

The Green Party of England and Wales (GPEW) welcomes the opportunity to respond to OFCOM's proposals on political parties to be included in its list of larger parties for elections taking place on 5th May 2016. As OFCOM notes the proposals are important because they impact on two types of broadcast during these elections:

1. Party election broadcasts (PEB's) granted to registered political parties – licensed broadcasters are required to offer a minimum of two PEB's to “major” parties, and
2. Editorial coverage of the elections – broadcasters are required to give “due weight” to coverage of the “major” parties

Change from “major” to “larger” parties

OFCEM has decided to change the terminology for its list and to use the term “larger parties” instead of “major” parties to “reflect more accurately the nature of the parties included on the list” (paragraph 1.9). The GPEW welcomes this change and agrees that the term “larger parties” more accurately reflects the changed political landscape and in particular the growth in terms of both electoral support and membership of parties until recently not defined as “major”.

Principles for the assessment

The GPEW welcomes the principles set out in paragraph 1.17 of the OFCEM consultation and in particular the inclusion of the principle that “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”.

Defining “significant” electoral support

The definition of “significant” electoral support is critical to OFCEM's assessment – set out from section 2.8 of the OFCEM consultation - of which parties should be included in the list of larger parties. OFCEM bases its assessment of significant electoral support on the following:

- Evidence of past electoral support – the General Election in 2015, the different types of election being contested in May 2016, and other “significant” elections
- Evidence of current electoral support measured by opinion poll data

Within these two areas OFCEM proposes to:

- Place greater weight on election performance over opinion poll data
- Place the most weight within the elections criteria on the 2015 General Election results
- Place significant weight on the local government elections of 2015
- To take into account but give less weight to performance over two electoral cycles in the different types of election being contested in May 2016
- Consider performance in other elections not being contested in May 2016
- Take into account whether parties are part of governments at the UK level and in the devolved nations

Taking all these factors into consideration OFCOM states that, "...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** [our emphasis] support over a long period of time", and in invites stakeholders to comment on the evidence of support and identify any other factors that OFCOM might take into account in determining "larger" party status.

The GPEW would like to make the following submissions:

- Opinion poll data should not be given any weight in determining whether or not a political party is included in any of the lists of larger parties. It is too partial as OFCOM notes, unreliable and in any event does not represent actual electoral performance or support.
- Should give more even balance to the four main types of elections referred to in the list above – the 2015 General election, local government elections, previous performance in the types of election being contested, and other elections. Our view is that greater balancing will make clearer trends over recent electoral cycles and enable OFCOM to make a fuller assessment of what represents "significant, sustained" support for the purpose of listing larger parties.
- It is important that electoral support at elections where representation is determined proportionally, in full or part, is given due weighting because in such elections the electorate can express political support without having to consider tactical voting. Proportional elections, therefore give a strong indication of underlying political support when free of tactical considerations.
- Should give a very low weighting to whether a party is part of the Government of any relevant area. The electoral performance of any party that is part of a relevant Government should already give it sufficient weighting in determining larger party status and so we contend any additional weighting is superfluous.
- OFCOM do not provide any clear definition of what is regarded as either "significant" or "sustained". Instead this is implied in section 2 of the document and we believe, applied inconsistently

Larger parties in England

The GPEW wishes to argue that it should be included in the list of larger parties for England on the grounds that it has demonstrated significant and sustained electoral support. In particular we contend that:

- It is not correct to argue as OFCOM does that the GPEW "did not demonstrate significant electoral support in the 2015 General Election or English local elections"

The GPEW submits that:

GPEW support in England in the 2015 General Election quadrupled compared to that in the previous electoral cycle and should be regarded as significant

GPEW support in local elections in England has more than doubled over the last two electoral cycles. GPEW electoral support has been on a consistent upward trend and is now sustained at a significant level above 6% of the total votes cast

- In including both UKIP and the Liberal Democrats in the list of larger parties for England OFCOM are applying the significant support test inconsistently

OFCOM argue that the GPEW does not enjoy significant support in General or local elections in England but has demonstrated significant support in elections to the London Assembly. In its assessment OFCOM ignores the fact that the GPEW has also, by the same test, enjoyed significant and sustained support in elections to the European Parliament. It concludes that the GPEW should not be listed as a leading party for England.

In the case of the Liberal Democrats and UKIP however OFCOM conclude that both parties should be listed as a larger party despite also having a mixed pattern of significant electoral support.

In the case of UKIP the party is listed despite OFCOM stating that it “has not demonstrated significant levels of past support in other types of election” (paragraph 2.12).

The Liberal Democrats are listed as larger party despite the assessment noting that “it achieved a significantly lower share of the vote in the 2015 General election”, and “its current level of support is ... lower than the other larger parties in England”

- OFCOM are giving insufficient weight to the performance of the GPEW in elections where tactical voting considerations do not apply

The GPEW argue that more weight should be given to performance in those elections where an element of proportionality in determining representation reduces tactical voting considerations. In these elections the GPEW has established a higher threshold of sustained support and in the two most recent iterations – elections to the London Assembly and the European parliament – has polled more votes than the Liberal Democrats.

On the basis of this more balanced assessment of the evidence the Green Party contends that it should be listed as a larger party in England.

Larger parties in London

We are satisfied with Ofcom’s recommendation that the Green Party of England & Wales should be added to the list of larger parties for the London Assembly elections.

While it’s correct to say that in the last two electoral cycles for the London Assembly, the Greens won around 8% of the vote, the scope of the review in this sentence doesn’t take into account that in every Assembly election, support for the Greens has been substantial and consistent – i.e. in 2004 the Greens won 8.3% of the vote on the London Assembly and 11.1% of the vote in the inaugural elections in 2000.

The Greens have also had a Member of the European Parliament representing London for the last 17 years – Jean Lambert, who was last re-elected in 2014 with 196,419 votes (8.93%), further demonstrating long-term Green support in London.

In the context of this long-term significant support, we believe that the Green Party should also be added to the list of larger parties for the London Mayoral election.

The coverage for the Mayoral and Assembly elections are dominated by the Mayoral election – the overwhelming majority of coverage will focus on this. These elections are essentially treated as one unit, i.e. the PEBs allocated for these elections cover both the London Mayoral and the London Assembly elections. Therefore, we believe that only designating the Greens as a larger party for one of these elections - and not both - is not consistent, and that the Greens should be added to the list of larger parties for the Mayoral contest to reflect the party's strength in London.

Our rationale is that the Greens are major players in London politics, and not just in the London Assembly:

- Jenny Jones AM was Deputy Mayor of London under Ken Livingstone in 2003-2004
- The Greens held the balance of power in the London Assembly from 2004-2008, requiring Ken Livingstone to reach agreement with the Greens before his budget could go through. This gave the Greens significant power and influence over London-wide policy decisions, and led to the establishment of the Living Wage Unit and major changes to road policy.
- The BBC Trust classed the Greens as a major party (given coverage on a par with the Liberal Democrats) for the 2012 Mayoral & Assembly elections. This was a hugely significant decision that meant the Greens were treated as a major party in London for the first time, and the BBC Trust's draft consultation suggests the same arrangements for this coming election.
- Jean Lambert MEP is well-known as a hard-working and high-profile voice for London in Europe, having served as an MEP for London for 17 years and successfully fought re-election three times.
- The Greens came third in the 2012 Mayoral election, beating the Lib Dems and UKIP.
- Since then, the Greens have received their best General Election result in the capital ever and membership has more than tripled in London.

In conclusion, adding the Green Party to the list of larger parties for both the London Mayoral and London Assembly elections would be a logical and consistent course of action which reflects long-term and rising Green support, as well as reflecting the views of other influential independent bodies such as the BBC Trust.

Nick Martin, Chief Executive

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