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Dear Mr Baxter ,

Thank you for your invitation to respond to Review of Ofcom's list of larger parties for elections taking place on 5 May 2016.

In response to the consultation questions,

Question 1a Please provide your views on the evidence of current support laid out in Annex 2

We agree with the general approach adopted, however believe that in assessing past electoral support for political parties that this should take into account party performances over the last two electoral cycles. We believe that it is important to consider parties' performances over a reasonable time period to ensure all parties have fair representation against a backdrop of a more volatile political landscape in the UK. We believe that the previous two electoral cycles and the current (i.e. 2005-2010, 2010-2015, 2015 onwards) would be a good measure and recognition of the multi-party political landscape that is now a fixture of British Politics.

We also caution against weight being given to Police and Crime Commissioner elections where parties have adopted differing approaches to these – not all parties contest in all areas and the extremely low turnout seen in 2012 (just 15.1%¹) mean that we argue little, to no weight should be given to these results in the context of local government elections in 2016.

Furthermore, we raise concerns about the weight given to opinion polling, which are in part recognised in the footnotes in Annex 2. We note that opinion polling in the lead up to the General Election did not portray an accurate reflection of the election outcome, and many polling companies have accepted that improvements needed to be made going forward. Given that is the case, we caution against undue weight being given to opinion poll performance in determining whether to classify a party as a larger, or smaller party. This is more so the case in relation to Wales and Scotland as very few opinion polls relate individually to Scotland or Wales.

Relevant comments from polling companies include:

¹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/154353/PCC-Elections-Report.pdf

Stephan Shakespeare, YouGov chief executive: “We have to be slightly nervous about what went wrong and how to fix it, because that is an ongoing investigation. Obviously we got it wrong. There’s no arguing about that. We have to take it on the chin.” [Financial Times](#)² (June 5th 2015)

Ben Page, Ipsos Mori chief executive: “I could immediately see there was going to be a lot of fuss and bother... We do periodically go through the motions and think should we stop doing it.” [Daily Mail](#)³ (13 June 2015)

Martin Boon, ICM chief executive: “There are genuine reasons to wonder about the future of political opinion polling... You won’t find any excuses from this particular pollster. I think we have to address the seriousness of things.” [The Times](#)⁴ (20 June 2015)

Andy White, ComRes: “There was a tendency among younger, less affluent respondents to overstate the likelihood to vote” and added that pollsters needed to find new ways to identify who would turn out on polling day. [The Times](#)⁵ (20 June 2015)

At the current time, when the British Polling Council Inquiry has only just been published, and the data being referenced in the draft guidelines relate to a period prior to this, we believe that undue weight should not be given when it is difficult to assess whether these polls are robust, especially as comparable polls were shown not to be in 2015.

Question 1b. Please provide your views on whether there is any other relevant evidence which you consider Ofcom should take into account for the purposes of the 2016 review of the list of larger parties

As outlined above, we believe a longer period should be considered in assessing a party’s past electoral support, though broadly agree with the evidence that appears to be proposed to be drawn upon, and that undue weight should not be given to opinion polling which has been shown to not be robust.

Question 1c. Please provide your views on our analytical framework for assessing the available evidence laid out in paragraph 2.4.

The framework is broadly correct, however, in a more volatile political climate it is important that the multi-party nature of politics is properly reflected. There has been a long term downward trend in combined support for the Labour and Conservative Parties at General Elections (though a small increase in 2015) which should not be ignored.

Question 2. Do you agree with our assessment of the relevant evidence and our proposals for the larger parties to be included in the Ofcom list of larger parties as laid out in figure 6 above? Please provide reasons for your views.

We support the classification of the Liberal Democrats a larger party in England, London, Scotland and Wales. We outline our position and case in relation to each below, however believe that greater reference and weight seems to have been given to opinion polling in the accompanying commentary than should be.

² <http://www.ft.com/cms/s/2/a35dfec4-0aae-11e5-a8e8-00144feabdc0.html#axzz3wYnaAkNg>

³ <http://www.thisismoney.co.uk/money/news/article-3122968/Ipsos-Mori-boss-losing-no-sleep-disastrous-polls.html>

⁴ <http://www.thetimes.co.uk/tto/news/politics/article4475317.ece>

⁵ <http://www.thetimes.co.uk/tto/news/politics/article4475317.ece>

England

In the 2015 General Election we secured 8.2% of the popular vote and 6 MPs⁶ across England.

Aside from our Parliamentary representation we have 1689 councillors in England, significantly more than UKIP, the Green Party or other smaller parties. We also have two elected mayors.

In 2010 we secured 24.2% of the vote in England and 43 MPs. Our significant council representation, alongside many years of strong performances in General Elections demonstrates substantial support. As such the Liberal Democrats should be given parity with the other larger parties

London

We are fielding a full slate of candidates in the GLA elections, as well as fielding Caroline Pidgeon in the Mayoral Election. In 2012 our Mayoral Candidate secured 91,774 first preference, votes and we returned 2 members of the GLA, making us one of four parties to do so. In the 2008 contest we secured 9.63% first preference votes in the Mayoral contest and 26.11% of second preference votes⁷.

In local government we have 138 elected councillors across London, making us the third largest party by a significant margin, and control Sutton Council. In the 2015 General Election we secured 7.7% of the vote, significantly more than the Green Party and are the third largest party in London in terms of MPs elected.⁸ In 2010, we secured 7 MPs in London and 22% of the popular vote.

This demonstrates substantial past and current election support. As such the Liberal Democrats should be given parity with the other larger parties.

Wales

In the 2011 Assembly election, the Welsh Liberal Democrats secured substantial electoral support winning a total of five National Assembly seats. The party secured 10.6% of the total constituency vote and 8% of the regional vote. This makes the party the fourth largest party in the National Assembly. We also have 72 councillors elected across Wales.

In the National Assembly for Wales' Standing Orders⁹, to qualify as political group, a party must have: "*i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as political group.*"

By this definition, there are four parties in Wales who qualify as a political group. We believe this is a useful criteria in defining a larger party. There are currently four parties represented in the National Assembly. We believe Welsh Liberal Democrats should be given parity with the other larger parties.

We do not believe that opinion polls in Wales should carry much weight due to the poor data available. As stated in this consultation paper: "*is Ofcom's understanding that very few opinion polls have been carried out in relation to Wales only.*"

⁶ <http://www.bbc.co.uk/news/election/2015/results>

⁷ <http://news.bbc.co.uk/1/shared/bsp/hi/elections/london/08/html/mayor.stm>

⁸ <http://data.london.gov.uk/blog/the-2015-election-the-numbers-behind-the-result/>

⁹ <http://www.assembly.wales/en/bus-home/Pages/bus-assembly-guidance.aspx>, date accessed 17/08/15

Scotland

At the 2011 Holyrood elections, the Scottish Liberal Democrats received 7.9% of constituency votes and 5.2% of votes on the regional list, with 5 Scottish Liberal Democrat MSPs returned to Holyrood. As a result, we are one of the four largest parties elected to the Scottish Parliament.

We are represented at meetings of the Parliamentary Business Bureau and party leader Willie Rennie MSP has regular slots at First Minister's Questions. Scottish Liberal Democrats have maintained a group presence at the Scottish Parliament since the legislature reconvened in 1999. We were in administration as part of a coalition government between 1999 and 2007.

We have substantial presences on local authorities from the Borders to the Highlands and are currently in administration in a number of local authority areas.

At the 2015 UK general election, the Scottish Liberal Democrats received more than 219,000 votes across Scotland. By way of comparison, this was more than four times more than the number of votes secured by UKIP and five times more than the Scottish Green Party, both of which were included in the Scottish TV leader debates ahead of the poll.

Since the election, we have seen an increase in party membership in Scotland of nearly one third. We have a clear record of past and current electoral support, and distinct policy positions in a number of devolved policy areas. For example, we were the only major Holyrood party to oppose the creation of a single Police force for Scotland. We have been successful in generating substantial public awareness and support for campaigns on topics ranging from cuts to college funding, to improved support for early years care and many other issues. This has led to the Scottish Government making a number of substantive policy changes.

We will stand candidates in every constituency seat across Scotland. As set out in your consultation there is limited polling data regarding electoral support in Scotland and sample sizes are usually small. While opinion polls can be considered as a factor when decisions are taken, we would suggest that the weight given to these data must reflect these limitations.

Given the above, Scottish Liberal Democrats should be given parity with the other larger parties.

Yours sincerely,