Party.

¹⁸ Trade Unionist and Socialist Coalition.

¹⁹ Democratic Unionist Party.

²⁰ Social Democratic and Labour Party.

²¹ Ulster Unionist Party.

²² Traditional Unionist Voice.

²³ Cannabis is Safer Than Alcohol.

²⁴ We undertook a first review ahead of the May 2014 elections ("the 2014 Review" – see <http://stakeholders.ofcom.org.uk/consultations/major-political-parties-2014/>) and a second review ahead of the May 2015 elections ("the 2015 Review" – see <http://stakeholders.ofcom.org.uk/consultations/major-parties-15/>).

parties and candidates; and parties not on the list were not eligible for PEBs or for editorial coverage during election campaigns. We explained in our statement in March 2015 that the fact a party was not on the list did not mean it was prevented from receiving PEBs during an election campaign or from receiving editorial coverage. Similarly, if a party is on the 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 parties. These are primarily matters for the relevant broadcasters to determine at their discretion.

- 1.9 However, we recognise that this terminology did not best express the nature of the list and Ofcom's role. As such, we have decided to use the term "larger parties" to reflect more accurately the nature of the parties included on the list. We will also now refer to the list as the "Ofcom list of larger parties". In the rest of this document we use the terms "larger parties" and "Ofcom list of larger parties" as appropriate. When we publish any revised list ahead of the May 2016 elections, we will issue amended versions of the PPRB Rules, Section Six of the Code and the published Guidance to Section Six of the Code, to reflect this new terminology.

Our statutory duties

- 1.10 Ofcom has a number of statutory duties set by Parliament in the area of elections. 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.
- 1.11 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.
- 1.12 PEBs and PPBs are, therefore, designed to offset the differential ability of parties to attract campaign funds. This free airtime is provided in the election period²⁵ prior to elections, in the case of PEBs (and also on a seasonal basis outside election campaigns, in the case of PPBs) and allows qualifying parties an opportunity to deliver their messages directly to the electorate through the broadcast media.
- 1.13 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 PPBs and identifying the broadcasters that are required to transmit PEBs and PPBs. 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 (including PEBs) and conditions

²⁵ The election period will vary between different types of election. For example, Section Six of the Code defines the election period as follows: "For a parliamentary general election, this period begins with the dissolution of Parliament. For a parliamentary by-election, this period begins with the issuing of a writ or on such earlier date as is notified in the London Gazette. For the Scottish Parliament elections and National Assembly for Wales elections, the period begins with the dissolution of the Scottish Parliament or the National Assembly for Wales as appropriate or, in the case of a by-election, with the date of the occurrence of a vacancy. For the Northern Ireland Assembly, the London Assembly and for local government elections, it is the last date for publication of notices of the election. For European parliamentary elections, it is the last date for publication of the notice of election, which is 25 days before the election. In all cases the period ends with the close of the poll".

requiring the adherence to rules made by Ofcom with respect to those broadcasts. We have discharged this duty by including the necessary conditions in the relevant television and radio broadcast licences and by the PPRB Rules²⁶.

- 1.14 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 i.e. we are required to put in place rules which broadcasters have to comply with when they broadcast items which feature candidates, for example discussing or raising issues about the constituencies or electoral areas they are contesting. 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 Commissioner²⁷. 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 Code (and in particular Rules 6.8 to 6.13 on constituency coverage and electoral area coverage in elections) and associated Guidance.
- 1.15 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.
- 1.16 In Annex 1 we summarise the obligations contained in the PPRB Rules and Section Six of the Code as regards the various political parties.

The principles by which we have undertaken our assessment

- 1.17 We conducted our 2014 and 2015 Reviews in accordance with a number of principles, which we first set out in our PPRB Statement of March 2013:
- we said we would consider whether it is appropriate to review the list of larger parties 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 elections²⁸ over at least two electoral cycles (including elections prior to the

²⁶ See footnote 4.

²⁷ 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.

²⁸ including Westminster Parliamentary by-elections.

PPRB Consultation) for the different types of elections, and levels of current support (i.e. opinion polls);

- 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.

1.18 For the purposes of this review, we have broadly adopted the same set of principles. We discuss this further in paragraphs 2.2 to 2.4 below.

Impact Assessment and Equality Impact Assessment

1.19 This document does not contain a separate impact assessment. Instead the document as a whole assesses the impact of our proposals.

1.20 Ofcom is required by statute to have due regard to any potential impacts our proposals may have as a result of any inequality in relation to particular "equality groups" including gender, disability or ethnicity – an Equality Impact Assessment ("EIA") is our way of fulfilling this obligation²⁹. An EIA is a public authority's tool for analysing the potential impacts a proposed policy or project is likely to have on people, depending on their background or identity. In relation to equality (whether in Northern Ireland or the rest of the UK) and including considerations of gender, disability or ethnicity, we consider that the proposals in this document are likely to affect all consumers in the same way, and would not have any particular implications for people to whom these considerations apply. Our equality duties in Northern Ireland, under Section 75 of the Northern Ireland Act 1998, require us to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. In line with these duties we will be consulting with our equality stakeholders in Northern Ireland.

Next steps

1.21 We invite representations from interested stakeholders on the matters set out in this consultation by no later than **5pm on Thursday 4 February 2016**. We intend to publish a statement setting out our decision by early March 2016, including any revised list of larger parties. This will permit the broadcasters and political parties to plan ahead, aware of Ofcom's decision on the list for the May 2016 elections.

1.22 Looking beyond the May 2016 elections, we are mindful that in the 2015 Review a number of respondents questioned whether a list of political parties remains an appropriate mechanism for Ofcom to fulfil its duties in the area of elections. Following the current review, we therefore intend to review the suitability of the list of larger parties going forwards and consider what alternative approaches there may be to discharge our regulatory functions. Such an approach will enable us to draw on the experience of having conducted three separate reviews of the list as well as ensuring we take full account of the views of all relevant stakeholders in this area before

²⁹ See the Equality Act 2010.

drawing up any proposals for consultation. We therefore envisage that in the second half of 2016, we will hold meetings with stakeholders ahead of any consultation. Whilst we are not consulting on this review at this stage, we welcome any views that stakeholders may wish to provide at this stage.

Section 2

Assessment of the relevant evidence and our proposals

Introduction

2.1 In this section we:

- set out the analytical framework that we are proposing to use to assess the relevant evidence;
- summarise the evidence available to Ofcom of past electoral support and current support for the various political parties, including evidence specific to the elections due to take place on 5 May 2016; and
- assess that evidence and make proposals for the larger parties to be included on Ofcom's list of larger parties. We invite stakeholders' views on our proposals.

The available electoral evidence and our framework of assessment

2.2 For the purposes of this Review, we have collated a comprehensive set of relevant electoral data, as reproduced in in Annex 2. In summary, this data comprises:

- a) evidence of past electoral support at the 2015 General Election; the different types of elections being contested in May 2016; and other significant elections; and
- b) evidence of current support in relation to England³⁰, Wales, Scotland and Northern Ireland as demonstrated by opinion poll data. In summary, this evidence comprises of the following:
 - England: as in the 2015 Review, we have used the Great Britain-wide polls as a proxy for gauging levels of current support in England only. The figures we have used are contained in the weekly figures produced by the Polling Observatory project³¹; and
 - Wales, Scotland and Northern Ireland: we note that very few opinion polls relate individually to Wales, but more relate to Scotland only. We are aware of only one opinion poll having been published since the 2015 General Election which relates to Northern Ireland only. We present the information that is available in Annex 2.

The opinion poll data will be updated in advance of our March 2016 decision on this matter.

³⁰ 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 as a proxy for gauging levels of current support in England only.

³¹ See <http://sotonpolitics.org/tag/polling-observatory/>. The BBC 'Poll of Polls' data (of Great Britain-wide polls) which we used in the 2015 Review has not been compiled since the 2015 General Election.

2.3 We ask for stakeholders' views on the evidence of current support laid out in Annex 2, in particular we are interested in hearing from stakeholders as to whether there are any other sources of relevant evidence that Ofcom should take into account.

2.4 In terms of the analytical framework for the purposes of this review, we have broadly adopted the same approach as for the 2015 Review. In addition, we have taken account of the fact that the 2016 Review is taking place following a General Election. We have therefore undertaken our assessment for the purposes of this consultation according to the following factors:

- as in our previous two reviews³², we have assessed the available electoral evidence of each party's past electoral performance and current support separately in each of England, Wales, Scotland and Northern Ireland. Our intention is to undertake a balanced assessment having regard to the totality of relevant evidence presented in Annex 2;
- our preference, as we made clear in the 2015 Review, is to place greater weight on the performance of a given political party in elections over opinion poll data. This reflects the fact that 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. We note in this regard that, in the case of the May 2015 elections, there were notable differences between the opinion poll ratings published by various polling organisations and the final election result (for the Conservative Party and Labour party in particular)³³ In treating evidence of current support with some caution, we are mindful that the British Polling Council and the Market Research Society instigated an independent inquiry into the causes of the discrepancy between the final polls and the election result³⁴. We are also placing less weight on opinion poll data in this review due to the relative paucity of such data since the 2015 General Election (in particular in Wales and Northern Ireland) and the fact that we have a significant amount of relevant evidence of past electoral support on which to base our assessment;
- in relation to electoral performance, we have placed particular weight on each party's performance at the 2015 General Election³⁵. This election is the most recent evidence of past electoral support and General Elections generally

³² For our rationale for considering past electoral support and current support separately in each of England, Wales, Scotland and Northern Ireland, see paragraphs 2.26 and 2.27 of the statement we published in our 2015 Review (see http://stakeholders.ofcom.org.uk/binaries/consultations/major-parties-15/statement/Major_Parties_Statement.pdf).

³³ According to House of Commons Library research, 85 Great Britain-wide opinion polls were published during the election campaign (30 March 2015 to 7 May 2015). 90% of these opinion polls suggested the Conservative Party and Labour Party vote shares were within three percentage points of each other; and an average of all 85 polls suggested that the Conservative Party and Labour Party were on approximately 34% of the vote each. Only one opinion poll suggested the Conservatives held a share of the vote greater than or equal to the actual result they achieved. However, none of the opinion polls conducted during the campaign showed the Conservative Party with the seven percentage point lead over the Labour Party they achieved on polling day (see <http://researchbriefings.files.parliament.uk/documents/CBP-7186/CBP-7186.pdf>, p.88).

³⁴ See <http://www.britishpollingcouncil.org/details-of-opinion-poll-inquiry-announced/>

³⁵ And also the 2015 English local elections where turnout was nearly as high as in the General Election in England – see footnote 36 below.

attract the highest turnout³⁶ of any election in the UK. Similarly, we have placed greater weight on the 2015 English local elections for the purposes of determining the composition of the list of larger parties in England because those elections also attracted almost as high a turnout³⁷ as for the 2015 General Election in England;

- we have also taken into account the electoral performance of parties over two electoral cycles (including the numbers of elected candidates and overall percentage of vote received) in the different types of elections being contested in May 2016. However, we have placed less weight on the evidence of electoral performance two electoral cycles ago given the historical nature of this evidence³⁸;
- we have also considered the parties' performance in other significant elections³⁹ which are not being contested in May 2016;
- we have taken into account whether parties are part of the governments at UK-level and also in the devolved nations; and
- where the evidence is finely balanced, and in recognition of the importance of political parties' right to freedom of expression and citizens' rights to receive information and ideas, we have exercised our judgement in favour of the inclusion of a party on the list. In this context, in considering the evidence for the removal and/or addition of larger parties from the list, we have looked at whether a party has demonstrated significant, sustained support over a long period of time. In particular, we have considered whether the evidence indicates that any reduction or increase in the level of a party's support has been significant and sustained, rather than of a short-term nature.

³⁶ When comparing the turnout in each of the four nations of the UK in the 2015 General Election and the most recent example of the various elections being contested in May 2016, the turnout figures are as follows:

- England: 2015 General Election: 66.0%, 2015 English local elections: 64.0%, 2012 London Assembly elections: 37.4%, 2012 London mayoral election: 37.5% and 2012 Police and Crime Commissioner elections: 14.7%;
- Wales: 2015 General Election: 65.7%, 2011 Welsh Assembly elections: 41.5% (directly elected) 41.4% (regional) and 2012 Police and Crime Commissioner elections: 14.9%;
- Scotland: 2015 General Election: 71.0% and 2011 Scottish Parliamentary elections: 50.4% (directly elected and regional) ; and
- Northern Ireland: 2015 General Election: 58.1% and 2011 Northern Ireland Assembly elections: 55.7%.

³⁷ Ibid.

³⁸ These elections are: English local elections (and mayoral) elections; London Assembly and London mayoral elections; Police and Crime Commissioner elections (in England and Wales); National Assembly for Wales elections; Scottish Parliamentary elections; and Northern Ireland Assembly elections.

³⁹ These are: European Parliamentary elections (last contested in 2014); Welsh local elections (last contested in 2012); Scottish local elections (last contested in 2012) and Northern Ireland local elections (last contested in 2014).

Question 1:

Please provide your views on:

- a) the evidence of current support laid out in Annex 2;**
- b) whether there is any other relevant evidence which you consider Ofcom should take into account for the purposes of the 2016 review of the list of larger parties; and**
- c) our analytical framework for assessing the available evidence laid out in paragraph 2.4.**

Summary of the evidence, our assessment and proposals

- 2.5 For the purposes of this consultation, we have had regard to the totality of the evidence presented in Annex 2. A summary of the available evidence in each of the nations of the UK is set out below together with our assessment and proposals.

England

- 2.6 Figure 2 summarises the available evidence for the various political parties in England (For full details see Annex 2):

[See next page]

Figure 2: Summary of evidence of past electoral support (number of seats and share of vote) and current support – England

Type of evidence	Cons.	Lab	Lib-Dem.	UKIP	Green Party
2015 General Election (England)	318 40.9%	206 31.6%	6 8.2%	1 14.1%	1 4.2%
Elections being contested in May 2016					
2015 English local elections	5,540 35.8%	2,292 28.4%	661 10.3%	201 12.8%	84 6.5%
2014 English local elections	2,124 25.9%	1,366 35.8%	429 11.1%	163 15.7%	38 6.6%
2012 mayoral elections (outside London) ⁴⁰	0 8.9%	2 45.2%	0 6.3%	0 2.5%	0 5.0%
2012 London mayoral election	44.0%	40.3%	4.2%	2.0%	4.5%
2008 London mayoral election	43.2%	37.0%	9.8%	0.9%	3.2%
2012 London Assembly elections	DE ⁴¹ : 6, 32.7% TL ⁴² : 3, 32.0%	DE: 8, 42.3% TL: 4, 41.1%	DE: 0, 8.8% TL: 2: 6.8%	DE: 0, 4.3% TL: 0, 4.5%	DE: 0, 8.5% TL: 2, 8.5%
2008 London Assembly elections	DE: 8, 37.4% TL: 3, 34.6%	DE: 6, 28.0% TL: 2, 27.6%	DE: 0, 13.7% TL: 3, 11.4%	DE: 0, 3.0% TL: 0, 1.9%	DE: 0, 8.1% TL: 2, 8.4%
2012 PCC ⁴³ elections (England)	15 28.2%	12 31.4%	0 7.7%	0 7.4%	0 0.2%
Other significant elections					
2014 European Parliamentary elections (England)	17 24.9%	17 25.2%	1 7.0%	22 29.2%	3 8.0%
Opinion poll data					
Polling Observatory data May 2015 to November 2015	38.5%	30.8%	6.9%	12.8%	4.4%

2.7 In relation to the **Conservative Party** and the **Labour Party**:

- these two parties have each demonstrated significant levels of past electoral performance, achieving: 31.6% and above at the 2015 General Election; 28.4% and above at the 2015 English local elections; and 25.9% and above

⁴⁰ Bristol, Liverpool and Salford.

⁴¹ DE: Directly-elected seats.

⁴² TL: Top-up list seats.

⁴³ Police and Crime Commissioner.

(but with one exception⁴⁴) in the last two cycles⁴⁵ of the various elections being contested in May 2016; and 24.9% and above in the 2014 European Parliamentary elections, the only other significant election which is not being contested in England in May 2016;

- the Conservative Party currently has 318 MPs in England and makes up the UK Government. The Labour Party has 206 MPs and is the official opposition within Parliament; and
- for both of these parties, Great Britain-wide opinion polls⁴⁶ from May to November 2015 have suggested significant levels of current support (30.8% and above).

- 2.8 Assessment: Our proposal is that the Conservative Party and the Labour Party should remain on Ofcom's list of larger parties for England.
- 2.9 In relation to the **Liberal Democrats**, the evidence is more mixed. The party demonstrated significant past electoral support in the 2015 English local elections (10.3%). In the 2015 General Election in England it achieved a lower share of the vote (8.2%). In the last two cycles of the various elections being contested in May 2016 it achieved: between 9.8% and 13.7% of the vote in 2008⁴⁷ and 2014⁴⁸ (two cycles ago) and between 4.2% and 8.8% of the vote in 2012 (one cycle ago). This party achieved 7.0% of the vote in the 2014 European Parliamentary elections, the only other significant election which is not being contested in England in May 2016. In addition, the party's current support, as suggested by Great Britain-wide polls⁴⁹ from May to November 2015 is 6.9%;
- 2.10 Assessment: The Liberal Democrats have previously been included as a larger party on the list of larger parties in England. However, this party achieved a significantly lower share of the vote in the 2015 General Election than it did in the past and its level of current support, as indicated by opinion polls, is lower than the other larger parties in England. Against this, the Liberal Democrats have continued to achieve a significant level of performance in English local elections, which is one of the category of elections being held in May 2016. Therefore, on balance, our proposal is to include the Liberal Democrats on the list of larger parties for England.
- 2.11 In relation to the **UK Independence Party ("UKIP")**, the evidence demonstrates that this party achieved a significant level of electoral support in England in the 2015 General Election (14.1% and one MP) as well as in the 2015 English local elections (12.8%). In the 2014 European Parliamentary elections UKIP also gained a significant share of the vote (29.2%). In addition, Great Britain-wide polls⁵⁰ from May to November 2015 have suggested significant levels of current support for UKIP (12.8%). With one exception⁵¹, UKIP did not demonstrate significant levels of support in the last two cycles of the various elections being contested in May 2016:

⁴⁴ The Conservative Party achieved 8.9% in 2012 in the three English mayoral elections (outside London in Bristol, Liverpool and Salford) being contested in May 2016.

⁴⁵ including the 2014 English local elections (i.e. two election cycles ago for this class of election).

⁴⁶ See footnote 30.

⁴⁷ London Mayoral and London Assembly elections.

⁴⁸ English local elections.

⁴⁹ See footnote 30.

⁵⁰ Ibid.

⁵¹ In the 2014 English local election (i.e. two election cycles ago for this class of election), UKIP achieved 15.7% in England.

between 0.9% and 3.0% in 2008 (two cycles ago⁵²); and between 2.0% and 7.4% in 2012 (one cycle ago).

- 2.12 Assessment: UKIP has consistently demonstrated significant levels of electoral support in England in recent years; notably in the 2015 General Election and 2014 European Parliamentary elections. UKIP also demonstrates a significant level of current support in opinion polls. We note that UKIP has not demonstrated significant levels of past support in other types of election. Taking this evidence overall, we are proposing to add UKIP to the Ofcom list of larger parties for England.
- 2.13 In relation to the **Green Party**, the evidence demonstrates that it achieved materially lower levels of support than the larger parties in the 2015 General Election (4.2%) and the 2015 English local elections (6.5%). It achieved between 0.2% and 6.6% in the last two cycles of various other elections being contested in May 2016 (i.e. the 2014 English local, the 2012 English mayoral elections outside London, the 2008 and 2012 London mayoral elections and the 2012 PCC elections). However, in the past two cycles of London Assembly elections the Green Party achieved between 8.1% and 8.5% of the vote and in the 2014 European Parliamentary elections it achieved an 8.0% share of the vote. In terms of current support, Great Britain-wide polls⁵³ from May to November 2015 have not suggested significant levels of current support (4.4%);
- 2.14 Assessment: In general, the Green Party did not demonstrate significant levels of electoral support in the 2015 General Election or English local elections. Its level of current support, as indicated by opinion polls, is consistent with its performance in the General Election. However, the evidence shows that for two successive cycles this party has attracted significant support in the London Assembly elections. Therefore, having regard to this evidence we are proposing to add the Green Party to the list of larger parties in England for the sole purposes of the London Assembly elections taking place on 5 May 2016.

Wales

- 2.15 Figure 3 summarises the available evidence for the various political parties in Wales (For full details see Annex 2):

[See next page]

⁵² Ibid.

⁵³ See footnote 30.

Figure 3: Summary of evidence of past electoral support (number of seats and share of vote) and current support – Wales

Type of evidence	Cons.	Lab	Lib-Dem.	Plaid Cymru	UKIP	Green Party
2015 General Election (Wales)	11 27.2%	25 36.9%	1 6.5%	3 12.1%	0 13.6%	0 2.6%
Elections being contested in May 2016						
2011 Welsh Assembly elections	DE ⁵⁴ : 6, 25.0% RL ⁵⁵ : 8, 22.5%	DE: 28, 42.3% RL: 2, 36.9%	DE: 1, 10.6% RL: 4: 8.0%	DE: 5, 19.3% RL: 6, 17.9%	DE: N/A RL: 0, 4.6%	DE: 0, 0.2% RL: 0, 3.4%
2007 Welsh Assembly elections	DE: 5, 22.4% RL: 7, 21.5%	DE: 24,32.2% RL: 2, 29.6%	DE:3, 14.6% RL: 3, 11.7%	DE: 7, 22.4% RL: 8, 21.0%	DE: 0, 1.8% RL: 0, 4.0%	DE: N/A RL: 0, 3.5%
2012 PCC elections (Wales)	1 20.8%	1 41.8%	N/A	N/A	0 1.7%	N/A
Other significant elections						
2014 European Parliamentary elections (Wales)	1 17.4%	1 28.1%	0 3.9%	1 15.3%	1 27.6%	0 4.5%
2012 Welsh local elections	104 12.7%	577 35.6%	72 8.0%	158 15.7%	2 0.3%	0 1.2%
Opinion poll data						
Welsh opinion poll data May 2015 to December 2015	DE: 23.0% RL: 23.0%	DE: 36.3% RL: 33.3%	DE: 5.3% RL: 4.7%	DE: 19.3% RL: 18.7%	DE: 14.0% RL: 14.7%	DE: 2.3% RL: 4.0%

2.16 In relation to the **Conservative Party**, the **Labour Party** and **Plaid Cymru**:

- these three parties have each demonstrated significant levels of electoral performance, achieving 12.1% and above at the 2015 General Election. In the last two cycles of the various elections being contested in May 2016 they achieved: 21.0% and above in 2007 (two cycles ago); and 17.9% and above in 2011/12 (one cycle ago). These parties achieved 12.7% and above in other significant elections which are not being contested in Wales in May 2016;

⁵⁴ DE: Directly-elected seats (i.e. seats contested under a First-past-the-post' system within constituencies).

⁵⁵ RL: Regional list seats i.e. additional seats allocated to parties under a proportional representation system).

- the Labour Party is the governing party in the National Assembly for Wales; and
 - in terms of evidence of current support, the limited data available in terms of Wales-only opinion polls from May to December 2015, suggests significant levels of current support for the Conservative Party (23.0%⁵⁶), the Labour Party (36.3%⁵⁷ and 33.3%⁵⁸) and Plaid Cymru (19.3%⁵⁹ and 18.7%⁶⁰).
- 2.17 Assessment: Our proposal is that the Conservative Party, the Labour Party and Plaid Cymru should remain on Ofcom's list of larger parties for Wales.
- 2.18 In relation to the **Liberal Democrats**, in the last two cycles of the Welsh Assembly elections the party achieved 14.6%⁶¹ and 11.7%⁶² of the vote in 2007 (two cycles ago); and 10.6%⁶³ and 8.0%⁶⁴ in 2011 (one cycle ago). In addition, the party achieved 8.0% in the 2012 Welsh local elections, a significant election which is not being contested in Wales in May 2016. However, the party performed less well in the 2015 General Election in Wales (6.5%) and the 2014 European Parliamentary elections in Wales (3.9%). In terms of evidence of current support, the limited data available in terms of Wales-only opinion polls from May to December 2015 does not suggest significant levels of support for the Liberal Democrats (5.3%⁶⁵ and 4.7%⁶⁶);
- 2.19 Assessment: Although the Liberal Democrats' electoral performance in Welsh Assembly elections in 2007 and 2011 has been significant, their performance in other elections has been lower (in particular their performance at the 2015 General Election and 2014 European Parliamentary elections). The available opinion polls do not demonstrate significant levels of current support for the Liberal Democrats in Wales. However, this party has demonstrated significant support in past Welsh Assembly elections. On balance, therefore, our proposal is to include the Liberal Democrats on the list of larger parties for Wales.
- 2.20 In relation to **UKIP**, this party had demonstrated significant electoral support in Wales in the 2015 General Election (13.6%) and in the 2014 European Parliamentary elections (27.6%). However, we note that the party did not achieve a significant share of the vote in the last two cycles of the elections being contested in May 2016 (i.e. the Welsh Assembly elections and PCC elections), achieving: between 1.8% and 4.0% in 2007 (two cycles ago); and between 1.7% and 4.6% in 2011/12 (one cycle ago). In addition, the party achieved 0.3% in the 2012 Welsh local elections, which are not being contested in Wales in May 2016. The limited data available in terms of Wales-only opinion polls from May to December 2015 suggests significant levels of current support for UKIP (14.0%⁶⁷ and 14.7%⁶⁸).

⁵⁶ In opinion polls for both directly elected and regional list seats in the Welsh Assembly elections.

⁵⁷ In opinion polls for directly elected seats in the Welsh Assembly elections.

⁵⁸ In opinion polls for regional list seats in the Welsh Assembly elections.

⁵⁹ In opinion polls for directly elected seats in the Welsh Assembly elections.

⁶⁰ In opinion polls for regional list seats in the Welsh Assembly elections.

⁶¹ In directly elected seats.

⁶² In regional seats.

⁶³ In directly elected seats.

⁶⁴ In regional seats.

⁶⁵ In opinion polls for directly elected seats in the Welsh Assembly elections

⁶⁶ In opinion polls for regional list seats in the Welsh Assembly elections.

⁶⁷ In opinion polls for directly elected seats in the Welsh Assembly elections

⁶⁸ In opinion polls for regional list seats in the Welsh Assembly elections.

- 2.21 Assessment: In more recent years, UKIP has consistently demonstrated significant levels of support in Wales such as the 2015 General Election, and also demonstrates a significant level of current support. Set against this, the party has not demonstrated significant levels of support in some past elections in 2007 and 2011/12, having regard to all the evidence. We are therefore proposing to add UKIP to the list of larger parties for Wales.
- 2.22 In relation to the **Green Party**, this party has not demonstrated significant levels of support in previous elections in Wales. It achieved 2.6% in 2015 General Election. And in the last two cycles of the Welsh Assembly elections (the only elections being contested in Wales in May 2016 which the party has contested before), it achieved 3.5%⁶⁹ of the vote in 2007 (two cycles ago) and 0.2%⁷⁰ and 3.4%⁷¹ of the vote in 2011 (one cycle ago). In relation to significant elections which are not being contested in Wales in May 2016, the party achieved 4.5% of the vote in the 2014 European Parliamentary elections and 1.2% in the 2012 Welsh elections. In terms of evidence of current support, the limited data available in terms of Wales-only opinion polls from May to December 2015 does not suggest significant levels of support for the Green Party (2.3%⁷² and 4.0%⁷³).
- 2.23 Assessment: The Green Party has not demonstrated significant levels of past electoral or current support in Wales and, therefore, we do not propose to add the Green Party to the list of larger parties for Wales.

Scotland

- 2.24 Figure 4 summarises the available evidence for the various political parties in Scotland (For full details see Annex 2):

[See next page]

⁶⁹ The Green party only stood in regional seats in the 2007 Welsh Assembly elections.

⁷⁰ In directly elected seats.

⁷¹ In regional seats.

⁷² In opinion polls for directly elected seats in the Welsh Assembly elections

⁷³ In opinion polls for regional list seats in the Welsh Assembly elections.

Figure 4: Summary of evidence of past electoral support (number of seats and share of vote) and current support – Scotland

Type of evidence	Cons.	Lab	Lib-Dem.	SNP	UKIP	Scottish Green Party
2015 General Election (Scotland)	1 14.9%	1 24.3%	1 7.5%	56 50.0%	0 1.6%	0 1.3%
Elections being contested in May 2016						
2011 Scottish Parliamentary elections	DE ⁷⁴ : 3, 13.9% RL ⁷⁵ : 12, 12.4%	DE: 15, 31.7% RL: 22, 26.3%	DE: 2, 7.9% RL: 3, 5.2%	DE: 53, 45.4% RL: 16, 44.0%	DE: 0, 0.1% RL: 0, 0.9%	DE: N/A RL: 2, 4.4%
2007 Scottish Parliamentary elections	DE: 4, 16.6% RL: 13, 13.9%	DE: 37, 32.1% RL: 9, 29.2%	DE: 11, 16.2% RL: 5, 11.3%	DE: 21, 32.9% RL: 26, 31.0%	DE: N/A RL: 0, 0.4%	DE: 0, 0.2% RL: 2, 4.0%
Other significant elections						
2014 European Parliamentary elections (Scotland)	1 17.2%	1 25.9%	0 7.1%	1 29.0%	1 10.5%	0 8.1%
2012 Scottish local elections	115 13.3%	394 31.4%	71 6.6%	425 32.3%	0 0.3%	14 2.3%
Opinion poll data						
Scottish opinion poll data May 2015 to December 2015	DE: 13.8% RL: 13.4%	DE: 21.5% RL: 21.2%	DE: 5.2% RL: 5.5%	DE: 55.6% RL: 49.0%	DE: c.1.8% RL: 2.3%	DE: c.2.8% RL: 7.2%

2.25 In relation to the **Scottish National Party (“SNP”)**, **Conservative Party** and the **Labour Party**:

- these three parties have each demonstrated significant levels of past electoral performance, achieving 14.9% and above at the 2015 General Election. In the last two cycles of the Scottish Parliamentary elections, the only elections being contested in Scotland in May 2016, they achieved: 13.9% and above in 2007 (two cycles ago); and 12.4% and above in 2011

⁷⁴ DE: Directly-elected seats.

⁷⁵ RL: Regional list seats.

(one cycle ago). These parties achieved 13.3% and above in other significant elections which are not being contested in Scotland in May 2016;

- the SNP is the governing party in the Scottish Parliament; and
- in terms of evidence of current support, Scotland-only opinion polls from May to December 2015 suggest significant levels of current support for the Conservative Party (13.8%⁷⁶ and 13.4%⁷⁷), the Labour Party (21.5%⁷⁸ and 21.2%⁷⁹) and the SNP (55.6%⁸⁰ and 49.0%⁸¹).

2.26 Assessment: Our proposal is that the Conservative Party, the Labour Party and the SNP should remain on Ofcom's list of larger parties for Scotland.

2.27 In relation to the **Liberal Democrats'** past electoral performance, the party demonstrated significant levels of support in Scotland in the 2007 Scottish Parliamentary elections (two cycles ago) when they achieved 16.2%⁸² and 11.3%⁸³. However, more recently, the party has performed less well, achieving: 7.5% in the 2015 General Election; 7.9%⁸⁴ and 5.2%⁸⁵ in the 2011 Scottish Parliamentary elections (one cycle ago); 7.1% in the 2014 European Parliamentary elections; and 6.6% in the 2012 Scottish local elections. In terms of evidence of current support, Scotland-only opinion polls from May to December 2015 do not suggest significant levels of current support for the Liberal Democrats (5.2%⁸⁶ and 5.5%⁸⁷).

2.28 Assessment: The evidence in relation to the Liberal Democrats in Scotland is finely balanced. The party demonstrated a significant level of support in the 2007 Scottish Parliamentary elections and a relatively high performance in directly-elected seats in 2011 (but lower than 2007). However, their performance in all other elections since that time has been less strong, including when compared to the other larger parties that we are proposing should be included on the list of larger parties. In addition, opinion polls suggest low levels of current support for the Liberal Democrats. However, on balance, our proposal is that the Liberal Democrats should remain on the list of larger parties for Scotland.

2.29 In relation to **UKIP**, its best past performance in previous elections in Scotland were the 2014 European Parliamentary elections when the party achieved 10.5%. However, the party has not demonstrated significant levels of support in other previous elections: 1.6% in the 2015 General Election; between 0.1% and 0.9% in previous elections to the Scottish Parliament; and 0.3% in the 2012 Scottish local elections. In terms of evidence of current support, Scotland-only opinion polls from May to December 2015 do not suggest significant levels of current support for UKIP (c.1.8%⁸⁸ and 2.3%⁸⁹);

⁷⁶ In opinion polls for directly elected seats in the Scottish Parliamentary elections.

⁷⁷ In opinion polls for regional seats in the Scottish Parliamentary elections.

⁷⁸ In opinion polls for directly elected seats in the Scottish Parliamentary elections.

⁷⁹ In opinion polls for regional list seats in the Scottish Parliamentary elections.

⁸⁰ In opinion polls for directly elected seats in the Scottish Parliamentary elections.

⁸¹ In opinion polls for regional seats in the Scottish Parliamentary elections.

⁸² In directly elected seats.

⁸³ In regional seats.

⁸⁴ In directly elected seats.

⁸⁵ In regional seats.

⁸⁶ In opinion polls for directly elected seats in the Scottish Parliamentary elections.

⁸⁷ In opinion polls for regional seats in the Scottish Parliamentary elections.

⁸⁸ In opinion polls for directly elected seats in the Scottish Parliamentary elections.

- 2.30 Assessment: UKIP demonstrated a significant level of support in the 2014 European Parliamentary elections in Scotland. However, it has not demonstrated significant levels of support in any other types of election (notably the 2015 General Election and the Scottish Parliament elections in 2007 and 2011) and nor do available opinion polls indicate significant levels of current support. Having regard to this evidence, our proposal is not to add UKIP to the list of larger parties for Scotland.
- 2.31 In relation to the **Scottish Green Party**, its best past performance in previous elections in Scotland were the 2014 European Parliamentary elections when the party achieved 8.1%. However, the party has not demonstrated significant levels of support in any other election: 1.3% in the 2015 General Election; between 0.2% and 4.4% in the 2007 and 2011 Scottish Parliament elections; and 2.3% in the 2012 Scottish local elections. In terms of evidence of current support, Scotland-only opinion polls from May to December 2015 suggest a mixed picture for the Scottish Green Party: 7.2% support for the regional seats but c.2.4% support for the directly elected seats.
- 2.32 Assessment: The Scottish Green Party has demonstrated higher levels of support in the 2014 European Parliamentary elections and in opinion polls gauging support for the regional vote in the Scottish Parliamentary elections. However, the party has not demonstrated significant levels of past electoral support (notably at the 2015 General Election and previous Scottish Parliamentary elections). Having regard to this evidence, our proposal is not to add the Scottish Green Party to the list of larger parties for Scotland.

Northern Ireland

- 2.33 Figure 5 summarises the available evidence for the various political parties in Northern Ireland (For full details see Annex 2):

[See next page]

⁸⁹ In opinion polls for regional seats in the Scottish Parliamentary elections.

Figure 5: Summary of evidence of past electoral support (number of seats and share of vote) and current support – Northern Ireland

Type of evidence	DUP	Sinn Fein	SDLP	UUP	Alliance	TUV	Green Party	UKIP
2015 General Election (Northern Ireland)	8 25.7%	4 24.5%	3 13.9%	2 16.0%	0 8.6%	0 2.3%	0 2.6%	0 1.0%
Elections being contested in May 2016								
2011 Northern Ireland Assembly elections	38 30.0%	29 26.9%	14 14.2%	16 13.2%	8 7.7%	1 2.5%	1 0.9%	0 0.6%
2007 Northern Ireland elections	36 30.1%	28 26.2%	16 15.2%	18 14.9%	7 5.2%	N/A	1 1.7%	0 0.2%
Other significant elections								
2014 European Parliamentary elections (Northern Ireland)	1 20.9%	1 25.5%	0 13.0%	1 13.3%	0 7.1%	0 12.1%	0 1.7%	0 3.9%
2014 Northern Ireland local elections	130 23.1%	105 24.1%	66 13.6%	88 16.2%	32 6.7%	13 4.5%	4 0.9%	3 1.4%
Opinion poll data								
Northern Ireland opinion poll data May 2015 to December 2015	25.8%	25.4%	10.8%	15.0%	7.6%	3.2%	2.4%	2.2%

2.34 In relation to the **Democratic Unionist Party (“DUP”)**, **Sinn Fein**, the **Social Democratic and Labour Party (“SDLP”)** and the **Ulster Unionist Party (“UUP”)**:

- these four parties have each demonstrated significant levels of electoral performance, achieving 13.9% and above at the 2015 General Election. In the last two cycles of the Northern Ireland Assembly elections, the only elections being contested in Northern Ireland in May 2016, they achieved: 14.9% and above in 2007 (two cycles ago); and 13.2% and above in 2011 (one cycle ago). These parties achieved 13.0% and above in other significant elections which are not being contested in Northern Ireland in May 2016;

- in terms of evidence of current support, the single Northern Ireland-only opinion poll from May to December 2015, suggests significant levels of current support for these parties of 10.8% and above and
 - all these parties have Departmental Ministerial posts within the Northern Ireland Executive.
- 2.35 Assessment: Our proposal is that the DUP, Sinn Fein, the SDLP and the UUP should remain on Ofcom's list of larger parties for Northern Ireland.
- 2.36 The **Alliance Party** has demonstrated lower levels of past electoral support than the other larger parties: 8.6% in the 2015 General Election; 5.2% in the 2007 Northern Ireland Assembly elections (two cycles ago); and 7.7% in the 2011 Northern Ireland Assembly elections (one cycle ago); 7.1% in the 2014 European Parliamentary elections; and 6.7% in the 2014 Northern Ireland local elections. In addition, in terms of evidence of current support, the single Northern Ireland-only opinion poll from May to December 2015, shows this party's level of current support as being 7.6%. However, this party is part of the Northern Ireland Executive, holding two of the 11 Departmental Ministerial posts within that administration.
- 2.37 Assessment: The Alliance Party has demonstrated lower levels of past electoral performance compared with the other larger parties in Northern Ireland. In addition, the single recent Northern Ireland-only opinion poll suggests a lower level of support than the other larger parties in Northern Ireland. However, it achieved its highest ever electoral performance in the 2015 General Election. In addition, this party is part of the Northern Ireland Executive, holding two of the 11 Departmental Ministerial posts within that administration. Taking together the relevant evidence, our proposal is that the Alliance Party should remain on Ofcom's list of larger parties for Northern Ireland.
- 2.38 In relation to **Traditional Unionist Voice ("TUV")**, the party's best previous performance in elections in Northern Ireland was the 2014 European Parliamentary elections, when the party achieved 12.1%. However, the party has not demonstrated significant levels of support in other previous elections: 2.3% in the 2015 General Election; 2.5% in the 2011 Northern Ireland Assembly elections (one cycle ago), the only time it contested these elections; and 4.5% in the 2014 Northern Ireland local elections. The single Northern Ireland-only opinion poll from May to December 2015, does not suggest significant levels of current support for TUV (3.2%).
- 2.39 Assessment: TUV demonstrated a significant level of support in the 2014 European Parliamentary elections. However, it has not garnered significant levels of support in any other past election and nor do available opinion polls indicate significant levels of current support. Having regard to this evidence, our proposal is not to add this party to the list of larger parties for Northern Ireland.
- 2.40 No other parties have demonstrated significant levels of past electoral support or current support in Northern Ireland⁹⁰.

⁹⁰ The Green Party achieved: 1.0% in the 2015 General Election; 1.7% in the 2007 Northern Ireland Assembly elections (two cycles ago); and 0.9% in the 2011 Northern Ireland Assembly elections (one cycle ago); 1.7% in the 2014 European Parliamentary elections; and 0.9% in the 2014 Northern Ireland local elections. UKIP achieved: 2.6% in the 2015 General Election; 0.2% in the 2007 Northern Ireland Assembly elections (two cycles ago); and 0.6% in the 2011 Northern Ireland Assembly elections (one cycle ago); 3.8% in the 2014 European Parliamentary elections; and 1.4% in the 2014

Summary of Ofcom's assessment and request for views on our proposals

- 2.41 Taking into account the factors in paragraph 2.4 and all the available evidence laid out in paragraphs 2.5 to 2.40 above, we are proposing that Ofcom's list of larger parties for the May 2016 elections should be as laid out in figure 6:

Figure 6

Proposed Ofcom list of larger parties (to be published in advance of the elections taking place on 5 May 2016)

1. This document sets out the definition of "larger parties" as applies to Section Six of the Ofcom Broadcasting Code⁹¹ and the Ofcom rules on Party Political and Referendum Broadcasts⁹².
2. Ofcom will periodically review the definition of "larger parties", taking account of relevant evidence, such as changes in the electoral landscape, across a range of elections.
3. At present in England and Wales, larger parties are defined as: the Conservative Party; the Labour Party; the Liberal Democrats; and the UK Independence Party.
4. In addition, larger parties in Wales include Plaid Cymru.
5. The larger parties in Scotland are: Conservative Party; the Labour Party; the Liberal Democrats and the Scottish National Party
6. The larger 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.
7. In addition to the above, in England the larger parties for the purposes of the London Assembly elections taking place on 5 May 2016 include the Green Party.

Question 2:

Do you agree with our assessment of the relevant evidence and our proposals for the larger parties to be included in the Ofcom list of larger parties as laid out in figure 6 above?

Please provide reasons for your views.

Northern Ireland local elections. The only Northern Ireland-only opinion poll suggests insignificant levels of current support of 2.4% and 2.2% respectively for the Green Party and UKIP.

⁹¹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁹² See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

Annex 1

Treatment of political parties in the PPRB Rules and Section Six of the Code

A1.1 This annex lays out how political parties are treated under the Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")⁹³ and Section Six (Elections)⁹⁴ of the Ofcom Broadcasting Code ("the Code").

A1.2 At present the Ofcom list of major parties are as set out in Figure 7:

Figure 7

The current Ofcom list of major parties (published 16 March 2015)

1. This document sets out the definition of "major parties" as applies to Section Six of the Ofcom Broadcasting Code⁹⁵ and the Ofcom rules on Party Political and Referendum Broadcasts⁹⁶.
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.
3. At present in Great Britain, major parties are defined as: the Conservative Party; the Labour Party; and the Liberal Democrats.
4. In addition, major parties in Scotland and Wales respectively are the Scottish National Party and Plaid Cymru.
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.
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 includes the United Kingdom Independence Party⁹⁷.

A1.3 As we state in paragraph 1.9 above, due to the confusion around the term "major parties", we are proposing replacing this term with the label "larger parties" to reflect more accurately the requirements we are placing upon broadcasters in this area.

⁹³ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

⁹⁴ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁹⁵ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁹⁶ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

⁹⁷ The effect of paragraph 6 is that as of 7 May 2015, the UK Independence Party ("UKIP") was no longer included on the list of major parties

We are also proposing renaming the “Ofcom list of major parties” as the “Ofcom list of larger parties”. Therefore, the rest of this annex lays out the provisions in the PPRB Rules and Section Six of the Code that relate to the larger parties. When we publish any revised list ahead of the May 2016 elections, we will issue amended versions of: the PPRB Rules; Section Six of the Code; and the published Guidance to Section Six of the Code, to reflect the terms “larger parties” and “Ofcom’s list of larger parties”. In this annex, we lay out the relevant rules that we propose publishing in March 2016 with consequential amendments reflecting the new term “larger parties”.

- A1.4 Ofcom’s list of larger 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 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.

The PPRB Rules

- A1.5 Under section 333(1) of the Communications Act 2003, every licensed public service television channel⁹⁸ and every national commercial radio service⁹⁹ must: include “party political broadcasts” (which includes both party election broadcasts (“PEBs”) and party political broadcasts (“PPBs”) outside of election campaigns); and Referendum Campaign Broadcasts; and observe rules made by Ofcom (i.e. the PPRB Rules) for such broadcasts. Section 333(2) 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 PPBs.
- A1.6 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:
- under Rule 13, each larger 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;

⁹⁸ i.e. every regional Channel 3 service, Channel 4 and Channel 5. In addition, under the PPRB Rules, local digital television programme service licensees must carry local election broadcasts in those UK nations/regions where such elections are taking place. The local digital television programme service licensee for London will also carry broadcasts for the elections for the London Assembly and Mayor of London.

⁹⁹ i.e. Classic FM, Talksport and Absolute Radio AM.

- under Rule 14, parties other than the larger 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 first-past-the-post election such as the General Election¹⁰⁰; and
- 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.

A1.7 Inclusion on the list means only that the party in question is entitled to a certain minimum number of PEBs (i.e. two), than if it was not on the list. It is important to note that if a party is on the list of larger parties it does not automatically receive the same number of PEBs during an election campaign as other larger parties. In addition, if a party is not on the list it can still qualify for PEBs¹⁰¹. However, having taken into account evidence of past electoral support and current support, broadcasters can themselves allocate more and different numbers of PEBs to the various parties above the minima set in the rules.

A1.8 On 5 May 2016 the following elections are due to take place: English local elections (in some parts of England) and English mayoral elections (in three areas)¹⁰²; London Assembly and London mayoral elections; Police and Crime Commissioner elections (in England and Wales); National Assembly for Wales elections; Scottish Parliamentary elections; and Northern Ireland Assembly elections. For these elections, the PPRB Rules require that PEBs must be broadcast by the relevant regional Channel 3 services for all the above elections except the English mayoral elections outside London and the Police and Crime Commissioner elections¹⁰³.

Section Six of the Code

A1.9 During election campaigns, we have a role in relation to editorial coverage. Any Ofcom licensed service that broadcasts election-related programming must comply with the special rules laid out in Section Six¹⁰⁴ of the Code. Of particular note in this context, Rule 6.2 of the Code requires that

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

A1.10 Ofcom's published Guidance to Section Six makes clear that:

"The concept of giving 'due weight' to the larger parties, as required by Rule 6.2, is flexible. Its application depends on the electoral context"¹⁰⁵.

¹⁰⁰ There are more specific rules for other forms of election, such as proportional representation systems of election.

¹⁰¹ Other parties can qualify for a single PEB depending on the type of election e.g. if a party is standing in one sixth or more of seats in a General Election.

¹⁰² Due to take place in: Bristol, Liverpool, and Salford. These are a form of English local election. In this consultation we treat the 2016 English local elections and 2016 English mayoral elections (other than London) together when reviewing our election rules for the purposes of the 'English local elections'.

¹⁰³ In addition, under the PPRB Rules, relevant local digital television programme service licensees must carry local election broadcasts for the 2016 English local elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee.

¹⁰⁴ To assist broadcasters' coverage of elections, Ofcom has published Guidance to Section Six of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>).

¹⁰⁵ Ibid, paragraph 1.20.

A1.11 Rule 6.2 therefore does not require broadcasters to give equal coverage to all the larger parties in any given election campaign. Nor does the Code prevent broadcasters from covering parties and independent candidates other than the larger 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".

A1.12 We would therefore expect broadcasters to give appropriate editorial coverage to parties and candidates other than the larger parties, especially in situations where there are likely to be a greater range of potential voices competing for coverage. 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.

A1.13 The Code also sets out specific rules when candidates take part in broadcast items about their constituencies or electoral areas.

"If a candidate takes part in an item about his/her particular constituency, or electoral area, then candidates of each of the larger parties must be offered the opportunity to take part. (However, if they refuse or are unable to participate, the item may nevertheless go ahead.)"

A1.14 In contrast to Rule 6.9, under Rule 6.10 of the Code, broadcasters are only required to offer the candidates of parties other than the larger parties the opportunity to take part in constituency or electoral area reports and discussions, if those candidates represent parties with previous significant electoral support or where there is evidence of significant current support. This also applies to independent candidates).

Annex 2

Evidence of past electoral support and current support

A2.1 In this annex, we set out:

- relevant evidence of past electoral support for: the 2015 General Election; and past elections for all the categories of elections that are being contested in 2016; and
- relevant updated evidence of current support across Great Britain and within Wales, Scotland and Northern Ireland.

Evidence of past electoral support

The 2015 General Election

A2.2 Figure 8 lays out the numbers of seats won and share of the popular vote achieved by the various political parties for the 2015 General Election in England, Wales and Scotland.

Figure 8: Number of seats and share of vote at the 2015 General Election (England, Wales and Scotland)

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party ¹⁰⁶	Others
England ¹⁰⁷	318 40.9%	206 31.6%	6 8.2%	N/A	N/A	1 14.1%	1 4.2%	1 1.0%
Wales	11 27.2%	25 36.9%	1 6.5%	N/A	3 12.1%	0 13.6%	0 2.6%	0 1.0%
Scotland	1 14.9%	1 24.3%	1 7.5%	56 50.0%	N/A	0 1.6%	0 1.3%	0 0.4%

Source: BBC and House of Commons Library

A2.3 Figure 9 sets out the numbers of seats won and share of the popular vote achieved by the various political parties for the 2015 General Election in Northern Ireland.

¹⁰⁶ And Scottish Green Party.

¹⁰⁷ In addition there has been one Westminster by-election that has taken place since the 2015 General Election, on 3 December 2015 when the Labour Party won the seat of Oldham West and Royton. The results were: Conservative Party (9.4%); Labour Party (62.1%); Liberal Democrats (3.7%); UKIP (23.4%); Green party (0.9%); and others (0.5%).

Figure 9: Number of seats and share of vote at the 2015 General Election (Northern Ireland)

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	UKIP	Green Party	Others
2015								
8 25.7%	4 24.5%	3 13.9%	2 16.0%	0 8.6%	0 2.3%	0 2.6%	0 1.0%	1 5.4%

Source: BBC and House of Commons Library

Previous results of elections being contested in 2016*English local elections*

A2.4 Figure 10 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 2010 to 2015.

Figure 10: Numbers of seats and share of vote at English local elections

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2015	5,540 35.8%	2,292 28.4%	661 10.3%	201 12.8%	84 6.5%	562 6.2%
2014	2,124 25.9%	1,366 35.8%	429 11.1%	163 15.7%	38 6.6%	146 5.1%
2013	1,117 34.6%	538 21.2%	352 13.9%	147 19.9%	22 3.6%	186 6.8%
2012	786 27.5%	1,189 43.1%	288 14.1%	7 4.4%	26 4.2%	116 6.7%
2011	5,113 37.8%	2,461 31.6%	1,099 16.1%	8 2.4%	79 3.6%	700 8.5%
2010	1,611 32.5%	1,778 31.9%	728 23.8%	1 1.6%	13 3.4%	95 6.8%

Source: The Elections Centre, Plymouth University

English mayoral elections (outside London)

A2.5 Mayoral elections are due to take place in May 2016 in: Bristol, Liverpool and Salford. Figure 11 lays out for each of the parties the number of mayoralities won and the share of the vote in 2012, the only occasion when these mayoral elections have been contested in the past.

Figure 11: Number of mayoralities and share of vote at English mayoral elections

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2012 (3 contests)	0 8.9%	2 45.2%	0 6.3%	0 2.5%	0 5.0%	1 30.1%

Source: Local authority websites

London mayoral elections

A2.6 Figure 12 sets out the share of the first preference vote achieved by the various political parties in the past two cycles of London mayoral elections.

Figure 12: Share of vote at London mayoral elections

Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2012					
44.0%	40.3%	4.2%	2.0%	4.5%	5.1%
2008					
43.2%	37.0%	9.8%	0.9%	3.2%	5.9%

Source: BBC

London Assembly elections

A2.7 Figure 13 shows the numbers of seats won and share of the popular vote achieved by the various political parties in the past two cycles of the London Assembly elections.

Figure 13: Numbers of seats and share of vote at London Assembly elections

Type of Vote	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2012						
Directly elected seats	6 32.7%	8 42.3%	0 8.8%	0 4.3%	0 8.5%	0 3.4%
Top-up list	3 32.0%	4 41.1%	2 6.8%	0 4.5%	2 8.5%	0 7.1%
2008						
Directly elected seats	8 37.4%	6 28.0%	0 13.7%	0 3.0%	0 8.1%	0 9.8%
Top-up list	3 34.6%	2 27.6%	3 11.4%	0 1.9%	2 8.4%	1 16.1%

Source: BBC

2012 Police and Crime Commissioner ("PCC") elections

A2.8 Figure 14 shows the numbers of PCC posts won and share of the popular vote achieved by the various political parties in 2012, the only occasion when the PCC elections have been contested in the past.

Figure 14: Numbers of PCC posts and share of vote at PCC 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

Welsh Assembly elections

A2.9 Figure 15 shows the numbers of seats won and share of the popular vote achieved by the various political parties in the past two cycles of the Welsh Assembly elections.

Figure 15: Numbers of seats and share of vote at Welsh Assembly elections

Type of Vote	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	Others
2011							
Directly elected	6 25.0%	28 42.3%	1 10.6%	5 19.3%	N/A	0 0.2%	0 2.6%
Regional lists	8 22.5%	2 36.9%	4 8.0%	6 17.9%	0 4.6%	0 3.4%	0 6.7%
2007							
Directly elected	5 22.4%	24 32.2%	3 14.6%	7 22.4%	0 1.8%	N/A	0 6.6%
Regional lists	7 21.5%	2 29.6%	3 11.7%	8 21.0%	0 4.0%	0 3.5%	0 7.7%

Source: BBC and Electoral Commission

Scottish Parliamentary elections

A2.10 Figure 16 shows the numbers of seats won and share of the popular vote achieved by the various political parties in the past two cycles of the Scottish Parliamentary elections.

Figure 16: Numbers of seats and share of vote at Scottish Parliamentary elections

Type of Vote	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	Others
2011							
Directly elected	3 13.9%	15 31.7%	2 7.9%	53 45.4%	0 0.1%	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 6.8%
2007							
Directly elected	4 16.6%	37 32.1%	11 16.2%	21 32.9%	N/A	0 0.2%	0 2.0%
Regional lists	13 13.9%	9 29.2%	5 11.3%	26 31.0%	0 0.4%	2 4.0%	0 10.2%

Source: Electoral Commission

Northern Ireland Assembly elections

A2.11 Figure 17 shows the numbers of seats won and share of the popular vote achieved by the various political parties in the past two cycles of the Northern Ireland Assembly elections.

Figure 17: Numbers of seats and share of vote at Northern Ireland Assembly elections

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	UKIP	Others
2011								
38 30.0%	29 26.9%	14 14.2%	16 13.2%	8 7.7%	1 2.5%	1 0.9%	0 0.6%	1 4.0%
2007								
36 30.1%	28 26.2%	16 15.2%	18 14.9%	7 5.2%	N/A	1 1.7%	0 0.2%	2 7.5%

Source: BBC

Previous results of other significant elections which are not being contested in 2016

A2.12 Figures 18 to 22 set out the number of seats won and share of the popular vote achieved by the various political parties in a range of other significant elections which are not being contested in May 2016.

European Parliamentary elections

Figure 18: Number of seats and share of vote at the 2014 European Parliamentary elections – England, Wales and Scotland

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party ¹⁰⁸	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: Number of seats and share of vote at the 2014 European Parliamentary elections – Northern Ireland

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	UKIP	Others
1 20.9%	1 25.5%	0 13.0%	1 13.3%	0 7.1%	0 12.1%	0 1.7%	0 3.9%	0 2.5%

Source: BBC and House of Commons Library

¹⁰⁸ And the Scottish Green Party

*Welsh local elections***Figure 20: Number of seats and share of vote at the 2012 Welsh local elections**

Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	Others
104 12.7%	577 35.6%	72 8.0%	158 15.7%	2 0.3%	0 1.2%	311 26.5%

Source: The Elections Centre, Plymouth University

*Scottish local elections***Figure 21: Number of seats and share of vote at the 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 2.3%	204 13.8%

Source: Electoral Commission

*Northern Ireland local elections***Figure 22: Number of seats and share of vote at the 2014 Northern Ireland local elections**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	UKIP	Others
130 23.1%	105 24.1%	66 13.6%	88 16.2%	32 6.7%	13 4.5%	4 0.9%	3 1.4%	6 9.5%

Source: BBC

Evidence of current support

A2.13 We lay out below evidence of current support, as indicated by opinion polls, in respect of the four separate nations of the UK.

England

A2.14 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 2015 Review, we used the Great Britain-wide polls as a proxy for gauging levels of current support in England only, derived from two sources: the BBC Polls of Polls and the Polling Observatory project¹⁰⁹. The BBC Poll of Polls has not been compiled since the 2015 General election. We have therefore used only the Polling Observatory figures for the purposes of gauging indicative support for the various parties in England.

A2.15 The Polling Observatory 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").

¹⁰⁹ See <http://sotonpolitics.org/tag/polling-observatory/>

Since the 2015 General Election, the Polling Observatory has chosen to anchor its estimates on the average polling organisation, which means the data in figure 22 below are those of a hypothetical pollster that, on average, falls in the middle of the various polling organisations¹¹⁰. Figure 23 shows the Polling Observatory data since the General Election on 7 May 2015 to November 2015.

Figure 23: Polling Observatory opinion poll data (Great Britain-wide) May 2015 to November 2015

Date	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
26/11/2015	38.9%	30.5%	6.8%	14.0%	3.3%	6.5%
19/11/2015	38.7%	30.7%	6.8%	13.6%	3.4%	6.8%
12/11/2015	37.9%	30.9%	6.9%	13.5%	3.5%	7.3%
05/11/2015	37.7%	31.2%	6.9%	13.4%	3.4%	7.4%
29/10/2015	37.2%	32.4%	6.9%	13.2%	3.1%	7.2%
22/10/2015	37.9%	31.8%	6.8%	13.7%	3.1%	6.7%
15/10/2015	38.2%	31.7%	6.8%	13.5%	3.3%	6.5%
08/10/2015	37.9%	31.7%	6.9%	13.5%	3.3%	6.7%
01/10/2015	37.5%	31.7%	6.9%	13.4%	3.3%	7.2%
24/09/2015	38.6%	31.7%	6.9%	13.1%	3.7%	6.0%
17/09/2015	38.6%	31.4%	6.9%	13.2%	3.7%	6.2%
10/09/2015	38.6%	31.1%	6.9%	12.8%	4.4%	6.2%
03/09/2015	38.7%	31.0%	6.9%	12.7%	4.5%	6.2%
27/08/2015	38.8%	30.8%	7.0%	12.5%	4.8%	6.1%
20/08/2015	38.4%	30.8%	7.0%	12.8%	4.5%	6.5%
13/08/2015	38.5%	30.7%	6.9%	12.8%	4.5%	6.6%
06/08/2015	38.3%	30.6%	6.9%	12.7%	4.8%	6.7%
30/07/2015	38.0%	30.5%	6.9%	12.6%	5.1%	6.9%
23/07/2015	37.9%	30.5%	6.9%	12.8%	5.5%	6.4%
16/07/2015	38.0%	30.7%	6.9%	12.8%	5.2%	6.4%
09/07/2015	37.9%	30.4%	7.0%	12.7%	5.4%	6.6%
02/07/2015	37.8%	30.0%	7.0%	12.5%	5.5%	7.2%
25/06/2015	38.2%	30.0%	7.0%	12.4%	5.4%	7.0%
18/06/2015	38.5%	29.9%	7.1%	12.4%	5.4%	6.7%
11/06/2015	38.9%	30.2%	7.1%	12.0%	5.3%	6.5%
04/06/2015	39.3%	30.4%	7.1%	11.6%	5.1%	6.5%
28/05/2015	40.2%	30.5%	7.1%	11.2%	5.0%	6.0%
21/05/2015	40.2%	30.3%	7.1%	11.2%	4.8%	6.4%
14/05/2015	40.3%	30.2%	7.1%	11.3%	4.6%	6.5%
Average	38.5%	30.8%	6.9%	12.8%	4.4%	6.6%

Source: Polling Observatory

¹¹⁰ Following the well-publicised failure of the various polling organisations to accurately predict the results of the 2015 General Election, all of the polling organisations have been undertaking reviews of their methods. The Polling Observatory has therefore stressed that whilst it accounts for the uncertainty due to random fluctuation in the polls and for differences between polling organisations, it cannot be sure that there is no systematic bias in the average polling organisation (i.e. the polling industry as a whole could be inaccurately measuring levels of support). The Polling Observatory has stated: "It may be that the polls are collectively right or wrong. It may also be that a pollster producing figures higher or lower than the average is more accurately reflecting the state of support for the parties than their competitors. Our estimates cannot adjudicate on whether figures on the high or the low side for a party better reflect the underlying preference of the electorate".

Wales

A2.16 It is Ofcom's understanding that very few opinion polls have been carried out in relation to Wales only. Figure 24 sets out indicative levels of current support for the period from the General Election on 7 May 2015 to December 2015, as suggested by two polls carried out by YouGov.

Figure 24: Opinion poll data (Wales only) May 2015 to December 2015)

Date	Type of Vote	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	Others
Dec. 2015	Directly elected	23.0%	35.0%	5.0%	20.0%	15.0%	2.0%	1.0%
	Regional lists	23.0%	34.0%	4.0%	18.0%	16.0%	4.0%	2.0%
Sept. 2015	Directly elected	23.0%	39.0%	6.0%	18.0%	13.0%	2.0%	0.0%
	Regional lists	24.0%	34.0%	5.0%	18.0%	14.0%	4.0%	1.0%
June 2015	Directly elected	23.0%	35.0%	5.0%	20.0%	14.0%	3.0%	0.0%
	Regional lists	22.0%	32.0%	5.0%	20.0%	14.0%	4.0%	3.0%
Average	Directly elected	23.0%	36.3%	5.3%	19.3%	14.0%	2.3%	0.3%
	Regional lists	23.0%	33.3%	4.7%	18.7%	14.7%	4.0%	2.0%

Source: YouGov

Scotland

A2.18 It is also Ofcom's understanding that more opinion polls have been carried out in relation to Scotland only compared with Wales only. Figure 25 indicates levels of current opinion poll support for the period from the General Election on 7 May 2015 to December 2015 in Scotland only, according to opinion polls carried out by: Ipsos-Mori; Panelbase; Survation; TNS-BMRB; and YouGov.

[See next page]

Figure 25: Opinion poll data (Scotland only) May 2015 to December 2015

Date	Type of Vote	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green	Others
Dec. 2015 (TNS-BMRB)	Directly elected	12.0%	21.0%	4.0%	58.0%	See others	See others	5.0%
	Regional lists	12.0%	20.0%	4.0%	54.0%	1.0%	9.0%	0.0%
Nov. 2015 (TNS-BMRB)	Directly elected	12.0%	24.0%	4.0%	58.0%	See others	See others	2.0%
	Regional lists	11.0%	25.0%	5.0%	52.0%	2.0%	5.0%	0.0%
Oct. 2015 (YouGov)	Directly elected	19.0%	21.0%	5.0%	51.0%	1.0%	2.0%	1.0%
	Regional lists	19.0%	20.0%	5.0%	45.0%	3.0%	6.0%	2.0%
Oct. 2015 (TNS-BMRB)	Directly elected	12.0%	21.0%	6.0%	56.0%	See others	See others	5.0%
	Regional lists	11.0%	23.0%	6.0%	52.0%	3.0%	5.0%	0.0%
Sept. 2015 (Panelbase)	Directly elected	14.0%	23.0%	6.0%	52.0%	2.0%	3.0%	0.0%
	Regional lists	15.0%	22.0%	6.0%	48.0%	3.0%	6.0%	0.0%
Sept. 2015 (Survation)	Directly elected	14.0%	22.0%	6.0%	53.0%	2.0%	2.0%	1.0%
	Regional lists	13.0%	21.0%	6.0%	42.0%	5.0%	11.0%	2.0%
Sept. 2015 (YouGov)	Directly elected	18.0%	22.0%	4.0%	51.0%	2.0%	2.0%	1.0%
	Regional lists	18.0%	20.0%	4.0%	45.0%	3.0%	6.0%	4.0%
Sept. 2015 (TNS-BMRB)	Directly elected	12.0%	23.0%	5.0%	58.0%	See others	See others	2.0%
	Regional lists	11.0%	24.0%	6.0%	51.0%	1.0%	6.0%	1.0%
Sept. 2015 (Ipsos-Mori)	Directly elected	12.0%	20.0%	7.0%	55.0%	1.0%	4.0%	1.0%
	Regional lists	12.0%	20.0%	7.0%	50.0%	0.0%	8.0%	3.0%
Aug. 2015 (TNS-BMRB)	Directly elected	12.0%	20.0%	3.0%	62.0%	See others	See others	3.0%
	Regional lists	12.0%	20.0%	4.0%	54.0%	1.0%	8.0%	1.0%
July 2015 (Panelbase)	Directly elected	15.0%	22.0%	5.0%	53.0%	2.0%	2.0%	1.0%
	Regional lists	15.0%	21.0%	5.0%	48.0%	2.0%	6.0%	3.0%
July 2015 (TNS-BMRB)	Directly elected	14.0%	20.0%	5.0%	60.0%	See others	See others	1.0%
	Regional lists	13.0%	21.0%	5.0%	51.0%	1.0%	7.0%	2.0%
July 2015 (Survation)	Directly elected	14.0%	20.0%	7.0%	56.0%	1.0%	2.0%	0.0%
	Regional lists	12.0%	19.0%	8.0%	45.0%	5.0%	11.0%	0.0%
Average	Directly elected	13.8%	21.5%	5.2%	55.6%	c.1.8%	c.2.8%	c.0.8%
	Regional lists	13.4%	21.2%	5.5%	49.0%	2.3%	7.2%	1.4%

Source: Ipsos-Mori, Panelbase, Survation, TNS-BMRB and YouGov

Northern Ireland

A2.19 Ofcom is aware of only one opinion poll having been conducted in Northern Ireland since the 2015 General Election. This was produced by Lucidtalk in December 2015 and is reproduced in figure 26.

Figure 26: Opinion poll data (Northern Ireland-only) May 2015 to December 2015

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	UKIP	Others
25.8%	25.4%	10.8%	15.0%	7.6%	3.2%	2.4%	2.2%	7.6%

Source: Lucidtalk

Annex 3

Responding to this consultation

A3.1 This Annex sets out Ofcom's consultation principles and processes, and explains how to respond to this consultation. Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Thursday 4 February 2016 at the latest.**

Ofcom's consultation principles

A3.2 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A3.3 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A3.4 We will be clear about who we are consulting, why, on what questions and for how long.

A3.5 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A3.6 We will consult for up to ten weeks depending on the potential impact of our proposals.

A3.7 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A3.8 If we are not able to follow one of these principles, we will explain why.

After the consultation

A3.9 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

A3.10 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk We would particularly welcome thoughts on how Ofcom

could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.

- A3.11 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's Consultation Champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email: Graham.Howell@ofcom.org.uk

How to respond

- A3.12 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Thursday 4 February 2016 at the latest**.

- A3.13 We strongly prefer to receive responses using the online web form at <https://stakeholders.ofcom.org.uk/consultations/major-political-parties-2014/howtorespond/form> as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 4), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.

- A3.14 For larger consultation responses - particularly those with supporting charts, tables or other data - please email adam.baxter@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.

- A3.15 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation:

Adam Baxter
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

Fax: 020 7981 3807

- A3.16 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

- A3.17 It would be helpful if your response could include direct answers to the questions asked in this document. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A3.18 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Adam Baxter on 020 7981 3236.

Confidentiality

- A3.19 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A3.20 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. Sometimes, however, we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.21 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/account/disclaimer/>

Next steps

- A3.22 Following the end of the consultation period, Ofcom intends to publish a statement setting out our decision on the issues in this consultation in early March 2015.
- A3.23 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Annex 4

Consultation response cover sheet

- A4.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk
- A4.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A4.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A4.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at <http://stakeholders.ofcom.org.uk/consultations/consultation-response-coversheet/>
- A4.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)