



Review of Ofcom list of major
political parties for elections taking
place on 22 May 2014
Consultation

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Section 1

Executive summary

Introduction

- 1.1 This document is a consultation on Ofcom's review of the list of 'major parties' for the European Parliamentary elections (UK-wide), English local government elections (in some parts of England) and English mayoral elections (in five areas), which will be held on 22 May 2014¹.
- 1.2 During these election campaigns, there will be two types of broadcast content relevant to those elections:
- party election broadcasts ("PEBs"): PEBs are granted by relevant broadcasters to registered political parties under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")². In summary, in the May 2014 elections PEBs must be broadcast by: regional Channel 3 services for the European Parliamentary elections and English local government elections³; and Channel 5 for the European Parliamentary elections; and
 - broadcasters' own coverage of the May 2014 elections: broadcasters' news and current affairs coverage (as well as other programming relevant to the elections) must comply with Section Five (due impartiality)⁴ and Section Six (elections and referendums)⁵ of the Ofcom Broadcasting Code ("the Code").
- 1.3 The PPRB Rules and Section Six of the Code impose obligations on broadcasters by reference to a defined list of major parties⁶, which is contained in a self-standing annex to both the PPRB Rules and Section Six of the Code. In Annex 1 we summarise the obligations contained in the PPRB Rules and Section Six of the Code as regards the major political parties.
- 1.4 In this consultation, we explain:
- a) the background to the current review;

¹ Due to take place in: Hackney; Lewisham; Newham; Tower Hamlets; and Watford. These are a form of English local election. In this consultation we consider it appropriate to treat the 2014 English local elections and 2014 English mayoral elections together when reviewing the list of major parties for the purposes of the 'English local elections'.

² See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>. As explained further in Annex 1, section 333 of the Communications Act 2003 empowers Ofcom to make rules which may include provision for determining the political parties on whose behalf party political broadcasts, including PEBs, may be made. The PPRB Rules contain minimum requirements set by Ofcom which Licensees must abide by in deciding the allocation, length, frequency and scheduling of PEBs and broadcasts outside of elections, party political broadcasts ("PPBs").

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

⁴ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf>

⁵ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁶ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

- b) our proposals for the appropriate framework within which the evidence of past electoral support and current support for political parties should be assessed for determining the composition of the list of major parties;
- c) the evidence available to Ofcom of past electoral support and current support for the various political parties ahead of the elections due to take place on 22 May 2014, and Ofcom's analysis of that evidence; and
- d) the effect of the methodologies we propose for the assessment of the evidence on the composition of the list of major parties specific to the elections due to take place on 22 May 2014.

Background to the review

- 1.5 During 2012/13, we consulted ("the PPRB Consultation")⁷ on revised PPRB Rules and Proposed Code Guidance on Section Five (due impartiality) and Section Six (elections and referendums) of the Code. On 21 March 2013, we published our Statement ("the PPRB Statement")⁸, which set out revised PPRB Rules revised Guidance for Section Five and Section Six of the Code.
- 1.6 When we published the PPRB Statement, we confirmed our view that the concept of a list of major parties remained fit for purpose in both the PPRB Rules and Section Six of the Code. In recognition of stakeholder concerns that there had not been sufficient flexibility surrounding the concept of major parties we removed⁹ the list of major parties from the PPRB Rules and Section Six of the Code and we placed the list in a separate annex. We explained that, in future, we would carry out periodic reviews of the list of major parties by reference to a defined set of principles, with a view to updating it as appropriate¹⁰. We anticipated that the first review of the list of major parties would take place ahead of the European Parliamentary elections in 2014. The current list of major parties is set out in Figure 1¹¹ (see paragraph 2.8 below).
- 1.7 Given the short period of time since the publication of the PPRB Statement, and the fact that there have been no elections in the intervening period¹², we do not consider that there are any reasons to change the existing list of major parties for all sets of elections. Therefore, this consultation looks specifically at whether the available evidence supports the addition of any other political party to the list of major parties solely for the purposes of the European Parliamentary elections and/or English local (and English mayoral) elections taking place on 22 May 2014.

⁷ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/summary/condoc.pdf>

⁸ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf>

⁹ Until 21 March 2013, the major parties were listed on the face of both the PPRB Rules and Section Six of the Code.

¹⁰ See paragraphs 2.10 and 2.11 below.

¹¹ In the PPRB Statement, we confirmed that, as a result of the responses we had received from stakeholders, we would be adding the Alliance Party in Northern Ireland to the list of major parties on an on-going basis.

¹² Apart from a small number of by-elections at, for example, local government level.

The framework for Ofcom's assessment of the available electoral evidence

- 1.8 As this is the first time we have undertaken a review of the list of major parties based on the principles set out in the PPRB Statement, we have considered the appropriate framework for undertaking our analysis of the available evidence.
- 1.9 It may be the case that the evidence does not demonstrate that a particular party's performance justifies its addition to the list of the major parties on an ongoing basis for all elections, but that its performance in a particular set of elections may justify its inclusion.
- 1.10 Ofcom has also taken into account that, to date, the major parties have been of two types:
- political parties that field candidates across each of the nations making up Great Britain¹³ (i.e. the Conservative Party, the Labour Party and the Liberal Democrats); and
 - political parties that only field candidates within one of Wales, Scotland, or Northern Ireland (i.e. the Scottish National Party, Plaid Cymru and the Northern Ireland parties).
- 1.11 Certain elections relate to a single nation of the UK. For such elections, we consider that assessing past electoral support and current support for political parties is relatively straight forward. We would consider the available electoral data for those elections in that country. We envisage such a framework would apply to the assessment of evidence for parties currently on the list and those currently not on the list.
- 1.12 For elections that take place across Great Britain¹⁴, such as General Elections or European Parliamentary elections, we consider there are three potential approaches to the assessment of the evidence of past electoral support and current support¹⁵:
- **A 'Great Britain-wide' approach:** Under this approach, for parties that field candidates across Great Britain, we would assess evidence of past electoral support and current support across Great Britain as a whole and consider their inclusion on the list of major parties across the whole of Great Britain as a whole. For parties who field candidates in just one nation, our analysis would just consider the relevant electoral evidence for that nation.
 - **A 'nation-by-nation' approach:** Under this approach, we would separately assess the evidence of each party's past electoral performance and current support in each nation and consider their inclusion on a nation-by-nation basis.

¹³ Parties from Great Britain rarely if ever field candidates in Northern Ireland, and as a consequence do not have significant levels of support in Northern Ireland.

¹⁴ Although certain types of election, such as General Elections and European Parliamentary elections take place across the UK, our review recognises that parties rarely, if ever, field candidates across all four nations of the UK, including Northern Ireland. However, as mentioned in paragraph 1.10 above, certain parties field candidates across each of the nations making up Great Britain.

¹⁵ Police and Crime Commissioner elections take place in England and Wales, so we envisage adopting a similar approach to assessing support for parties which fields candidates in those elections, as would apply to Great Britain-wide elections.

- **A ‘Two-stage’ approach:** Under this approach, there would be two separate stages of assessment, combining the two approaches above. Under stage one, a Great Britain-wide assessment would be undertaken. If a party did not merit being added to the list of major parties for Great Britain as a whole on that basis, at stage two Ofcom would carry out a nation-by-nation assessment of the evidence to determine whether a particular party should, nevertheless, be added to the list of major parties in respect of specific nations of Great Britain only.

1.13 In paragraphs 2.22 to 2.28 we discuss the advantages and disadvantages of all three approaches and ask stakeholders for their views as to which is the appropriate framework within which Ofcom should assess the evidence of parties’ past electoral support and current in Great Britain-wide elections.

Our analysis of evidence of past electoral support and current support for the purposes of the May 2014 elections

1.14 In paragraphs 2.30 to 2.32 below we set out our assessment of two sets of evidence: first, levels of past electoral support in the European Parliamentary elections (on a Great Britain-wide and nation-by-nation basis) and English local (and English mayoral) elections; and second, levels of current support across Great Britain for the period October 2012 to September 2013, and separately within Wales and Scotland as demonstrated by opinion polls. This data is contained in Annex 2.

The effect of our proposals on the list of major parties specific to the 22 May 2014 elections

1.15 On the basis of our analysis of the available evidence, we set out the effect of adopting each of the three methodologies. We consult on the following:

- For the 2014 European Parliamentary elections only:
 - Adopting the Great Britain-wide approach: the United Kingdom Independence Party (“UKIP”) would be added to the list of major parties in respect of the 2014 European Parliamentary elections in England, Wales and Scotland;
 - Adopting the nation-by-nation approach: UKIP would be added to the list of major parties in respect of the 2014 European Parliamentary elections in England and Wales only (not Scotland); and
 - Adopting the ‘Two-stage’ approach: UKIP would be added to the list of major parties in respect of the 2014 European Parliamentary elections in England, Wales and Scotland.
- For the 2014 English local elections only: there would be no additions to the list of major parties for the 2014 English local (and English mayoral) elections.

Next steps

1.16 Interested stakeholders are invited to provide Ofcom with their comments by **5pm on Thursday, 19 December 2013**. Annex 3 contains details of how to respond to this consultation.

- 1.17 Our objective is to publish a short Statement in early 2014 including, if appropriate, any revised list of major parties.

Section 2

Review of Ofcom list of major political parties

Introduction

- 2.1 This document is a consultation on Ofcom's review of the list of 'major parties' for the European Parliamentary elections (UK-wide), English local government elections (in some parts of England) and English mayoral elections (in five areas), which will be held on 22 May 2014¹⁶.
- 2.2 During these election campaigns, there will be two types of broadcast content relevant to those elections:
- party election broadcasts ("PEBs"): PEBs are granted by relevant broadcasters to registered political parties under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")¹⁷. In summary, in the May 2014 elections PEBs must be broadcast by: regional Channel 3 services for the European Parliamentary elections and English local government elections¹⁸; and Channel 5 for the European Parliamentary elections; and
 - broadcasters' own coverage of the May 2014 elections: broadcasters' news and current affairs coverage (as well as other programming relevant to the elections) must comply with Section Five (due impartiality)¹⁹ and Section Six (elections and referendums)²⁰ of the Ofcom Broadcasting Code ("the Code").
- 2.3 The PPRB Rules and Section Six of the Code impose obligations on broadcasters by reference to a defined list of major parties²¹, which is contained in a self-standing annex to both the PPRB Rules and Section Six of the Code. This list is important for Ofcom's regulation of election coverage under the Code and for the allocation of PEBs because it defines the "major parties" for the purposes of both the PPRB Rules and Section Six of the Code. In summary, the list of major parties reflects the fact that some political parties have a significant level of electoral support, and number of elected representatives, across a range of elections within the UK or the devolved

¹⁶ Due to take place in: Hackney; Lewisham; Newham; Tower Hamlets; and Watford. These are a form of English local election. In this consultation we consider it appropriate to treat the 2014 English local elections and 2014 English mayoral elections together when reviewing the list of major parties for the purposes of the 'English local elections'.

¹⁷ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>. As explained further in Annex 1, section 333 of the Communications Act 2003 empowers Ofcom to make rules which may include provision for determining the political parties on whose behalf party political broadcasts, including PEBs, may be made. The PPRB Rules contain minimum requirements set by Ofcom which Licensees must abide by in deciding the allocation, length, frequency and scheduling of PEBs and broadcasts outside of elections, party political broadcasts ("PPBs").

¹⁸ In addition, under the PPRB Rules, local digital television programme service licensees must carry local election broadcasts for the English local government elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee.

¹⁹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section5.pdf>

²⁰ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

²¹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/major-parties.pdf>

nations. The current list of major parties is reproduced in Figure 1 (see paragraph 2.8 below).

- 2.4 In Annex 1 we summarise the obligations contained in the PPRB Rules and Section Six of the Code as regards the major political parties. For example, during elections major parties automatically qualify for at least two PEBs, whereas other parties can qualify for a single PEB depending on the type of election e.g. if a party is standing in one sixth of seats in a General Election. In addition, the relevant broadcasters should consider making additional allocations of PEBs to parties, other than the major parties who have qualified for a single PEB, if evidence of their past electoral support and/or current support at a particular election or in a relevant nation/electoral area means it would be appropriate to do so.
- 2.5 In this consultation, we explain:
- a) the background to the current review;
 - b) our proposals for the appropriate framework within which the evidence of past electoral support and current support for political parties should be assessed, for determining the composition of the list of major parties;
 - c) the evidence available to Ofcom of past electoral support and current support for the various political parties specific to the elections due to take place on 22 May 2014, and Ofcom's analysis of that evidence; and
 - d) the effect of the methodologies we propose for the assessment of the evidence on the composition of the list of major parties specific to the elections due to take place on 22 May 2014.
- 2.6 As explained further in the background section below, we updated the composition of the list of major parties in the course of the review undertaken in 2012/13, which culminated in our statement of 21 March 2013 entitled *A review of the Ofcom Rules on Party Political and Referendum Broadcasts and Proposed Ofcom Guidance for broadcast coverage of elections* ("the PPRB Statement")²². In the Statement, we confirmed that the current list of major parties on an on-going basis was as is set out in Figure 1 at paragraph 2.8 below²³. Given the short period of time since the conclusion of that review and the fact that there have been no elections in the intervening period²⁴, we do not consider that there are any reasons to change the existing list of major parties for all sets of elections. Therefore, this consultation looks specifically at whether the available evidence supports the addition of any other political party to the list of major parties solely for the purposes of the European Parliamentary elections and/or English local (and English mayoral) elections taking place on 22 May 2014.

Background to the review

- 2.7 During 2012/13, we consulted on revised PPRB Rules and Proposed Code Guidance on Section Five (due impartiality) and Section Six (elections and referendums) of the

²² See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf>

²³ In the PPRB Statement, we confirmed that, as a result of the responses we had received from stakeholders, we would be adding the Alliance Party in Northern Ireland to the list of major parties on an on-going basis.

²⁴ Apart from a small number of by-elections at, for example, local government level.

Code (“the PPRB Consultation”)²⁵. On 21 March 2013 we published the PPRB Statement²⁶, which set out revised PPRB Rules and Guidance for Sections Five and Six of the Code.

- 2.8 In the PPRB Statement, we confirmed our view that the concept of a list of major parties remained fit for purpose in both the PPRB Rules and Section Six of the Code. We said, for example, that the list of major parties provides certainty in framing broadcasters’ decisions concerning allocations of PEBs, as well as those affecting editorial decisions under the Code. In recognition of stakeholder concerns that there had not been sufficient flexibility surrounding the concept of major parties, we removed the list of major parties from the PPRB Rules and Section Six of the Code and placed it in a separate annex²⁷. We explained that, in future, we would carry out periodic reviews of the list of major parties with a view to updating it as appropriate.

The current Ofcom list of major parties (published 21 March 2013)

1. This document sets out the definition of “major parties” as applies to Section Six of the Ofcom Broadcasting Code²⁸ and the Ofcom rules on Party Political and Referendum Broadcasts²⁹.
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.

Figure 1

- 2.9 Ofcom has a number of statutory obligations in this context. Under section 333(5) of the Communications Act 2003, Ofcom must have regard to any views expressed by the Electoral Commission before making (or changing) the PPRB Rules. Moreover, under section 93 of the Representation of the People Act 1983 (as amended) Ofcom is required to adopt a code of practice with respect to the participation of candidates at a parliamentary or local government election in broadcast items about the constituency or electoral area in question. This obligation is repeated in a number of statutory instruments with respect to broadcast items covering elections to the Scottish Parliament, the Welsh Assembly, the Northern Irish Assembly, the European

²⁵ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/summary/condoc.pdf>

²⁶ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf>

²⁷ Until 21 March 2013, the major parties were listed on the face of both the PPRB Rules and Section Six of the Code.

²⁸ See <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/elections/>

²⁹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

Parliament and the post of Police and Crime Commissioner³⁰. In each case, before drawing up such a code of practice, we must have regard to any views expressed by the Electoral Commission. We consider that we have met these obligations 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 Guidance³¹. Furthermore, the list of major parties is a key component of the Code of Practice that relates to each of the relevant UK elections mentioned above.

2.10 In paragraph 3.32 of the PPRB Statement, we explained that we did not think that it would be necessary or proportionate to undertake an automatic annual review of the list of major parties because there would be particular years when there would not be cogent reasons for reviewing the list. However, we said that we anticipated the first review of the list of major parties would probably take place ahead of the European Parliamentary elections in 2014.

2.11 At paragraph 3.33 of the PPRB Statement, we said the list of major parties would be reviewed in future in accordance with the following principles:

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

³⁰ 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.

³¹ On 21 March 2013, as a result of the PPRB Statement, we published revised Guidance relating to Section Five of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section5.pdf>); and Section Six of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>).

- 2.12 Taking into account the principles in paragraphs 2.10 and 2.11 above, given the short period of time since the conclusion of the previous review and the fact that there have been no elections in the intervening period, we do not consider that there are any reasons to review the existing list of major parties for all sets of elections on an ongoing basis at this time. However, we do consider that it is appropriate to review the composition of the list of major parties specifically for the elections due to take place on 22 May 2014.
- 2.13 This is the first time such an assessment has been carried out applying the principles and policy framework set out in the PPRB Statement. Our review has therefore focussed in particular on the application of the principles and policy framework discussed above to the available electoral data. We are therefore consulting on our proposals for an appropriate framework within which to assess the evidence of past electoral support and current support for political parties, for determining the composition of the list of major parties and our analysis of that evidence.

The framework for Ofcom's assessment of the available electoral evidence

- 2.14 As this is the first time we have undertaken a review of the list of major parties based on the principles set out above, we have considered the appropriate framework for undertaking our analysis of the available evidence. We set out the potential approaches that we have identified below. Whilst future assessments of the composition of the list of major parties will be undertaken on a case-by-case basis in the light of the available evidence, subject to the responses we receive to this consultation, Ofcom will be guided by the approach ultimately adopted in the present review. As we recognised in the PPRB Statement, it may be the case that the evidence does not demonstrate that a particular party's performance justifies its addition to the list of the major parties on an ongoing basis for all elections, but that its performance in a specific set of elections may justify its inclusion.
- 2.15 Ofcom has also taken into account that, to date, the major parties (i.e. those parties on the current list) have been of two types:
- political parties that field candidates across each of the nations making up Great Britain (i.e. the Conservative Party, the Labour Party and the Liberal Democrats); and
 - political parties that only field candidates within one of Wales, Scotland, or Northern Ireland (i.e. the Scottish National Party, Plaid Cymru and the Northern Ireland parties respectively).
- 2.16 This is reflected in paragraphs 3, 4 and 5 of the major parties list at Figure 1. We consider that it remains important to adopt a framework for the assessment of evidence that recognises this position.
- 2.17 Although certain types of election, such as General Elections and European Parliamentary elections take place across the UK, our review recognises that parties rarely, if ever, field candidates across all four nations of the UK, including Northern Ireland. However, as mentioned in paragraph 2.15 above, certain parties field candidates across each of the nations making up Great Britain.

Elections relating to a single nation

- 2.18 Certain elections relate to a single nation of the UK. This would include the English local (and English mayoral) elections being held in May 2014. It would also include elections to the Welsh and Northern Ireland Assemblies and Scottish Parliament. For such single nation elections, we consider that assessing past electoral support and current support for political parties is relatively straightforward. We would consider the available electoral data for those elections in that country. We envisage such a framework would apply to the assessment of evidence for parties currently on the list and those not currently on the list.

Great Britain-wide elections

- 2.19 For elections that take place across Great Britain³² such as General Elections and European Parliamentary elections, and in the case of parties that field candidates across Great Britain, we consider that there are a number of potential approaches to the assessment of the evidence of past electoral support and current support that could be adopted³³.
- 2.20 In our view there are three potential approaches to the assessment of the available electoral evidence that could be adopted:
- 2.20.1 **A ‘Great Britain-wide’ approach:** Under this approach for parties that field candidates across Great Britain we would assess the evidence of past electoral support and current support across Great Britain as a whole and consider their inclusion on the list of major parties across the whole of Great Britain on this basis. For parties who field candidates in just one nation, our analysis would just consider the relevant electoral evidence for that nation.
- 2.20.2 **A ‘nation-by-nation’ approach:** Under this approach we would separately assess the evidence of each party’s past electoral performance and current support in each nation and consider their inclusion on the list of major parties on a nation-by-nation basis.
- 2.20.3 **A ‘Two-stage’ approach:** Under this approach there would be two separate stages of assessment, combining the two approaches above. Under stage one a Great Britain-wide assessment would be undertaken. If a party did not merit being added to the list of major parties for Great Britain as a whole on that basis, at stage two, Ofcom would carry out a nation-by-nation assessment of the evidence to determine whether a particular party should, nevertheless, be added to the list of major parties in respect of specific nations of Great Britain only.
- 2.21 There are advantages and disadvantages to all three potential approaches.
- 2.22 We set out first some of the arguments in favour of a Great Britain-wide approach only:

³² See paragraph 2.17 above. Parties from Great Britain rarely if ever field candidates in Northern Ireland, and as a consequence do not have significant levels of support in Northern Ireland.

³³ Police and Crime Commissioner elections take place in England and Wales, so we envisage adopting a similar approach to assessing support for parties which field candidates in those elections, as for Great Britain-wide elections.

- assessing such a party's performance across Great Britain as a whole recognises that in certain types of election (principally, General Elections and European Parliamentary elections) there are parties fielding candidates across Great Britain that are appealing for votes on a Great Britain-wide basis. Therefore, it could be argued that it is appropriate to assess that party's aggregate past electoral performance and levels of current support across England, Wales and Scotland as a whole. This is because such parties have a true national profile across large parts of Great Britain. For example, the existing Great Britain-wide major parties (the Conservative Party, the Labour Party, and the Liberal Democrats) have established a 'national' profile across Great Britain as a whole; and
- such an approach also recognises that some broadcasters providing PEBs (such as Channel 5 during European Parliamentary elections, and Channel 4, Channel 5 and the national radio broadcasters during General Elections) transmit these broadcasts on a Great Britain-wide basis. It is therefore not possible for these broadcasters to transmit their PEBs only to certain nations of Great Britain.

2.23 However, there are potential disadvantages to the Great Britain-wide approach. For example:

- if assessments of support for a party that fielded candidates in only one or two nations of Great Britain were undertaken on a Great Britain-wide basis only, this could be argued to be inflexible and not reflect changes in the political landscape. This is because if a party demonstrated significant levels of past electoral support and current support (or fielded candidates) in only one or two, rather than all three, nations of Great Britain, this might prevent this party being added to the list of major parties;
- if a party were added to the list of major parties for all of Great Britain on the basis of it having significant past electoral support and current support in just one or two nations of Great Britain, it could be argued that that party would be unduly favoured in the nation(s) where it demonstrates insignificant past electoral support and current support relative to the other major parties; and
- similarly, such an approach might prevent a party already on the list of major parties being removed from the list in a nation in which their levels of support had decreased to relatively low levels, although their overall levels of support across Great Britain remained materially high.

2.24 The arguments for a nation-by-nation approach reflect, in turn, the advantages and disadvantages of adopting a Great Britain-wide approach. A nation-by-nation analysis for example could:

- reflect more effectively changes to the political landscape, which was one of the policy objectives set out in the PPRB Statement;
- ensure that all parties, (i.e. both the national parties in Wales and Scotland, and parties that field candidates across all three nations of Great Britain) are assessed on the same basis, namely evidence of past electoral support and evidence of current support within individual nations; and

- be consistent with the requirement in the PPRB Rules³⁴ that allocations of PEBs be undertaken on a nation-by-nation basis.
- 2.25 There is, however, a potential disadvantage of adopting a nation-by-nation approach in certain types of election where parties are fielding candidates across Great Britain and seeking votes on a Great Britain-wide basis. It could be argued that adopting a nation-by-nation approach in these cases does not take appropriate account of the fact that in these cases some parties have established a ‘national’ profile across Great Britain as a whole and they are appealing for votes to the whole of this electorate.
- 2.26 A third option would be to take a ‘Two-stage’ approach, with the aim of combining the advantages of both the Great Britain-wide and nation-by-nation approaches described above and mitigating their disadvantages. With this option, if a party was fielding candidates across Great Britain, a first stage analysis would be carried out to assess its past electoral support and current support across Great Britain as a whole. If such a party merited on this basis being added to the list of major parties for Great Britain as a whole then the party would be added to the list for the relevant elections. If however the party did not warrant being added on this basis, a second stage assessment would then be carried out. This would assess the party’s past electoral performance and current support in each of the individual nations of Great Britain. The party could then still be added to the list for specific nations within Great Britain if the evidence of past electoral support and current support so merited.
- 2.27 The principal advantage of the ‘Two-stage’ approach is that when assessing a party’s past electoral performance and current support across in relation to Great Britain-wide elections, a party with significant levels of support in just one or two nations of Great Britain has a greater opportunity of being added to the list of major parties than would be the case under the Great Britain-wide approach.
- 2.28 We acknowledge there are arguments for all three methods of assessment identified above. We are therefore consulting on all three options to ascertain stakeholders’ views on which methodology they consider to be the appropriate framework within which to consider the evidence.

Question 1:

Which of the approaches described above do you think is the appropriate framework within which Ofcom should assess the evidence of parties’ past electoral support and current support in Great Britain-wide elections? If you do not agree with any of these approaches, please explain why and, if appropriate, suggest an alternative.

Our analysis of evidence of past electoral support and current support for the purposes of the May 2014 elections

- 2.29 In order to assess the composition of the list of major parties for the purposes of the May 2014 European Parliamentary, English local (and English mayoral) elections, we have assessed the electoral strength of the most significant political parties fielding candidates in those elections in some or all of countries which make up Great Britain.

³⁴ Rule 16 of the PPRB Rules states that: “In determining allocations of PEBs at elections, the four nations of the UK should be considered separately”.

We have taken into account two sets of evidence: first, levels of past electoral performance in the European Parliamentary, English local (and English mayoral) elections; and second, levels of current support across Great Britain for the period October 2012 to September 2013, and separately within Wales and Scotland as evidenced by available opinion poll data. This data is contained in Annex 2.

European Parliamentary elections in May 2014

2.30 We have considered the past electoral performance of those parties who field candidates in the European Parliamentary elections, as well as available evidence on current levels of support (see Annex 2). We noted the following on a Great Britain-wide and nation-by-nation basis. On a two-stage basis and based on the present evidence, our analysis is the same as that for the Great Britain-wide approach.

Great Britain-wide analysis

- in relation to the three existing major parties across Great Britain (the Conservative Party, the Labour Party and the Liberal Democrats):
 - these three parties have demonstrated significant past electoral support across Great Britain as a whole, all having achieved 13.7% and above in both 2004 and 2009 in the European elections; and
 - in terms of evidence of current support, all three of these parties continue to demonstrate significant levels of current support on the basis of the Great Britain-wide opinion polls: the Conservative Party (31.2%); Labour Party (39.6%) and the Liberal Democrats (10.4%);
- in addition to the existing three major parties, UKIP has demonstrated significant past electoral support (achieving 12 or more seats and more than 16.2% of the vote across Great Britain as a whole in both the 2004 and 2009 European Parliamentary elections);
- furthermore, UKIP has demonstrated significant levels of current support for a sustained period, achieving an average figure of 10.6% in the Great Britain-wide opinion polls; and
- no other parties have demonstrated significant levels of past electoral support or current support across Great Britain³⁵.

Nation-by-nation analysis

2.31 Our analysis of the available evidence in each of the nations of Great Britain is as follows:

England:

- in relation to the three existing major parties (the Conservative Party, the Labour Party and the Liberal Democrats):

³⁵ In relation to the European Parliamentary elections: the Green Party achieved 6.2% in 2004 and 8.6% in 2009; and the British National Party (“BNP”) achieved 4.9% in 2004 and 6.2% in 2009.

- these three parties have demonstrated significant past electoral support in England, all having achieved 14.1% and above in both 2004 and 2009; and
- in terms of evidence of current support, all three of these parties continue to demonstrate significant current support on the basis of the Great Britain-wide opinion polls³⁶: the Conservative Party (31.2%); the Labour Party (39.6%) and the Liberal Democrats (10.4%)³⁷;
- in addition to the existing three major parties in England, UKIP has demonstrated significant past electoral support (achieving 12 seats and more than 17.3% of the vote in England in both 2004 and 2009 European elections);
- furthermore, UKIP has demonstrated significant levels of current support for a sustained period, with an average polling figure of 10.6% in the Great Britain-wide opinion polls; and
- no other parties have demonstrated significant levels of past electoral support or current support in England³⁸.

Wales:

- in relation to the four existing major parties (the Conservative Party, the Labour Party, the Liberal Democrats and Plaid Cymru):
 - these four parties have demonstrated significant past electoral support in Wales, all having achieved 10.5% and above in both 2004 and 2009; and
 - in terms of evidence of current support, the limited data available in terms of Wales-only opinion polls, shows that the Conservative Party (23%), the Labour Party (46%) and Plaid Cymru (11.5%) have demonstrated significant current support. The Liberal Democrats (7.5%) have demonstrated a lower level of support;
- in addition to the existing four major parties in Wales, UKIP has demonstrated significant past electoral support (achieving 10.5% in 2004 and 12.8% in 2009);
- furthermore, in terms of evidence of current support, Wales-only opinion polls indicate 8.5% support for UKIP (a level equivalent to that of the Liberal Democrats); and
- no other parties have demonstrated significant levels of past electoral support or current support in Wales³⁹.

³⁶ Ofcom is not aware of any recent opinion polls of 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.

³⁷ These figures are an average of the BBC poll of polls – see Annex 2, paragraph A2.4 for further information.

³⁸ In relation to the European Parliamentary elections in England: the Green Party achieved 6.4% in 2004 and 8.9% in 2009; and the BNP achieved 5.3% in 2004 and 6.6% in 2009. Neither of these parties has demonstrated significant levels of current support in the Great Britain-wide opinion polls.

Scotland:

- in relation to the four existing major parties (the Conservative Party, the Labour Party, the Liberal Democrats and the Scottish National Party (“SNP”)):
 - these four parties have demonstrated significant past electoral support in Scotland, all having achieved 11.5% and above in both 2004 and 2009; and
 - in terms of evidence of current support, the data available from Scotland-only opinion polls, shows that the Conservative Party (19.2%), the Labour Party (41.7%) and the SNP (24.3%) have demonstrated significant levels of current support, with the Liberal Democrats (8.3%) having demonstrated a lower level of support;
- unlike the existing four major parties in Scotland, UKIP has not demonstrated significant levels of past electoral support in European Parliamentary elections in Scotland (achieving 6.7% and 5.2% of the vote in 2004 and 2009 respectively);
- in addition, in terms of evidence of current support, UKIP has not demonstrated a significant level of current support (3.8%) in terms of Scotland-only opinion polls; and
- no other parties have demonstrated significant levels of past electoral support or current support in Scotland⁴⁰.

Northern Ireland: As referred to above, in paragraph 3.34 of the PPRB Statement, we noted that respondents to the PPRB Consultation either expressed agreement or no objection to our proposal to add the Alliance Party in Northern Ireland to the list of major parties in both the PPRB Rules and the Code. We therefore added the Alliance Party to the list of major parties for Northern Ireland. Given that the 2014 European Parliamentary elections are the first elections to take place in Northern Ireland since the PPRB Statement, we are not proposing any changes to the current list of major parties as regards Northern Ireland, given that we have recently consulted on this issue.

English local elections

2.32 We have considered the past electoral performance of those parties who field candidates in the English local (and English mayoral) elections, as well as evidence of their current support (see Annex 2). We noted the following:

- in relation to the three existing major parties in England (the Conservative Party, the Labour Party, the Liberal Democrats):

³⁹ In relation to the European Parliamentary elections in Wales: the Green Party achieved 3.6% of the vote in 2004 and 5.6% in 2009; and the BNP achieved 3% of the vote in 2004 and 5.4% in 2009. Neither of these parties have demonstrated significant levels of current support in the few Wales-only opinion polls that are available.

⁴⁰ In relation to the European Parliamentary elections in Scotland, the Green Party achieved 6.8% of the vote in 2004 and 7.3% in 2009. However, this party has not demonstrated a significant level of current support in Scotland-only opinion polls.

- these three parties have demonstrated significant past electoral support in English local elections over a number of years, with their lowest share of the popular vote since 2008 being respectively: the Conservative Party (27.5%); the Labour Party (12.7%); and the Liberal Democrats (13.9%); and
- furthermore, all three of these parties continue to demonstrate significant levels of current support on the basis of Great Britain-wide opinion polls⁴¹: the Conservative Party (31.2%); the Labour Party (39.6%) and the Liberal Democrats (10.4%);
- the only other party to have demonstrated a significant level of past electoral support in the English local elections since 2008 is UKIP. In 2013, UKIP won 147 seats and received 19.9% of the total share of the vote. However, UKIP's previous best performance in terms of the English local elections was 2009 when it won eight seats and achieved a 4.6% of the total share of the vote;
- as mentioned above, UKIP has demonstrated high levels of current support, with an average figure of 10.6% in Great Britain-wide opinion polls; and
- no other parties have demonstrated significant levels of past electoral support or current support in this type of election in England.

The effect of our proposals on the list of major parties specific to the 22 May 2014 elections

2.33 We have applied the three proposed methodologies outlined above to our assessment of the available evidence of past electoral support and current support. We illustrate the effect of those methodologies on the composition of the list of major parties for the European Parliamentary elections and English local (and English mayoral) elections being held on 22 May 2014.

The existing major parties

2.34 As noted above, given the short period of time since the publication of the PPRB Statement and the fact that there have been no elections in the intervening period, we do not consider that there are any reasons to change the existing list of major parties that currently applies for all sets of elections. However, applying the proposed framework for assessment set out in this document and the evidence at Annex 2, we observe the following as regards the Conservative party, the Labour Party, and the Liberal Democrats (for both the European Parliamentary and English local (and English mayoral) elections):

- on a Great Britain-wide basis, and a two-stage basis, the existing major parties across Great Britain (the Conservative Party, the Labour Party, the Liberal Democrats) have all demonstrated evidence of significant past electoral support in the European Parliamentary and English local (and English mayoral) elections. These three parties have also all demonstrated evidence of significant current support in Great Britain-wide opinion polls;
- on a nation-by-nation basis, in England, the Conservative Party and the Labour Party have both demonstrated evidence of significant past electoral

⁴¹ See footnote 36.

support in the European Parliamentary elections in England and the English local (and English mayoral) elections; and significant current support in opinion polls⁴². Similarly, the Conservative Party and the Labour Party have both demonstrated evidence of significant past electoral support in the European Parliamentary elections in Wales only and Scotland only respectively; and significant current support in Wales-only opinion polls and Scotland-only opinion polls respectively; and

- on a nation-by-nation basis, the Liberal Democrats have demonstrated evidence of significant past electoral support in the European Parliamentary elections in England and the English local (and English mayoral) elections; and significant current support in opinion polls⁴³. In Wales and Scotland separately, the Liberal Democrats have demonstrated significant past electoral support in European Parliamentary elections⁴⁴. The limited evidence available in terms of Wales-only and Scotland-only opinion polls indicates that the Liberal Democrats currently have lower levels of support (7.5% in Wales and 8.3% in Scotland). However, this has yet to be demonstrated in election results⁴⁵.

2.35 As regards the SNP and Plaid Cymru, which are on the current list of major parties for Scotland and Wales, respectively:

- the SNP has demonstrated evidence of significant past electoral support in the European Parliamentary elections and evidence of significant current support in Scotland-only opinion polls; and
- Plaid Cymru has demonstrated evidence of significant past electoral support in the European Parliamentary elections and evidence of significant current support in Wales-only opinion polls.

Inclusion of other parties

European Parliamentary elections

2.36 Below, we set out which parties might be added to the list of major parties for the European Parliamentary elections on the basis of the three approaches set out in paragraphs 2.20.1 to 2.20.3 above.

2.37 Great Britain-wide assessment: On the basis of this approach, the evidence suggests that UKIP should be added to the list of major parties for the 2014 European Parliamentary elections for England, Wales and Scotland. This is because UKIP has demonstrated significant previous electoral support at the last two sets of European Parliamentary elections across Great Britain and because UKIP has demonstrated evidence of significant current support in Great Britain-wide opinion polls.

⁴² As above.

⁴³ As above.

⁴⁴ In the European Parliamentary elections in 2004 and 2009 respectively, the Liberal Democrats achieved: 10.5% in 2004 and 10.7%, in Wales; and, 13.1% in 2004 and 11.5% in 2009, in Scotland.

⁴⁵ For example in General Elections, the Liberal Democrats have shown evidence of significant electoral support, achieving: 18.4% of the popular vote in Wales in 2005 and 20.1% of the popular vote in Wales in 2010; and 22.6% of the popular vote in Scotland in 2005 and 18.9% of the popular vote in Scotland in 2010 (Source: House of Commons Library).

2.38 Nation-by-nation assessment: On the basis of this approach the evidence suggests that UKIP should be added to the list of major parties for the 2014 European Parliament elections for England and Wales only (not Scotland):

- England: UKIP has demonstrated significant previous electoral support at the last two sets of European Parliamentary elections in England; and demonstrated evidence of significant current support in Great Britain-wide opinion polls⁴⁶. The evidence does not suggest that any other party might be added to the list of major parties for England for the 2014 European Parliamentary elections;
- Wales: UKIP has demonstrated significant previous electoral support at the last two sets of European Parliamentary elections in Wales. In the limited number of Wales-only opinion polls of which Ofcom is aware, UKIP has not demonstrated a significant level of current support. However, on balance, we consider that the evidence of UKIP's past electoral performance in the European Parliamentary elections in Wales indicates that UKIP should be added to the list of major parties for Wales. The evidence does not suggest that any other party might be added to the list of major parties for Wales for the 2014 European Parliamentary elections; and
- Scotland: The evidence does not suggest that any other party should be added to the list of major parties for Scotland for the 2014 European Parliamentary elections.

2.39 'Two-stage' assessment: On the basis of this approach Ofcom's view is that UKIP should be added to the list of major parties in respect of the 2014 European Parliamentary elections in England, Wales and Scotland.

English local elections

2.40 In the PPRB Statement (see paragraph 2.11 above), we said that in any review of the list of major parties, we would take into account factors such as the electoral performance of parties (including the numbers of elected candidates and overall percentage of vote received) over a range of elections, over at least two electoral cycles. In relation to the English local (and English mayoral) elections, UKIP has demonstrated a significant level of past electoral support in relation to the English local elections on only one occasion: the local elections that took place in 2013 (19.9% of the total share of the vote in England). The most recent opinion poll data also indicates a significant level of current support for UKIP. In accordance with our previously stated principles, this level of support has not been demonstrated over two election cycles in relation to the English local elections. On balance, we do not therefore consider that UKIP should be added to the list of major parties for the 2014 English local (and English mayoral) elections.

2.41 If UKIP were to be added to the list of major parties in respect of the 2014 European Parliamentary elections (and not on an ongoing basis), we would make it clear on the face of the list of major parties for the 2014 elections that any designation of UKIP as a major party would last only until the end of the election period for the 2014 European Parliamentary i.e. 22 May 2014.

⁴⁶ See footnote 36.

- 2.42 Therefore, subject to this consultation, the Ofcom list of major parties might be amended as follows for the purposes of the May 2014 elections (potential amendments are shown in bold):

The proposed Ofcom list of major parties

1. This document sets out the definition of “major parties” as applies to Section Six of the Ofcom Broadcasting Code⁴⁷ and the Ofcom rules on Party Political and Referendum Broadcasts⁴⁸.
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.

[On the Great Britain-wide and ‘Two-stage’ approaches:

6. **In addition to paragraph 3 above, the major parties in Great Britain for the purposes of the European Parliamentary elections taking place on 22 May 2014 includes the United Kingdom Independence Party.]**

OR

[On the nation-by-nation approach:

6. **In addition to the above, in England and Wales the major parties for the purposes of the European Parliamentary elections taking place on 22 May 2014 includes the United Kingdom Independence Party.]**

Question 2:

Do you have any comments on Ofcom’s current preliminary views in paragraphs 2.36 to 2.42 above on the effect of the application of the various methodologies to decide the Ofcom list of major parties ahead of the 22 May 2014 elections?

⁴⁷ See <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/elections/>
⁴⁸ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

Impact Assessment and Equality Impact Assessment

- 2.43 This document does not contain a separate impact assessment. Instead the document as a whole assesses the impact of our proposals.
- 2.44 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 obligation⁴⁹. An EIA is Ofcom’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.

Next steps

- 2.45 Our objective is to publish any revised list of major parties as early as possible before April 2014, the start of the election period for the May 2014 European Parliamentary, English local and five English mayoral elections.
- 2.46 Interested stakeholders should therefore let us have their comments as soon as possible and at the latest **by 5pm on Thursday 19 December 2013**. Ofcom will consider carefully any comments received, before publishing in early 2014 a short statement, and if appropriate any revised list of major parties. This will permit the broadcasters and political parties to plan ahead, were any of the proposed changes to the list of major parties implemented.

⁴⁹ See the Equality Act 2010.

Annex 1

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

A1.1 This annex lays out how major political parties are treated under the Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")⁵⁰ and Section Six (Elections)⁵¹ of the Ofcom Broadcasting Code ("the Code").

The PPRB Rules

A1.2 Under section 333(1) of the Communications Act 2003, every licensed public service television channel⁵² and every national commercial radio service⁵³ 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.

A1.3 In summary, the PPRB Rules say the following about the major parties:

Rule 13: "Before a General Election, and in the case of other elections where appropriate, each major party...should be offered at least two PEBs, the length of a series offered to a particular party being determined by the Licensee. This includes the SNP and Plaid Cymru on Channel 4 and Channel 5. In every case, the number of PEBs should be determined having regard to the circumstances of a particular election, the nation in which it is held, and the individual party's past electoral support and/or current support in that nation (see Rule 16)⁵⁴".

(Under Rules 14 and 15 of the PPRB Rules, other parties can qualify for a single PEB depending on the type of election e.g. if a party is standing in one sixth of seats in a general election. In addition, the relevant broadcasters should consider making additional allocations of PEBs to parties other than the major parties who have qualified for a single PEB, if evidence of their 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).

⁵⁰ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

⁵¹ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁵² 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.

⁵³ i.e. Classic FM, Talksport and Absolute Radio AM.

⁵⁴ Rule 16 states: "In determining allocations of PEBs at elections, the four nations of the UK should be considered separately".

Rule 20: “Major parties in Great Britain will be offered one PPB⁵⁵ in each of the following three periods: Autumn; Winter; and Spring. Major parties in Northern Ireland will be offered one or two PPBs in the period 1 September to 30 March (excluding December). No PPBs should be broadcast during election or referendum periods”.

(Parties other than the major parties are not eligible for PPBs)

Rule 23: “PEBs on television on behalf of ‘major parties’ throughout Great Britain must be carried in peak time (6.00pm to 10.30pm), as must PEBs on Channel 3 in the relevant nations on behalf of the SNP, Plaid Cymru and the major Northern Ireland parties... Other broadcasts should normally be carried in the period 5.30pm to 11.30pm”.

Rule 24: “UK...PEBs for major parties before a General Election must be carried on UK-wide analogue radio services between 5.00pm and 9.00pm. Other broadcasts must be transmitted between 6.00am and 10.00pm”.

A1.4 On 22 May 2014 the following elections are due to take place: European Parliamentary elections (UK-wide); English local government elections (in some parts of England); and, five English mayoral elections. For these elections, the PPRB Rules require that PEBs must be broadcast by:

- the relevant regional Channel 3 service for the European Parliamentary elections and English local government elections⁵⁶; and
- Channel 5 for the European Parliamentary elections.

A1.5 The previous analogous year to 2014 in terms of elections was 2009, when the last European Parliamentary elections were held together with English local government elections (in some parts of England). Figure 2 overleaf lays out Ofcom’s understanding of the number of PEBs allocated by the relevant broadcasters to all political parties who received more than one PEB⁵⁷ in any one country of Great Britain in 2009 for the European Parliamentary elections. This table shows that despite not being a major party, UKIP was allocated the same number of PEBs for the European Parliamentary elections in England as the major parties for England (i.e. the Conservative Party, the Labour Party and the Liberal Democrats).

⁵⁵ i.e. broadcasts outside of election periods.

⁵⁶ In addition, under the PPRB Rules, local digital television programme service licensees must carry local election broadcasts for the English local government elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee.

⁵⁷ Various other political parties were allocated one PEB by Channel 3 and Channel 5 for the European Parliamentary elections; and the British National Party were allocated a PEB for the English local elections by Channel 3.

Figure 2 (Allocations of PEBs for the 2009 European Parliamentary elections and English local elections)

Political Party	Type of election	Number of PEBs on Channel 3	Number of PEBs on Channel 5
Conservative Party	European	3	3
	English local	1	N/A
Labour Party	European	3	3
	English local	1	N/A
Liberal Democrats	European	3	3
	English local	1	N/A
Plaid Cymru	European	3	2
	English local	N/A	N/A
Scottish National Party	European	3	2
	English local	N/A	N/A
UK Independence Party	European	3 (England) 2 (Wales) ⁵⁸ 1 (Scotland)	2
	English local	1	N/A
Green Party	European	2 (England) 1 (Wales) 1 (Scotland)	2
	English local	1	N/A

Figure 2

Section Six of the Code

A1.6 During election campaigns, any Ofcom licensed service that broadcasts election-related programming must comply with the special rules laid out in Section Six⁵⁹ of the Code. The following rules apply to the coverage of the major parties:

Rule 6.2: *“Due weight must be given to the coverage of major parties during the election period. Broadcasters must also consider giving appropriate coverage to other parties and independent candidates with significant views and perspectives”.*

Rule 6.9: *“If a candidate takes part in an item about his/her particular constituency, or electoral area, then candidates of each of the major parties must be offered the*

⁵⁸ ITV Wales, the relevant Channel 3 service for Wales, had originally allocated UKIP one PEB for the European Parliamentary elections in Wales. After appealing to Ofcom’s Election Committee, which settles any disputes under the PPRB Rules, UKIP’s allocation was increased to two PEBs (see <http://stakeholders.ofcom.org.uk/binaries/enforcement/election-committee/ukip-210509.pdf>).

⁵⁹ To assist broadcasters’ coverage of elections, Ofcom has published Guidance (see

opportunity to take part. (However, if they refuse or are unable to participate, the item may nevertheless go ahead.)”.

(In contrast to Rule 6.9, under Rule 6.10 broadcasters are only required to offer the candidates of parties other than the major 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 lay out: firstly, relevant evidence of past electoral support for the European Parliamentary elections and English local (including English mayoral) elections; and, second, relevant evidence of current support across Great Britain and within Wales and Scotland

Evidence of past electoral support

European Parliamentary elections

A2.2 Figure 3 below lays out the numbers of seats won and share of the popular vote achieved by the various political parties for the last three sets of European Parliamentary elections (1999, 2004 and 2009).

Numbers of seats and share of vote at European Parliamentary elections

	Cons.	Lab.	Lib. Dem.	SNP	Plaid Cymru	UKIP	Green	BNP	Others
2009 elections									
Great Britain	25 27.7%	13 15.7%	11 13.7%	2 2.1%	1 0.8%	13 16.5%	2 8.6%	2 6.2%	0 8.7%
England	23 29.0%	10 15.1%	10 14.1%	N/A	N/A	12 17.6%	2 8.9%	2 6.6%	0 8.7%
Wales	1 21.2%	1 20.3%	0 10.7%	N/A	1 18.5%	1 12.8%	0 5.6%	0 5.4%	0 5.5%
Scotland	1 16.8%	2 20.8%	1 11.5%	2 29.1%	N/A	0 5.2%	0 7.3%	0 2.5%	0 6.8%
2004 elections									
Great Britain	27 26.7%	19 22.6%	12 14.9%	2 1.4%	1 1.0%	12 16.2%	2 6.2%	0 4.9%	0 6.1%
England	24 27.9%	15 21.7%	11 15.3%	N/A	N/A	12 17.3%	2 6.4%	0 5.3%	0 6.1%
Wales	1 19.4%	2 32.5%	0 10.5%	N/A	1 17.4%	0 10.5%	0 3.6%	0 3.0%	0 3.1%
Scotland	2 17.8%	2 26.4%	1 13.1%	2 19.7%	N/A	0 6.7%	0 6.8%	0 1.7%	0 7.8%
1999 elections									
Great Britain	36 35.8%	29 28.0%	10 12.7%	2 2.7%	2 1.9%	3 7.0%	2 6.3%	0 1.1%	0 4.5%
England	33 38.6%	24 27.7%	9 13.3%	N/A	N/A	3 7.9%	2 6.6%	(Inc. In 'Others')	0 5.9%
Wales	1 22.8%	2 31.9%	0 8.2%	N/A	2 29.5%	0 3.1%	0 2.6%	(Inc. In 'Others')	0 1.9%
Scotland	2 19.8%	3 28.7%	1 9.8%	2 27.2%	N/A	0 1.3%	0 5.8%	(Inc. In 'Others')	0 7.4%

Figure 3

Source: BBC and House of Commons Library

English local elections

A2.3 Figure 4 below lays out 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 period 2008 to 2013. The voting figures for the 2010 mayoral elections, sourced from the relevant local authority websites, have been included in the data for 2010.

Numbers of seats and share of vote at English local elections

Year	Cons.	Lab.	Lib. Dem.	UKIP	Green	BNP	Others
2013	1,117 34.6%	538 21.2%	352 13.9%	147 19.9%	22 3.6%	0 0.2%	186 6.6%
2012	786 27.5%	1,189 43.1%	288 14.1%	7 4.4%	26 4.2%	0 0.5%	116 6.2%
2011	5,113 37.8%	2,461 31.6%	1,099 16.1%	8 2.4%	79 3.6%	2 0.5%	698 8.0%
2010 (including mayoral elections)	1,611 32.0%	1,778 (plus 3 mayors) 32.3%	728 (plus 1 mayor) 23.6%	1 1.6%	13 3.5%	2 2.5%	93 (plus 1 mayor) 4.5%
2009	1,520 44.4%	167 12.7%	463 24.8%	8 4.6%	17 4.6%	3 2.5%	140 6.4%
2008	1,300 36.9%	680 25.9%	651 22.6%	4 1.6%	17 2.8%	15 3.8%	151 6.4%

Figure 4

Source: The Elections Centre, Plymouth University and local authority websites

Evidence of current support

A2.4 Figure 5 below lists the results of the BBC poll of polls over the last year across Great Britain. This poll looks at the five most recent opinion polls and takes the middle value for each party i.e. the value that means there are two figures higher and two figures lower. (The opinion polls of the following companies are included in the BBC poll of polls: ComRes; ICM; Ipsos-Mori; Populus; Survation; TNS-BMRB; and YouGov).

Opinion poll data (Great Britain-wide) October 2012 to September 2013

Date	Cons.	Labour	Lib. Dem.	UKIP	Others
22/09/13	33%	37%	11%	9%	10%
08/09/13	31%	38%	11%	12%	8%
27/08/13	32%	37%	10%	11%	10%
15/08/13	32%	38%	10%	10%	10%
01/08/13	33%	39%	10%	11%	7%
19/07/13	33%	38%	11%	11%	7%
24/06/13	30%	36%	10%	14%	10%
10/06/13	30%	37%	10%	17%	6%
26/05/13	29%	35%	10%	14%	12%
10/05/13	30%	39%	11%	13%	7%
21/04/13	30%	40%	10%	14%	6%
07/04/13	30%	39%	12%	13%	6%
18/03/13	27%	39%	11%	13%	10%
10/03/13	31%	42%	11%	11%	5%
18/02/13	31%	41%	11%	10%	7%

11/02/13	32%	41%	11%	9%	7%
27/01/13	33%	39%	11%	10%	7%
15/01/13	31%	43%	10%	9%	7%
02/01/13	32%	40%	10%	8%	10%
16/12/12	31%	41%	9%	9%	10%
03/12/12	32%	41%	10%	8%	9%
18/11/12	31%	43%	9%	8%	9%
11/11/12	32%	42%	11%	8%	7%
28/10/12	33%	43%	9%	7%	8%
15/10/12	31%	42%	10%	7%	10%
Average	31.2%	39.6%	10.4%	10.6%	8.2%

Figure 5

Source: BBC

- A2.5 It is Ofcom's understanding that relatively few opinion polls have been carried out in relation to Scotland only. Figure 6 below lays out indicative evidence levels of current support for the last year in Scotland only, according to aggregated opinion polls carried out by YouGov.

Opinion poll data (Scotland only) October 2012 to September 2013

Date	Cons.	Labour	Lib. Dem.	SNP	UKIP	Others
Sep. 2013	20%	39%	7%	27%	4%	3%
Aug. 2013	19%	40%	7%	26%	5%	3%
July 2013	20%	41%	8%	24%	4%	3%
June 2013	18%	40%	8%	27%	4%	3%
May 2013	19%	42%	9%	23%	5%	2%
April 2013	17%	42%	9%	25%	4%	3%
Mar. 2013	19%	41%	11%	21%	5%	3%
Feb. 2013	19%	43%	10%	22%	3%	3%
Jan. 2013	19%	44%	10%	23%	2%	2%
Dec. 2012	20%	45%	7%	21%	4%	3%
Nov. 2012	21%	42%	7%	26%	2%	2%
Oct. 2012	19%	42%	7%	27%	3%	2%
Average	19.2%	41.7%	8.3%	24.3%	3.8%	2.7%

Figure 6

Source: YouGov

- A2.6 It is also Ofcom's understanding that very few opinion polls have been carried out in relation to Wales only. Figure 7 below lays out indicative evidence of levels of current support for the last year in Wales only, which were carried out by YouGov.

Opinion poll data (Wales only) October 2012 to September 2013

Date	Cons.	Labour	Lib. Dem.	Plaid Cymru	UKIP	Others
July 2013	23%	48%	8%	9%	8%	4%
Feb. 2013	23%	44%	7%	14%	9%	3%
Average	23%	46%	7.5%	11.5%	8.5%	3.5%

Figure 7

Source: YouGov

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 19 December 2013**.

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 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.

A3.11 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.

A3.12 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

A3.13 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Thursday 19 December 2013 at the latest**.

A3.14 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.

A3.15 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.

A3.16 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

A3.17 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.

- A3.18 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

- A3.19 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

- A3.20 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, can you 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.
- A3.21 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. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A3.22 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

- A3.23 Following the end of the consultation period, Ofcom intends to publish a statement in early 2014.
- A3.24 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 www.ofcom.org.uk/consult/.
- 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	<input type="checkbox"/>	Name/Contact details/Job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	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)