

Title:

Mr

Forename:

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Representing:

Organisation

Organisation (if applicable):

Scottish Green Party

Email:

What additional details do you want to keep confidential?:

No

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Additional comments:

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.:

It is the strong view of the Scottish Green Party (SGP) that a 'nation-by-nation' approach is the only appropriate way to assess the relative status of parties for the purposes of Party

Election Broadcasts and broadcasters' impartiality duty.

The effect of implementing either the 'Great Britain-wide' or 'Two-stage' approaches would be to impose upon Scottish broadcasters a duty to grant The United Kingdom Independence Party (UKIP) far more representation than can be warranted by that party's record in Scotland.

As the consultation document rightly notes in paragraph 2.23, "that party would be unduly favoured... relative to the other major parties." In this case, it would also be unduly favoured relative to the SGP, which Ofcom currently considers a minor party but which is consistently far more electorally successful than UKIP in Scotland.

UKIP is not only plainly not a major party in Scotland, it is not a significant party in Scotland:

- UKIP received less than one per cent (0.91%) of the regional vote in our most recent election, the 2011 Scottish Parliament general election; not only far fewer than Scotland's five major parties but fewer than the minor, and now defunct, All Scotland Pensioners' Party.
- UKIP in Scotland have received fewer votes than the Scottish Green Party in every European Parliament election in which they have stood.
- UKIP has no local authority councillors (SGP has 14), no MSPs (SGP has 2), no MPs, and no MEPs in Scotland, and has never held any of these offices.

The treatment of the Scottish National Party and Plaid Cymru - rightly identified as major parties but only in their respective nations - establishes clear precedent for recognising a party's support or lack thereof in the nations of Great Britain separately.

Given this electoral evidence and this precedent for nation-by-nation assessment, it would be perverse, as well as unfair, to insist that UKIP were treated as a major party by broadcasters in Scotland.

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?:

We believe that Ofcom should reconsider its assessment that there are no major political parties in Scotland beyond those already so listed - SNP, Labour, Conservatives and Liberal Democrats. It appears that this assessment has been arrived at by giving undue prominence to Westminster polling, which gives an inaccurate picture of Scottish politics.

-- Overreliance on Westminster evidence --

Paragraph 2.29 and Annex 2 of the consultation document recruit two kinds of evidence for Scottish parties:

- a) Actual performance at European elections since 1999, and;
- b) Opinion poll data based on Westminster voting intention since October 2012.

Paragraph 3.33 of the PPRB Statement, quoted in paragraph 2.11 of this consultation, provides that any review of major party status:

"...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 Consultation) for the different types of elections, and levels of current support."

Given that, we query the decision to use only European election results in this review. Using only one type of election - and therefore only 3 data points - is particularly problematic given the inadequacy of the second type of evidence, which referred to as 'current support' but is in fact only current voting intention for one particular type of election - a Westminster general election.

The inclusion of 'current support' based on Westminster voting intention demonstrates that Ofcom recognises the value of using evidence derived from types of elections other than those being held on 22 May 2014. But Westminster voting - whether actual or from opinion polling - is an extremely inaccurate proxy for either likely European election performance or the Scottish political landscape as whole.

For example, in the 2010 Westminster general election, the SGP received 2% of the vote in those constituencies in which it stood. But in the European Parliament election the previous year, the SGP received 7.3%, and in the Scottish Parliament election 2011, 4.4% of the regional vote. Relying on Westminster voting grossly underestimates SGP support.

This phenomenon is not restricted to the Greens. The SNP won the 2009 European election in Scotland with 29.1% of the vote, and the 2011 Scottish election in a landslide with 45.4% of the constituency vote and 44% of the regional vote. But between those two elections they came a distant second to Labour, with 19.9% of the vote.

Given the PPRB Statement's expectation that not only vote share but numbers of elected candidates will be used in evidence, relying on Westminster results further skews the available evidence against parties - most notably the SGP and the SNP - whose support across Scottish elections is not reflected in numbers of MPs.

-- The Scottish Green Party is a major party --

Taking into account all the evidence identified by the PPRB Statement creates a more accurate picture of Scottish politics as a stable five-party system, whose major parties are the SNP, Labour, Conservatives, Liberal Democrats and Greens:

- Only these five parties have been represented in every session of the Scottish Parliament.
- Only these five parties are represented in the current Scottish Parliament.
- Only these five parties have more than 2 councillors.
- Only these five parties have councillors on more than one local authority.

- Only these five parties have retained their deposits in every European election since 1999 (in fact, all of these parties have more than doubled the threshold in every one of those European elections).

At the most recent nationwide test of support using a proportional voting system, the 2011 Scottish Parliament election, the Scottish Green Party trailed the Liberal Democrats (whose major party status is not in doubt in this review) by less than one per cent. Taken as a whole, the evidence shows that the gap between the largest parties - SNP and Labour - and the Liberal Democrats is far larger than the gap between the Liberal Democrats and the Greens.

When a political landscape includes many smaller parties of similar electoral record and support, it is logical to contrast them with the larger parties in a major party/minor party distinction. However in Scotland, there is only one party with significant support that is excluded from Ofcom's major party list. This seems perverse, as if Ofcom are creating a division between four 'major parties' and 'others', when 'others' is merely a euphemism for the name of the fifth major party.

In the long term, Ofcom may wish to consider whether the increasing diversity of political representation, both in Scotland and across the UK, requires consideration of a more nuanced system than simply 'major' and 'minor'. But in Scotland right now, using that distinction, it is clear that the Scottish Green Party is a major party.