



Review of Ofcom list of major
political parties for elections taking
place on 7 May 2015
Consultation

Consultation

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About this document

This document is a consultation regarding the composition of the Ofcom list of ‘major parties’ in advance of the General Election taking place in May 2015 and the English local (and mayoral) elections taking place on the same day.

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

The Ofcom list of major parties is important because our rules on Party Political and Referendum Broadcasts (“the PPRB Rules”) and certain parts of the Broadcasting Code (“the Code”) impose obligations on licensed broadcasters by reference to the major parties on this list.

Specifically, the PPRB rules require certain licensed broadcasters to offer a minimum of two party election broadcasts to major parties. Section Six of the Code requires broadcasters in their editorial coverage to give “due weight” to coverage of the major parties.

In this document we present and consider the available evidence and make proposals in relation to the composition of the list.

In addition, we are consulting on a proposed amendment to our procedures for determination of disputes under our PPRB Rules.

We invite stakeholders to provide their views on this consultation by no later than **5pm on Thursday 5 February 2015**.

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Section 1

Introduction

- 1.1 This document is a consultation on Ofcom's review ("the 2015 Review") of its list of 'major parties' for the General Election, English local government elections (in some parts of England) and English mayoral elections (in five areas)¹. These elections will be held on 7 May 2015.
- 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 2015 elections PEBs for the General Election must be broadcast by: regional Channel 3 services; Channel 4; Channel 5, Classic FM; Talksport; and, Absolute Radio AM. In addition, PEBs must be broadcast by regional Channel 3 services for the English local government elections³; and
 - broadcasters' own editorial coverage of the May 2015 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 In addition, there may also be a series of televised party leaders' debates in advance of the 2015 General Election. Discussions are currently underway between the broadcasters and political parties regarding the exact form and composition of those debates. Ofcom's role in relation to those debates is described below.
- 1.4 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. This list is important for Ofcom's regulation of election coverage under the Code and for the allocation of

¹ Due to take place in: Bedford; Leicester; Mansfield; Middlesbrough; and Torbay. These are a form of English local election. In this consultation we treat the 2015 English local elections and 2015 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 local government elections. These licensees fulfil this obligation by carrying the same PEB as broadcast by the relevant Channel 3 licensee. In past years when there have been General Elections, we understand that no PEBs have been offered by relevant Channel 3 licensees solely for the purposes of any local elections that were taking place at the same time. If this situation were repeated in 2015 (i.e. if no PEBs were to be offered by relevant Channel 3 licensees solely for the purposes of the 2015 English local elections) we consider that there would be no obligation on relevant local television broadcasters to carry PEBs.

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>

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 nations. The current list of major parties is reproduced in Figure 1 (see paragraph 1.10 below).

- 1.5 In Annex 1 we summarise the obligations contained in the PPRB Rules and Section Six of the Code as regards the major political parties. Inclusion on the list means only that the party in question is entitled to a certain minimum number of PEBs, and to be considered to some extent for (not guaranteed) more editorial coverage, than if it were not on the list. It is important to note that if a party is on the major party list it does not automatically receive the same number of PEBs, or exactly the same amount of editorial coverage, during an election campaign as other major parties. For example, during elections, major parties automatically qualify for at least two PEBs⁷. However, having taken into account evidence of past electoral support and current support, broadcasters can themselves allocate more and different numbers of PEBs to the various major parties above the minimum number of two PEBs per major party.
- 1.6 In relation to the editorial coverage that broadcasters must give to the various major parties, Rule 6.2 of the Code requires that: "Due weight must be given to the coverage of major parties during the election period". Ofcom's published Guidance to Section Six makes clear that: "The concept of giving 'due weight' to the major parties, as required by Rule 6.2, is flexible. Its application depends on the electoral context"⁸. Rule 6.2, therefore does not require broadcasters necessarily to give equal coverage to all the major parties in any given election campaign.
- 1.7 In relation to political parties not on the major parties list, we would expect the relevant broadcasters to consider making additional allocations of PEBs to parties that 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.
- 1.8 Regarding editorial coverage of non-major parties, Rule 6.2 of the Code requires that: "Broadcasters must also consider giving appropriate coverage to other parties and independent candidates with significant views and perspectives".

Background to this review

- 1.9 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 Code ("the PPRB Consultation")⁹. On 21 March 2013 we published our statement ("the PPRB Statement")¹⁰, which set out revised PPRB Rules and Guidance for Sections Five and Six of the Code.
- 1.10 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. In recognition of stakeholder concerns that there had not been sufficient flexibility

⁷ Other parties can qualify for a single PEB depending on the type of election e.g. if a party is standing in one sixth or more of seats in a General Election.

⁸ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>), paragraph 1.20.

⁹ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/summary/condoc.pdf>

¹⁰ See <http://stakeholders.ofcom.org.uk/binaries/consultations/ppbs/statement/statement.pdf>

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 annex¹¹. 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.

Figure 1

The current Ofcom list of major parties (published 3 March 2014)

1. This document sets out the definition of "major parties" as applies to Section Six of the Ofcom Broadcasting Code¹² and the Ofcom rules on Party Political and Referendum Broadcasts¹³.
2. Ofcom will periodically review the definition of "major parties", taking account of relevant evidence, such as changes in the electoral landscape, across a range of elections.
3. At present in Great Britain, major parties are defined as: the Conservative Party; the Labour Party; and the Liberal Democrats.
4. In addition, major parties in Scotland and Wales respectively are the Scottish National Party and Plaid Cymru.
5. The major parties in Northern Ireland are: the Alliance Party; the Democratic Unionist Party; Sinn Fein; the Social Democratic and Labour Party; and the Ulster Unionist Party.
6. In addition to the above, in England and Wales the major parties for the purposes of the European Parliamentary elections taking place on 22 May 2014 includes the United Kingdom Independence Party¹⁴.

- 1.11 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 reflected 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 Parliament and the post of Police and Crime Commissioner¹⁵. In each case, before

¹¹ Until 21 March 2013, the major parties were listed on the face of both the PPRB Rules and Section Six of the Code.

¹² See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

¹³ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

¹⁴ The effect of paragraph 6 is that as of 22 May 2014, the UK Independence Party ("UKIP") was no longer included on the list of major parties

¹⁵ 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

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 Guidance¹⁶. The list of major parties is a key component in fulfilling these duties that relates to each of the relevant UK elections mentioned above.

1.12 At paragraph 3.33 of the PPRB Statement we said the list of major parties would be reviewed 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 elections¹⁷ 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.

1.13 We undertook a review of the list of major parties ahead of the 2014 European Parliamentary elections and English local (and mayoral) elections in 2014 ("the 2014 Review"). On 3 March 2014, we published a statement ("the 2014 Review Statement")¹⁸ in which, following a public consultation¹⁹, we confirmed the methodology by which we had assessed the relevant evidence, for the purposes of changing the list of major parties. As a result of applying that methodology, which we discuss further below, we also confirmed that the UK Independence Party ("UKIP")

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.

¹⁶ 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>

¹⁷ including Westminster parliamentary by-elections.

¹⁸ See

http://stakeholders.ofcom.org.uk/binaries/consultations/parties2014/statement/Major_Parties_Statement.pdf

¹⁹ We asked for stakeholders views on the 2014 Review in a consultation published on 31 October 2013 (see <http://stakeholders.ofcom.org.uk/binaries/consultations/parties2014/summary/condoc.pdf>).

would be added to the Ofcom list of major parties for England and Wales for the specific purposes of the European Parliamentary elections in May 2014 only²⁰. This means that as of 22 May 2014 UKIP was no longer included on the list of major parties.

- 1.14 In paragraph 2.74 of the 2014 Review Statement, we also confirmed that the list of major parties would be kept under review to ensure flexibility and responsiveness to the developing politics of the UK. Consistent with the principles set out in paragraph 1.12 above, we would only carry out a review of the list of major parties ahead of the May 2015 elections if we considered that there were cogent reasons for doing so. Having assessed all the relevant evidence available to us, we have decided to launch a review of the list of major parties ahead of the elections taking place in May 2015.
- 1.15 In Section Two, we:
- set out the analytical framework which Ofcom will use to assess the evidence of past electoral support and current support (in the form of opinion polling data) for political parties, for the purpose of determining the composition of the list of major parties;
 - summarise 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 7 May 2015; and
 - undertake an assessment of that evidence and explain the potential implications for the list of major parties. Based on that assessment we ask for stakeholders' views on whether the list of major parties should be amended.
- 1.16 In addition, in Section Three we are separately requesting stakeholders' views upon a proposed amendment to Ofcom's procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts.

Impact Assessment and Equality Impact Assessment

- 1.17 This document does not contain a separate impact assessment. Instead the document as a whole assesses the impact of our proposals.
- 1.18 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 obligation²¹. 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. Our equality duties in Northern Ireland, under Section 75 of the Northern Ireland Act 1998, require us to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. In line with these duties we will be consulting with our equality stakeholders in Northern Ireland.

²⁰ See figure 1.

²¹ See the Equality Act 2010.

Next steps

- 1.19 Interested stakeholders should let us have their comments as soon as possible and at the latest by **5pm on Thursday 5 February 2015**. Ofcom will consider carefully any comments received, before publishing by early March 2015 a statement, and if appropriate, any revised list of major parties. This will permit the broadcasters and political parties to plan ahead, aware of Ofcom's decision on the list of major parties for the May 2015 elections.

Section 2

Review of Ofcom list of major political parties

Introduction

2.1 In this section we:

- set out the analytical framework which Ofcom will use to assess the evidence of past electoral support and current support (in the form of opinion polling data) for political parties for the purposes of determining the composition of the list of major parties;
- summarise 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 7 May 2015; and
- assess that evidence and explain the potential implications for the list of major parties. Based on that assessment we ask for stakeholders' views on whether the list of major parties should be amended.

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

2.2 For the purposes of this review, we have adopted the same analytical framework as for the 2014 Review, namely we have assessed the available electoral evidence based on each party's past electoral performance and current support separately in each of England, Wales and Scotland (and in addition Northern Ireland). We have considered changes to the list of major parties for the May 2015 elections on that basis.

2.3 By adopting this approach we were mindful that the list of major parties reflects two interlocking features.

- firstly, the list recognises that certain political parties field candidates principally across England, Wales and Scotland, while other parties field candidates in just one of those nations or Northern Ireland. Therefore, in news and current affairs election programming that, for example, focuses on elections across Great Britain, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates principally across England, Wales and Scotland in UK-wide elections (i.e. General Elections and European Parliamentary elections). Conversely, in news and current affairs election programming that focuses on the elections across Great Britain in just one nation of the UK, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates in that one nation; and
- second, the list implicitly reflects the UK/Great Britain's broadcasting architecture²². This is because the list of major parties ensures that broadcasters

²² Some broadcasters (such as Channel 4, Channel 5 and the national radio services i.e. Absolute Radio AM, Classic FM, and Talksport) transmit their programming across the UK/Great Britain, whilst

broadcasting on either a UK/Great Britain-wide basis (such as Channel 4 or Channel 5) or on a devolved nation basis (such as STV in Scotland) allocate PEBs to parties in a manner appropriate to that broadcaster's broadcast footprint. The current list of major parties, although a single list, also reflects separate lists for the UK/Great Britain, England, Wales, Scotland, and Northern Ireland.

2.4 In the 2014 Review we explained that this approach had a number of advantages:

- it enabled the list to reflect variations in support for political parties in the nations of the UK, yet also reflected the fact that certain major parties demonstrate significant support across England, Wales and Scotland in aggregate. Therefore, in news and current affairs election programming that, for example, focused on elections across Great Britain, the list of major parties requires broadcasters to give appropriate coverage to those major parties that field candidates principally, and have significant aggregate support, across England, Wales and Scotland. In addition, broadcasters broadcasting on a UK/Great Britain-wide basis (such as Channel 4 or Channel 5) would have to allocate PEBs to those major parties that fielded candidates principally, and had significant aggregate support, across England, Wales and Scotland as a whole;
- it ensured that the framework for allocating PEBs on channels transmitted only within a devolved nation (such as STV, ITV Wales and UTV), or for determining coverage on election programmes (which focus on UK-wide elections (such as General Elections) within specific devolved nations), accurately reflected the different parties' individual electoral strengths within each devolved nation; and
- it ensured consistency in the approach to assessing the list of major parties for both UK-wide elections and elections taking place in individual devolved nations. It therefore takes into account that different elections (and by extension PEB allocations and election reporting) are undertaken at different times on a UK/Great Britain-wide basis²³ or on a devolved-nation basis²⁴.

The context of the current review

2.5 We recognise the importance of any decision Ofcom may make in relation to the list of major parties ahead of the 2015 elections. Not only is the list important for defining the minimum number of PEBs that must be afforded to certain parties, but by virtue of the "due weight"²⁵ requirement in Section Six of the Code, it will also influence broadcasters editorial coverage of the elections. We note in this regard that broadcasters will take into account all relevant electoral evidence to make editorial decisions as to: the amount of PEBs they allocate; and editorial coverage they afford, to the various parties. As we make clear above²⁶, therefore, broadcasters will not necessarily allocate an equal number of PEBs, or give equal editorial coverage, to all the major parties in any given election campaign. Similarly, they will not necessarily allocate an equal number of PEBs, or give equal editorial coverage to all the other parties in any given election campaign.

some broadcasters, such as Channel 3 licensees broadcast to devolved, or parts of, devolved nations.

²³ General Elections and European Parliamentary elections.

²⁴ For example, local elections and elections to the Scottish Parliament and the Welsh and Northern Ireland Assemblies.

²⁵ Rule 6.2 of the Code states: "Due weight must be given to the coverage of major parties during the election period...".

²⁶ See paragraph 1.5.

- 2.6 We note the public discussion as to whether any leaders' debates might take place during the 2015 General Election campaign. In this context, it is important to note that Ofcom has no role in determining the structure, format and style of any broadcast General Election debates that might take place in future. Rather, our concern would be whether any election debates comply with the rules in relation to due impartiality and elections in Sections Five and Six of the Code once they have been broadcast.
- 2.7 It is an editorial matter for the broadcasters following agreement with the parties as to the structure, format and style of any leaders' debates. Section Six of the Code will apply to those debates. However, we have no views on the structure, format and style of any such debates, should they be agreed to happen ahead of the 2015 General Election.
- 2.8 For the purposes of this Review, we have considered whether the available evidence supports changing the list of major parties, and if so on what basis. For this purpose, we collated a comprehensive set of relevant electoral data, as reproduced in Annex 2. In summary, this data comprises:
- a) evidence of past electoral support: relevant data for past electoral performance in past General Elections²⁷ and English local (and mayoral) elections over a number of years. In addition, we set out relevant data for past electoral performance in other types of election²⁸ which have taken place since the 2010 General Election, and which are not being contested in May 2015; and
 - b) evidence of current support: evidence of current support in relation to England²⁹, Wales, Scotland and Northern Ireland as demonstrated by opinion poll data. In summary, this evidence, as laid out in Annex 2, paragraph A2.8 onwards, comprises of the following:
 - England: as in the 2014 Review, we have used the Great Britain-wide polls as a proxy for gauging levels of current support in England only. The figures we used are contained in: the BBC 'Poll of Polls' (of Great Britain-wide polls); and the monthly polling reports produced by the Polling Observatory project³⁰; and
 - Wales, Scotland and Northern Ireland: we note that very few opinion polls relate individually to Wales, Scotland or Northern Ireland. Nevertheless, we present the limited information that is available in Annex 2.

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

²⁷ Consistent with our methodology for assessing the data, as laid out in paragraph 2.2 above, the General Election data has been listed separately for the four nations of the UK.

²⁸ Such as Westminster Parliamentary by-elections and elections to: the European Parliament; the Scottish Parliament; the National Assembly for Wales; the Northern Ireland Assembly; the London Assembly; Police and Crime Commissioner elections; and local elections in Wales, Scotland and Northern Ireland.

²⁹ 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.

³⁰ See <http://blog.policy.manchester.ac.uk/posts/2014/12/polling-observatory-43-stability-returns-with-race-close-to-dead-heat/>

- 2.9 In addition, the various Great Britain-wide opinion polls typically include support for the Green Party in the “Others” category. Therefore, in figure 23 of Annex 2 we have laid out separately the average Great Britain-wide opinion poll rating for the Green Party, since January 2013.
- 2.10 We ask for stakeholders’ views on the evidence of current support laid out in Annex 2, in particular we are interested in hearing from stakeholders as to whether there are any other sources of relevant evidence of that Ofcom should take into account.

Question 1:

Please provide your views on:

- a) the evidence of current support laid out in Annex 2; and**
- b) whether there is any other relevant evidence which you consider Ofcom should take into account for the purposes of the 2015 review of the list of major parties.**

Summary of the evidence of past electoral support and current support for the purposes of the May 2015 elections

- 2.11 To assess the composition of the list of major parties for the purposes of 2015 Review, we have assessed the electoral strength of the most significant parties fielding candidates in those elections in the four nations of the UK. We have taken into account two sets of evidence: first, levels of past electoral performance in General Elections and English local (and English mayoral) elections (we have also had regard to past electoral performance in other types of election which have taken place since the 2010 General Election, and which are not being contested in May 2015); and, second, levels of current support in the four nations of the UK.
- 2.12 For the purposes of this consultation, Ofcom has had regard to the totality of the evidence presented in Annex 2. A summary of the available evidence in each of the nations of the UK is set out below.

England:

- in relation to the three existing major parties (the Conservative Party, the Labour Party and the Liberal Democrats), they have each demonstrated:
 - significant past electoral support in General Elections in England, all having achieved 22.9% of the vote³¹ and above in both 2005 and 2010;
 - significant past electoral support in local elections in England, with their lowest share of the popular vote since 2009 being, respectively: the Conservative Party (25.9%); the Labour Party (12.7%) and the Liberal Democrats (11.1%). In addition, in relation to the relevant mayoral elections being contested in 2015 these three parties’ average share of the vote in previous elections for these posts has

³¹ The lowest number of General Election seats won by these three parties in England in 2005 and 2010 were: Conservative Party, 194 seats; Labour Party, 191 seats; and Liberal Democrats, 43 seats.

been: the Conservative Party (18.6%); the Labour Party (17.3%) and the Liberal Democrats (17.5%); and

- significant past electoral support in a range of other significant elections in England³² with the lowest share of the vote being 19.7% (in relation to the Conservative Party and the Labour Party). The Liberal Democrats have demonstrated lower levels of past electoral support in other significant elections in England since 2010, of between 4.2% and 9.5%;
- in terms of evidence of current support on the basis of the Great Britain-wide polls³³ in 2014, these polls indicated significant support for the Conservative Party (31.3%³⁴ to 32.6%³⁵) and the Labour Party (35.0%³⁶ to 36.1%³⁷). The relevant polls indicated a lower level of support for the Liberal Democrats (8.2%³⁸ to 8.8%³⁹);
- in relation to UKIP:
 - this party has not demonstrated significant past electoral support in General Elections in England. In 2010 UKIP had 3.5% of the vote and in 2005 it had 2.5% of the vote;
 - however UKIP has performed much more strongly in the last two sets of English local elections, in 2013 and 2014, obtaining 19.9% and 15.7% of the vote, respectively, in these years;
 - in the two relevant mayoral elections it contested, UKIP obtained 5.4% share of the vote on average;
 - UKIP demonstrated significant electoral support in the 2014 European Parliamentary elections, by being the largest party in England with 29.2% of the vote;
 - in other significant elections in England⁴⁰ since 2010 its share of the vote has been between 2.0% and 20.7%. In particular, UKIP has won its first two Westminster Parliamentary seats in by-elections⁴¹; and
 - in terms of current support, Great Britain-wide⁴² opinion polls in 2014 demonstrated significant levels of current support for UKIP over a sustained period with an average polling figure of 13.5%⁴³ to 13.9%⁴⁴;

³² European Parliamentary elections 2014, Police and Crime Commissioner elections 2012, London Mayoral and Assembly elections 2012, and Westminster Parliamentary by-elections since the 2010 General Election.

³³ See footnote 29. We use both the BBC Poll of Polls data and the Polling Observatory data (see Annex 2).

³⁴ Polling Observatory.

³⁵ BBC Poll of Polls.

³⁶ Polling Observatory.

³⁷ BBC Poll of Polls.

³⁸ Polling Observatory.

³⁹ BBC Poll of Polls.

⁴⁰ Police and Crime Commissioner elections 2012, London Mayoral and Assembly elections 2012, and Westminster Parliamentary by-elections since the 2010 General Election..

⁴¹ Clacton North on 9 October 2014 and Rochester and Strood on 20 November 2014.

- in relation to the Green Party:
 - this party has not demonstrated significant past electoral support in General Elections in England. In 2010, the Green Party had 1.0% of the vote (and winning one Westminster seat in England in the 2010 General Election) and in 2005 1.1% of the vote;
 - in English local elections since 2009, the Green Party has obtained between 3.4% and 6.6% of votes. The Green Party's average share of the vote in previous elections for mayoral posts has been 4.0%;
 - the Green Party achieved 8.0% of the vote in the 2014 European Parliamentary elections in England.
 - in other significant elections in England⁴⁵ since 2010 its share of the vote has varied between 0.2% and 8.5%; and
 - in terms of current support, Great Britain-wide⁴⁶ opinion polls⁴⁷ in 2014 show that the Green Party has an average of 4.0%, with its highest share being 5.9% in December 2014;

and

- no other parties have demonstrated significant levels of past electoral support or current support in England⁴⁸.

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 General Elections in Wales, all having achieved 11.3%⁴⁹ of the vote and above in both 2005 and 2010;
 - in relation to performance in other significant elections in Wales⁵⁰ since 2010, the Conservative Party, the Labour Party and Plaid Cymru

⁴² See footnote 29.

⁴³ BBC Poll of Polls.

⁴⁴ Polling Observatory.

⁴⁵ See footnote 40.

⁴⁶ See footnote 29.

⁴⁷ In carrying out our review, Ofcom notes that the various Great Britain-wide opinion polls typically include support for the Green Party in the "Others" category. Therefore, in figure 23 at Annex 2, paragraph A2.11, we have separately laid out the average Great Britain-wide opinion poll rating for the Green Party, from January 2013 to December 2014, from the following companies: ComRes; ICM; Ipsos-Mori; Opinium; Populus; Survation; TNS-BMRB; and YouGov

⁴⁸ In relation to General Elections in England the BNP achieved 0.8% of the vote in 2005 and 2.1% in 2010. This party achieved between 0.2% and 2.5% in English local elections since 2009. The BNP has polled between 1.2% and 2.1% in other significant elections in England since the 2010. In addition, the BNP has not demonstrated significant levels of current support in Great Britain-wide opinion polls (see footnote 29).

⁴⁹ The lowest number of General Election seats won by these four parties in Wales in 2005 and 2010 were: Conservative Party: three seats; Labour Party: 26 seats; Liberal Democrats: three seats; and Plaid Cymru: three seats.

have shown significant past electoral support in a range of elections with the lowest share of the vote being 9.6%;

- the Liberal Democrats have demonstrated lower levels of past electoral support, obtaining between 3.9% and 10.9% of the vote in other significant elections in Wales⁵¹; and
- in terms of evidence of current support, the limited data available in terms of Wales-only opinion polls in 2014 shows significant levels of current support for the Conservative Party (23.3%), the Labour Party (41.3%) and Plaid Cymru (11.6%). The relevant polls indicate a lower level of support for the Liberal Democrats (6.6%). (Note that these figures are averages for 2014);
- in relation to UKIP:
 - this party has not demonstrated significant past electoral support in General Elections in Wales, having obtained 2.4% of the vote in 2010 and 1.5% in 2005;
 - UKIP demonstrated significant electoral support in the 2014 European Parliamentary elections in Wales (27.6% of the vote);
 - in other significant elections in Wales⁵² since 2010 it has obtained between 1.7% and 6.1% of the vote; and
 - in terms of evidence of current support, Wales-only opinion polls in 2014 indicated 12.8% support for UKIP;

and

- no other parties have demonstrated significant levels of past electoral support or current support in Wales⁵³.

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 General Elections in Scotland, all having achieved 15.8%⁵⁴ of the vote and above in both 2005 and 2010;

⁵⁰ European Parliamentary elections 2014, Police and Crime Commissioner elections 2012, Welsh local elections 2012, Welsh assembly elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

⁵¹ Ibid.

⁵² Police and Crime Commissioner elections 2012, Welsh local elections 2012, Welsh Assembly elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

⁵³ In relation to General Elections in Wales: the Green Party achieved 0.5% of the vote in 2005 and 0.4% in 2010; and the BNP achieved 0.1% of the vote in 2005 and 1.6% in 2010. The Green Party has polled between 0.2% and 4.5% in other significant elections in Wales since the 2010 General Election whilst the BNP has polled between 0.7% and 2.4%. In addition, these parties have not demonstrated significant levels of current support in the few Wales-only opinion polls that are available.

- in relation to performance in other significant elections in Scotland⁵⁵ since 2010, the Conservative Party, the Labour Party and SNP have shown significant past electoral support in a range of elections with the lowest share of the vote being 9.9%. The Liberal Democrats have demonstrated lower levels of past electoral support in a range of significant election of between 5.2%⁵⁶ and 7.9%; and
- in terms of evidence of current support, the limited data available in terms of Scotland-only opinion polls in 2014 shows significant levels of current support for the Conservative Party (17.9%), the Labour Party (31.9%) and the SNP (34.9%). The relevant polls indicate a lower level of support for the Liberal Democrats (6.3%). (Note that these figures are averages for 2014);
- in relation to UKIP:
 - this party has not demonstrated significant past electoral support in General Elections in Scotland, having not exceeded 0.7% of the vote⁵⁷ in 2005 and 2010;
 - UKIP received significant electoral support (10.5%) in the 2014 European Parliamentary elections in Scotland;
 - in other significant elections in Scotland since 2010⁵⁸ it achieved between 0.1% and 1.0% of the vote; and
 - in terms of evidence of current support, Scotland-only opinion polls in 2014 indicated a relatively low level of support for UKIP, with an average figure of 4.0%;

and

- no other parties have demonstrated significant levels of past electoral support or current support in Scotland, although we note that the Scottish Green Party achieved 8.1% of the vote in the 2014 European Parliamentary elections⁵⁹.

⁵⁴ The lowest number of General Election seats won by these four parties in Scotland in 2005 and 2010 were: Conservative Party: one seat; Labour Party: 40 seats; Liberal Democrats: 11 seats; and SNP: six seats.

⁵⁵ European Parliamentary elections 2014, Scottish local elections 2012, Scottish parliamentary elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

⁵⁶ However, in the one Westminster Parliamentary by-election that has taken place in Scotland since 2010, the Liberal Democrats achieved 2.2% of the vote.

⁵⁷ UKIP has not won any Westminster seats in past General Elections in Scotland.

⁵⁸ Scottish local elections 2012, Scottish parliamentary elections 2011 and Westminster Parliamentary by-elections since the 2010 General Election.

⁵⁹ However, in relation to General Elections in Scotland, the Green Party achieved 1.1% of the vote in 2005 and 0.7% in 2010. Other than in the 2014 European Parliamentary election, the Green Party has also polled between 2.3% and 4.4% in other significant elections in Scotland since 2010. In addition, this party has not demonstrated a significant level of current support in the Scotland-only opinion polls that are available (The Scottish Green Party has been included in the 'Others' category in Scotland-only polls, and the average opinion poll rating for that category in 2014 was 5.0%).

Northern Ireland:

- in relation to the five existing major parties (the Democratic Unionist Party (“DUP”), Sinn Fein, the Social Democratic and Labour Party (“SDLP”); the Ulster Unionist Party (“UUP”) and the Alliance Party:
 - the DUP, Sinn Fein, the SDLP and the UUP demonstrated significant past electoral support in General Elections in Northern Ireland, all having achieved 15.2%⁶⁰ of the vote and above in both 2005 and 2010. The Alliance Party achieved 3.9% and 6.3% of the vote⁶¹ in 2005 and 2010 respectively;
 - in relation to performance in other significant elections in Northern Ireland⁶² since 2010, the DUP, Sinn Fein, the SDLP and the UUP received significant past electoral support in a range of significant elections with the lowest share of the vote being 13.0%⁶³. The Alliance Party has demonstrated lower levels of past electoral support in a range of significant elections of between 6.7% and 7.7%⁶⁴; and
 - in terms of evidence of current support, the limited data available in terms of Northern Ireland-only opinion polls from 2012 to 2014, showed significant average levels of current support in the period May 2012 to October 2014 for the DUP (27.9%), Sinn Fein (24.5%), the SDLP (15.8%), the UUP (12.3%) and the Alliance Party (10.3%);
- in relation to Traditional Unionist Voice (“TUV”):
 - this party has not shown significant past electoral support in General Elections in Northern Ireland, having achieved 3.9% of the vote⁶⁵ in 2010 (The party did not field candidates at the 2005 General Election);
 - TUV demonstrated significant electoral support (12.1.%) in the 2014 European Parliamentary elections in Northern Ireland;
 - in other significant elections in Northern Ireland⁶⁶ since 2010 it has achieved between 2.0% and 4.5% of the vote; and
 - in terms of evidence of current support, Northern Ireland-only opinion polls in 2012 and 2013 do not indicate a significant level of support for TUV (c.2.9%);

⁶⁰ The lowest number of General Election seats won by three of these four parties in Northern Ireland in 2005 and 2010 were: DUP: eight seats; Sinn Fein: five seats; and SDLP: three seats. The UUP won one seat in 2005 only.

⁶¹ The Alliance Party did win one Westminster seat in Northern Ireland in the 2010 General Election.

⁶² European Parliamentary elections 2014, Northern Ireland local elections 2014 and 2011, Northern Ireland assembly elections 2011, and Westminster Parliamentary by-elections since the 2010 General Election.

⁶³ However, in the two Westminster Parliamentary by-elections that have taken place in Northern Ireland since 2010, the DUP has achieved 2.3% of the vote and the UUP have achieved 0.6% of the vote.

⁶⁴ However, in the two Westminster Parliamentary by-elections that have taken place in Northern Ireland since 2010, the Alliance Party has achieved 1.0% of the vote.

⁶⁵ TUV did not win any Westminster seats in the 2010 General Election in Northern Ireland.

⁶⁶ Northern Ireland local elections 2014 and 2011, Northern Ireland assembly elections 2011, and Westminster Parliamentary by-elections since the 2010 General Election.

and

- no other parties have demonstrated significant levels of past electoral support or current support in Northern Ireland⁶⁷.

Assessment and request for views

2.13 In carrying out our assessment for the 2015 Review, we have taken into account the following:

- Ofcom should take account of all relevant evidence of such support including, for example, electoral results in a given category of elections over two election cycles, as well as evidence of other electoral support such as results in other elections, and current opinion polling; and
- our preference, as we made clear in the 2014 Review, would be to place greater weight on the performance of a given political party in the same type of election over two election cycles, or other significant elections rather than on opinion poll data. This reflects the fact that past electoral performance is an measure of how voters have actually exercised their democratic choice. This compares with the greater uncertainty associated with opinion poll evidence, which may not translate into votes or seats at an election.

Should any party be removed from the list of major parties?

2.14 Taking into account the factors in paragraph 2.13 and all the available evidence, our view is that there are no strong arguments to remove any of the existing major parties from the Ofcom list of major parties in advance of the May 2015 elections. We note that:

- the Conservative Party and the Labour Party have each achieved significant levels of past electoral support in General Elections, English local (and mayoral) elections, and in a range of other significant elections (in England, Wales and Scotland);
- the Conservative Party currently has 303 MPs within Parliament and is the majority party in the Coalition Government. The Labour Party has 257 MPs and is the official opposition within Parliament. The Labour Party is also the governing party in the National Assembly for Wales;
- relevant⁶⁸ opinion polls indicate significant levels of support for the Conservative Party and the Labour Party in each of England, Wales and Scotland;
- the Liberal Democrats have achieved significant past electoral support in: previous General Elections and English local (and mayoral) elections. They have 56 MPs in Parliament and are part of the Coalition Government at UK

⁶⁷ In relation to General Elections in Northern Ireland, the Green Party achieved 0.5% of the vote in 2010. The Green Party has also polled between 0.9% and 1.7% in other significant elections in Northern Ireland since 2010. In addition, this party has not demonstrated a significant level of current support in the very few Northern Ireland-only opinion polls that are available.

⁶⁸ Great Britain-wide opinion polls for England (see footnote 29), and Wales-only and Scotland-only opinion polls as appropriate.

level. Current⁶⁹ opinion polls indicate lower levels of support when compared with the Conservative Party and Labour Party. However, we consider that all the relevant evidence taken together suggests that the Liberal Democrats should remain on the list of major parties;

- Plaid Cymru has demonstrated significant past electoral support in General Elections and other significant elections in Wales. Similarly, Wales-only opinion polls indicate significant levels of current support for this party;
- the SNP has demonstrated significant past electoral support in General Elections and other significant elections in Scotland. The party is the governing party in the Scottish Parliament. Similarly, Scotland-only opinion polls indicate significant levels of support for this party;
- the DUP, Sinn Fein, the SDLP and the UUP have demonstrated evidence of significant past electoral support in General Elections in Northern Ireland and in a range of other significant elections in Northern Ireland. All these parties have Departmental Ministerial posts within the Northern Ireland Executive. Similarly, Northern Ireland-only opinion polls indicate significant levels of support for these parties; and
- the Alliance Party has demonstrated lower levels of past electoral support in General Elections in Northern Ireland as well as in other significant elections in Northern Ireland, compared with the other major parties. However, this party is part of the Northern Ireland Executive, holding two of the 11 Departmental Ministerial posts within that administration. It holds one of the eighteen Northern Ireland Westminster Parliamentary seats. Furthermore, Northern Ireland-only opinion polls indicate significant levels of support for this party. We consider that all the relevant evidence taken together suggests that the Alliance Party should remain on the list of major parties for Northern Ireland.

Should any party be added to the list of major parties?

- 2.15 Taking into account the factors in paragraph 2.13 and all the available evidence we have also considered whether any other parties should be added to the list of major parties for the elections taking place in May 2015 (either on an ongoing basis or otherwise). In our view the evidence suggests that arguments could be made for Ofcom to consider the inclusion of three other parties in some manner on the list of major parties. These parties are: the TUV in Northern Ireland, the Green Party (including the Scottish Green Party) and UKIP. We have not identified any other candidate parties for consideration.
- 2.16 **The TUV:** This party has not demonstrated significant past electoral support in Northern Ireland in General Elections. It performed better in the 2014 European Parliamentary elections, obtaining 12.1% of the vote in Northern Ireland. However, it has not received significant support in other forms of election or significant current support in opinion polls. Taking together all the evidence, the criteria suggest that the TUV has not sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in Northern Ireland.
- 2.17 **The Green Party (including the Scottish Green Party):** This party has not demonstrated significant past electoral support in General Elections. This party has

⁶⁹ Ibid.

performed better in some elections (such as the 2014 European Parliamentary elections, obtaining 8.0% and 8.1% of the vote in England and Scotland). In terms of evidence of current support, this party's opinion poll rating has increased in recent months to 5.9% in December 2014 (and was 4.0% on average for 2014) in Great-Britain wide opinion polls. Taking together all the evidence, the criteria suggest that the Green Party (including the Scottish Green Party) has not sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in England, Wales, Scotland or Northern Ireland.

2.18 **UKIP:** In relation to this party we observed that:

- a) UKIP has not demonstrated significant past electoral support in previous General Elections (achieving between 0.7% and 3.5% of the vote in England, Wales and Scotland in 2010 and between 0.4% and 2.5% of the vote in England, Wales and Scotland in 2005 nor ever won a Parliamentary seat at a General Election).
- b) UKIP's performance in a number of other significant forms of election has, however, been stronger. Notably, since the 2010 General Election:
 - UKIP has won two seats in Parliament at recent by-elections. UKIP obtained 59.7% of the vote in Clacton on 9 October 2014 and 42.1% in Rochester and Strood on 20 November 2014. We recognised, however, that levels of support indicated by by-election outcomes may reflect specific circumstances that do not necessarily apply to a General Election;
 - UKIP demonstrated a significant level of support in England and Wales in the European Parliament elections in 2014 (29.2% in England and 27.6% in Wales). UKIP's share of the vote was lower in Scotland (10.5%); and
 - UKIP has received significant levels of support in the English local elections (15.7% in 2014 and 19.9% in 2013).
- c) The opinion poll data indicates that UKIP currently has significant levels of support in England and Wales to the extent that it has the third highest rating in those polls after the Conservative and Labour parties. Opinion poll data in Scotland shows lower levels of current support.
- d) The level of support for UKIP exhibited in the opinion poll data for England and Wales has been growing steadily for a number of years in the period since the 2010 General Election (from an average of 7.4% in 2012 to an average 13.5% in 2014, in the BBC Poll of Polls, and from an average of 8.2% in 2012 to an average of 13.9% in 2014 in the Polling Observatory figures).

2.19 Taking together all the evidence, the criteria suggest that UKIP has sufficiently demonstrated evidence of past electoral support and current support to qualify for major party status in England and Wales for the purposes of the General Election and English local (and mayoral) elections in May 2015.

Question 2:

Do you agree with our assessment in relation to each of:

- a) The existing major parties;**
- b) Traditional Unionist Voice in Northern Ireland;**
- c) The Green Party (including the Scottish Green Party); and**
- d) UKIP?**

Please provide reasons for your views.

Section 3

Other issues

Ofcom's procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts

- 3.1 In this consultation we are also asking for stakeholders' views on a further election-related issue.
- 3.2 In carrying out its duty to regulate broadcast content related to elections, Ofcom may convene its Election Committee⁷⁰. This is a delegated committee of the Ofcom Board whose role is to consider and adjudicate on complaints received with regard to: the allocation by Ofcom licensed broadcasters of party election broadcasts ("PEBs"); the scheduling of PEBs, or their duration; and, due impartiality in programmes transmitted by Ofcom licensed broadcasters during an election period.
- 3.3 To determine disputes between broadcasters and political parties⁷¹ in relation to allocations of PEBs in accordance with Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules")⁷², Ofcom follows its Procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts ("the PPRB Rules Procedures")⁷³.
- 3.4 Rule 9 of the PPRB Rules Procedures states that:
- "On receipt of a Party's Referral Letter, the Committee will write to the Party confirming whether it has accepted the dispute and, where applicable, requesting any relevant further information ("the Acceptance Letter"). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email".
- 3.5 Disputes concerning allocation of PEBs normally occur shortly before or during an election period. As referred to in Rule 9, such disputes require the relevant broadcasters to provide⁷⁴ up to two sets of representations, often according to very

⁷⁰ See <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/election-committee/>

⁷¹ And designated organisations in referendums in relation to the allocation of Referendum Campaign Broadcasts. Ofcom also uses the PPRB Rules Procedures as a guideline set of procedures (with necessary and appropriate changes) when an individual or party complains to Ofcom that due impartiality was not preserved in a programme transmitted by a Ofcom licensed broadcaster during an election or referendum period, and the Election Committee decides that complaint.

⁷² 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").

⁷³ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/disputes.pdf> (and reproduced in Annex 3).

⁷⁴ Rules 10 and 11 of the PPRB Rules Procedures require the Election Committee to forward details of the party's dispute to the relevant broadcaster, giving the broadcaster an opportunity to respond to

tight deadlines. As such, we recognise the administrative burden such disputes can place on parties to these disputes. As currently drafted we consider that (assuming that a party is registered with the Electoral Commission and has provided all relevant evidence or background information), Rule 9 envisages that the Election Committee would automatically consider any PEB allocation dispute referred to it by a political party.

- 3.6 We are however mindful that some PEB allocation disputes referred by political parties to the Election Committee might be based on unsustainable arguments or for some other reason it may be clearly an unsustainable case. Without discretion not to entertain such disputes, the Election Committee is presently obliged to proceed in all cases to a full investigation and to issue a comprehensive written decision according to the PPRB Rules Procedures. This has the potential to place a considerable burden in terms of time and costs not only on the parties in dispute, but also on Ofcom. In the period prior to an election, we consider that it is important that the Election Committee (and broadcasters) are able to deploy their resources most effectively.
- 3.7 We therefore propose that Ofcom be given the discretion, in appropriate cases, to decide that a dispute over PEBs⁷⁵ does not merit referral to the Election Committee. Our proposal is for the current wording of Rule 9 of the PPRB Rules Procedures to be amended as follows (proposed amendments are shown in bold):

“On receipt of a Party’s Referral Letter, **Ofcom will assess the Referral Letter and, if appropriate, write to the Party requesting any relevant further information. If, after consulting the Chair of the Committee, in Ofcom’s view:**

- **the Party wishing to refer a dispute to the Committee has not set out a sustainable case for the Committee to determine that dispute;**
- **there has been undue delay in the Party sending the Referral Letter to the Committee; and/or**
- **for any other reason, it is inappropriate for the Committee to proceed to decide the dispute set out in the Referral Letter,**

Ofcom will write to the Party stating that the Committee will take no further action and providing an explanation of that decision. Otherwise, the Committee will write to the Party confirming that it has accepted the dispute (“the Acceptance Letter”). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email”.

the dispute with any comments, representations and additional evidence. On receiving the broadcaster’s response, the Election Committee will write to the party again, giving it a final opportunity to reply to the contents of the broadcaster’s response. Any further response from the party will be forwarded to the broadcaster to give it a final opportunity to respond.

⁷⁵ Or a complaint about an alleged lack of due impartiality during an election or referendum period (see footnote 72 above)

Question 3:

Do you agree with the proposed amendment to Rule 9 of the PPRB Rules Procedures outlined in paragraph 3.7 above? Please provide reasons for your views.

Election period

- 3.8 Stakeholders should also be aware that we intend to publish an updated version of Section Six of the Code to incorporate a slight amendment to the term “election period” as defined within that section.
- 3.9 At present, Section Six states that for General Elections the “election period...begins with announcement of the dissolution of Parliament”. This reflects the fact that during recent history the Parliamentary terms for the UK Parliament could vary, as General Elections were called by Prime Ministers. However, this position has now changed with the passing of the Fixed-term Parliaments Act 2011, which set the date of the next General Election as Thursday 7 May 2015. Thereafter, General Elections will take place on the first Thursday in May in the fifth calendar year following a General Election. Given that the UK Parliament now has fixed terms we consider it appropriate to amend the definition of “election period” in Section Six. The Scottish Parliament and National Assembly for Wales are also legislative chambers with fixed terms.
- 3.10 We are therefore going to amending the definition of “election period” so that it would read as follows: “For a parliamentary general election, this period begins with the dissolution of Parliament...”.

Annex 1

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

How to respond

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")⁷⁶ and Section Six (Elections)⁷⁷ 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 channel⁷⁸ and every national commercial radio service⁷⁹ 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)⁸⁰".

(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).

⁷⁶ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>

⁷⁷ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/831190/section6.pdf>

⁷⁸ 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.

⁷⁹ i.e. Classic FM, Talksport and Absolute Radio AM.

⁸⁰ 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 7 May 2015 the following elections are due to take place: the General Election (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, Channel 4; Channel 5, Classic FM; Talksport and Absolute Radio AM for the General Election for the General Election; and
- the relevant regional Channel 3 service for the English local government elections⁸¹.

A1.5 The previous analogous year to 2015 in terms of elections was 2010, when the last General Election was held together with English local government elections (in some parts of England). Figure 2 lays out Ofcom’s understanding of the number of PEBs allocated by a selection of broadcasters to all political parties in 2010 for the General Election (excluding the BBC).

⁸¹ 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.

Figure 2: Allocations of PEBs for the 2010 General Election (BBC excluded)

Political Party	England-only PEBs ⁸²	Wales-only PEBs ⁸³	Scotland-only PEBs ⁸⁴	Northern Ireland-only PEBs ⁸⁵	Great Britain-wide PEBs ⁸⁶
Conservative Party	5	4	4	-	5
Labour Party	5	4	4	-	5
Liberal Democrats	4	4	4	-	4
Plaid Cymru	-	4	-	-	2
Scottish National Party	-	-	4	-	3
UK Independence Party	1	1	1	-	1
Green Party ⁸⁷	1	1	1	1	1
British National Party	1	1	1	-	1
English Democrats	1	-	-	-	1
Christian Party	-	1	1	-	1
Trades Unionist and Socialist Coalition	-	-	1	-	-
Democratic Unionist Party	-	-	-	4	-
Sinn Fein	-	-	-	4	-

⁸² Broadcast by ITV.⁸³ Broadcast by ITV.⁸⁴ Broadcast by STV.⁸⁵ Broadcast by UTV.⁸⁶ Broadcast by Channel 4 and Channel 5.⁸⁷ including the Scottish Green Party.

Political Party	England-only PEBs ⁸⁸	Wales-only PEBs ⁸⁹	Scotland-only PEBs ⁹⁰	Northern Ireland-only PEBs ⁹¹	Great Britain-wide PEBs ⁹²
Social Democratic and Labour Party	-	-	-	4	-
Ulster Unionist Party	-	-	-	4	-
Alliance Party	-	-	-	2	-
Traditional Unionist Voice	-	-	-	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 Six⁹³ 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 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).

⁸⁸ Broadcast by ITV.

⁸⁹ Broadcast by ITV.

⁹⁰ Broadcast by STV.

⁹¹ Broadcast by UTV.

⁹² Broadcast by Channel 4 and Channel 5.

⁹³ To assist broadcasters’ coverage of elections, Ofcom has published Guidance to Section Six of the Code (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section6.pdf>).

Annex 2

Evidence of past electoral support and current support

A2.1 In this annex, we set out:

- relevant evidence of past electoral support for General Elections, English local (including English mayoral) elections, and also other significant elections that have taken place since the 2010 General Election; and
- relevant updated evidence of current support across Great Britain and within Wales, Scotland and Northern Ireland.

Evidence of past electoral support

General Elections

A2.2 Figure 3 lays out the numbers of seats won and share of the popular vote achieved by the various political parties for the last three General Elections in England, Wales and Scotland (2001, 2005 and 2010).

Figure 3: Number of seats and share of vote at General Elections (England, Wales and Scotland)

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party ⁹⁴	BNP	Others
2010 General Election									
England	297 39.5%	191 28.1%	43 24.2%	N/A	N/A	0 3.5%	1 1.0%	0 2.1%	1 1.6%
Wales	8 26.1%	26 36.3%	3 20.1%	N/A	3 11.3%	0 2.4%	0 0.4%	0 1.6%	0 1.8%
Scotland	1 16.8%	41 42.0%	11 18.9%	6 19.9%	N/A	0 0.7%	0 0.7%	0 0.4%	0 0.6%
2005 General Election									
England	194 35.7%	286 35.5%	47 22.9%	N/A	N/A	0 2.5%	0 1.1%	0 0.8%	2 3.5%
Wales	3 21.4%	29 42.7%	4 18.4%	N/A	3 12.6%	0 1.5%	0 0.5%	0 0.1%	1 2.8%
Scotland	1 15.8%	40 38.9%	11 22.6%	6 17.7%	N/A	0 0.4%	0 1.1%	0 0.1%	1 3.4%
2001 General Election									
England	165 35.2%	323 41.4%	40 19.4%	N/A	N/A	0 1.7%	0 0.7%	0 0.2%	1 1.4%
Wales	0 21.0%	34 48.6%	2 13.8%	N/A	4 14.3%	0 0.9%	0 0.3%	0 0.1%	0 1.0%
Scotland	1 15.6%	55 43.4%	10 16.3%	5 20.1%	N/A	0 0.1%	0 0.2%	N/A	1 4.3%

Source: BBC and House of Commons Library

⁹⁴ And Scottish Green Party.

A2.3 Figure 4 sets out the numbers of seats won and share of the popular vote achieved by the various political parties for the last three General Elections in Northern Ireland (2001, 2005 and 2010).

Figure 4: Number of seats and share of vote at General Elections (Northern Ireland)

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
2010 General Election							
8 25.0%	5 25.5%	3 16.5%	0 15.2%	1 6.3%	0 3.9%	0 0.5%	1 7.1%
2005 General Election							
9 33.7%	5 24.3%	3 17.5%	1 17.8%	0 3.9%	N/A	N/A	0 2.8%
2001 General Election							
5 22.5%	4 21.7%	3 21.0%	6 26.8%	0 3.6%	N/A	N/A	0 4.4%

Source: BBC and House of Commons Library

A2.4 Figures 5 and 6 lay out the numbers of seats and the aggregate share of the popular vote in the 20 Westminster Parliamentary by-elections that have taken place to date since the 2010 General Election

Figure 5: Seats won and aggregate share of vote in the 20 Westminster by-elections (England, Wales and Scotland) since the 2010 General Election to 9 October 2014

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party	BNP	Others
England	1 19.7%	12 39.0%	1 9.5%	N/A	N/A	2 20.7%	0 1.7%	0 1.7%	1 7.7%
Wales	0 19.9%	1 47.5%	0 10.9%	N/A	0 9.6%	0 6.1%	0 4.1%	N/A	0 1.9%
Scotland	0 9.9%	1 53.8%	0 2.2%	0 33.0%	N/A	0 1.0%	N/A	N/A	N/A

Source: BBC

Figure 6: Seats won and aggregate share of vote in Westminster by-elections (Northern Ireland)

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
0 2.3%	2 56.0%	0 15.9%	0 0.6%	0 1.0%	N/A	N/A	0 24.2%

Source: BBC

English local elections

A2.5 Figure 7 shows figures collated by the Elections Centre, Plymouth University, of the numbers of seats won and share of the popular vote achieved by the various political parties for English local elections for the period 2009 to 2014.

Figure 7: Numbers of seats and share of vote at English local elections

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Others
2014	2,124 25.9%	1,366 35.8%	429 11.1%	16 15.7%	38 6.6%	1 0.3%	145 4.8%
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	1,611 32.5%	1,778 31.9%	728 23.8%	1 1.6%	13 3.4%	2 2.5%	93 4.3%
2009	1,520 44.4%	167 12.7%	463 24.8%	8 4.6%	17 4.6%	3 2.5%	140 6.4%

Source: The Elections Centre, Plymouth University

A2.6 Mayoral elections are due to take place in May 2015 in: Bedford; Leicester; Mansfield; Middlesbrough; and Torbay. Figure 8 lays out for each of the parties the number of mayoralties won and the aggregate share of the vote when these mayoral elections have taken place in the past.

Figure 8: Number of mayoralties and average share of vote

Year	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
2011 (5 contests)	1 17.2%	1 31.7%	1 15.4%	0 5.4%	0 3.7%	2 33.4%
2009 (1 contest)	0 25.9%	0 9.9%	1 26.8%	N/A	0 3.4%	0 34.0%
2007 (3 contests)	0 13.7%	0 17.9%	0 18.4%	N/A	0 4.6%	3 44.0%
2005 (1 contest)	1 21.9%	0 3.2%	0 15.8%	N/A	N/A	0 59.1%
2002 (3 contests)	0 14.5%	0 23.6%	0 10.9%	N/A	0 4.2%	3 48.5%
Overall Average	18.6%	17.3%	17.5%	5.4%	4.0%	43.8%

Source: Local authority websites

Other significant elections since the 2010 General Election

A2.7 Figures 9 to 20 overleaf set out the numbers of seats won and share of the popular vote achieved by the various political parties in a range of significant elections that have taken place since the 2010 General Election.

Elections taking place across different nations of the UK (numbers of seats and share of vote)

Figure 9: 2014 European Parliamentary elections – England, Wales and Scotland

	Cons.	Lab.	Lib-Dem.	SNP	Plaid Cymru	UKIP	Green Party ⁹⁵	BNP	Others
England	17 24.9%	17 25.2%	1 7.0%	N/A	N/A	22 29.2%	3 8.0%	0 1.2%	0 4.5%
Wales	1 17.4%	1 28.1%	0 3.9%	N/A	1 15.3%	1 27.6%	0 4.5%	0 1.0%	0 2.1%
Scotland	1 17.2%	2 25.9%	0 7.1%	2 29.0%	N/A	1 10.5%	0 8.1%	0 0.8%	0 1.5%

Source: BBC and House of Commons Library

Figure 10: 2014 European Parliamentary elections – Northern Ireland

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
1 20.9%	1 25.5%	0 13.0%	0 13.3%	0 7.1%	0 12.1%	0 1.7%	0 6.4%

Source: BBC and House of Commons Library

Figure 11: 2012 Police and Crime Commissioner elections

	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	Others
England	15 28.2%	12 31.4%	0 7.7%	0 7.4%	0 0.2%	10 25.1%
Wales	1 20.8%	1 41.8%	N/A	0 1.7%	N/A	2 35.7%

Source: BBC

Elections taking place in England only (numbers of seats and share of vote)

Figure 12: 2012 London Mayoral election

Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Ind.
44.0%	40.3%	4.2%	2.0%	4.5%	1.3%	3.8%

Source: BBC

Figure 13: 2012 London Assembly elections

Type of Vote	Cons.	Lab.	Lib-Dem.	UKIP	Green Party	BNP	Others
Directly elected seats	6 32.7%	8 42.3%	0 8.8%	0 4.3%	0 8.5%	0 1.4%	0 2.0%
Top-up list	3 32.0%	4 41.1%	2 6.8%	0 4.5%	2 8.5%	0 2.1%	0 5.0%

Source: BBC

⁹⁵ And the Scottish Green party

Elections taking place in Wales only (numbers of seats and share of vote)**Figure 14: 2012 Welsh local elections**

Cons.	Lab.	Lib-Dem.	Plaid Cymru	Green Party	Others
105 12.7%	576 35.6%	72 8.0%	158 15.7%	0 1.2%	313 26.8%

Source: BBC and Electoral Commission

Figure 15: 2011 Welsh Assembly elections

Type of Vote	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	BNP	Others
Directly elected seats	6 25.0%	28 42.3%	1 10.6%	5 19.3%	N/A	0 0.2%	0 0.7%	0
Regional lists	8 22.5%	2 36.9%	4 8.0%	6 17.9%	0 4.6%	0 3.4%	0 2.4%	0 4.3%

Source: BBC and Electoral Commission

Elections taking place in Scotland only (numbers of seats and share of vote)**Figure 16: 2012 Scottish local elections**

Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	Others
115 13.3%	394 31.4%	71 6.6%	425 32.3%	0 0.3%	8 2.3%	0 13.8%

Source: Electoral Commission

Figure 17: 2011 Scottish Parliamentary elections

Type of Vote	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Scottish Green Party	BNP	Others
Directly elected seats	3 13.9%	15 31.7%	2 7.9%	53 45.4%	0 0.1%	N/A	N/A	0 1.0%
Regional lists	12 12.4%	22 26.3%	3 5.2%	16 44.0%	0 0.9%	2 4.4%	0 0.8%	0 4.0%

Source: Electoral Commission

Elections taking place in Northern Ireland only (numbers of seats and share of vote)**Figure 18: 2014 Northern Ireland local elections**

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
130 23.1%	105 24.1%	66 13.6%	88 16.2%	32 6.7%	13 4.5%	4 0.9%	9 10.9%

Source: BBC

Figure 19: 2011 Northern Ireland Assembly elections

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
38 30.0%	29 26.9%	14 14.2%	16 13.2%	8 7.7%	1 2.5%	1 0.9%	1 4.6%

Source: BBC

Figure 20: 2011 Northern Ireland local elections

DUP	Sinn Fein	SDLP	UUP	Alliance Party	TUV	Green Party	Others
175 27.2%	138 24.8%	87 15.0%	99 15.2%	44 7.4%	6 2.0%	3 1.0%	30 7.4%

Source: BBC

Evidence of current support

A2.8 We lay out below evidence of current support, as indicated by opinion polls, in respect of the four separate nations of the UK.

England

A2.9 We are not aware of any recent opinion polls of support for the political parties in England only. In the 2014 Review, we used the Great Britain-wide polls as a proxy for gauging levels of current support in England only. The figures we used were contained in the BBC 'Poll of Polls' (of Great Britain-wide polls). This poll looks at the five most recent 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 polls of the following companies are included in the BBC Poll of Polls: ComRes; ICM; Ipsos-Mori; Populus; Survation; TNS-BMRB; and YouGov). We have used this data for the 2015 Review. Figure 21 shows the BBC Poll of Polls since it started in May 2012 to December 2014.

A2.10 To obtain the most comprehensive range of data possible, in addition to the BBC Poll of Polls, we have also considered information produced by the Polling Observatory project⁹⁶. This project has produced estimates of current support by pooling all the currently available polling data, while taking into account the estimated biases of the individual pollsters ("house effects"), the effects of sample size on the likely accuracy of polls, and the effects of the sampling decisions pollsters make, which mean their samples are not truly random ("design effects"). The model uses the 2010 General Election result as a reference point for judging the accuracy of pollsters, and adjusts the poll figures to reflect the estimated biases in the pollsters figures based on this reference point. Figure 22 shows the Polling Observatory data⁹⁷ since it started including UKIP in November 2012 to December 2014.

⁹⁶ See <http://blog.policy.manchester.ac.uk/posts/2014/12/polling-observatory-43-stability-returns-with-race-close-to-dead-heat/>

⁹⁷ From 1 June 2014 onwards the Polling Observatory model was adjusted due to concerns that: Liberal Democrat support was being underestimated; disagreement between pollsters as to what the level of UKIP support has been; and changes to methodology by individual pollsters. The polling

Figure 21: BBC Poll of Polls opinion poll data (Great Britain-wide May 2012 to December 2014)

Date	Cons.	Lab.	Lib-Dem	UKIP	Others
15/12/14	32.0%	32.0%	8.0%	16.0%	12.0%
5/12/14	32.0%	34.0%	9.0%	15.0%	10.0%
22/11/14	32.0%	33.0%	7.0%	16.0%	12.0%
10/11/14	33.0%	33.0%	8.0%	16.0%	10.0%
27/10/14	33.0%	35.0%	7.0%	16.0%	9.0%
15/10/14	32.0%	34.0%	9.0%	14.0%	11.0%
4/10/14	31.0%	36.0%	7.0%	15.0%	11.0%
20/9/14	33.0%	35.0%	9.0%	15.0%	8.0%
8/9/14	32.0%	35.0%	8.0%	15.0%	10.0%
25/8/14	33.0%	36.0%	8.0%	14.0%	9.0%
13/8/14	35.0%	37.0%	8.0%	12.0%	8.0%
31/7/14	33.0%	36.0%	9.0%	14.0%	8.0%
18/7/14	33.0%	35.0%	9.0%	12.0%	11.0%
6/7/14	33.0%	37.0%	8.0%	14.0%	9.0%
22/6/14	32.0%	36.0%	9.0%	13.0%	10.0%
14/6/14	33.0%	36.0%	7.0%	14.0%	10.0%
27/5/14	34.0%	35.0%	9.0%	14.0%	8.0%
15/5/14	33.0%	36.0%	9.0%	14.0%	8.0%
29/4/14	32.0%	36.0%	10.0%	13.0%	7.0%
14/4/14	33.0%	37.0%	9.0%	14.0%	7.0%
1/4/14	34.0%	37.0%	9.0%	11.0%	9.0%
17/3/14	33.0%	36.0%	10.0%	13.0%	8.0%
13/3/14	34.0%	38.0%	10.0%	12.0%	6.0%
28/2/14	32.0%	38.0%	9.0%	13.0%	8.0%
16/2/14	32.0%	38.0%	9.0%	12.0%	9.0%
9/2/14	33.0%	39.0%	11.0%	10.0%	7.0%
31/1/14	32.0%	39.0%	11.0%	10.0%	8.0%
19/1/14	31.0%	39.0%	9.0%	13.0%	8.0%
11/1/14	32.0%	38.0%	9.0%	10.0%	11.0%
2014 Average	32.6%	36.1%	8.8%	13.5%	9.0%
15/12/13	33.0%	37.0%	10.0%	10.0%	10.0%
8/12/13	33.0%	39.0%	10.0%	11.0%	7.0%
18/11/13	32.0%	38.0%	10.0%	10.0%	10.0%
11/11/13	32.0%	39.0%	10.0%	12.0%	7.0%
27/10/13	33.0%	39.0%	10.0%	11.0%	7.0%
15/10/13	34.0%	38.0%	11.0%	11.0%	6.0%
2/10/13	33.0%	39.0%	11.0%	12.0%	5.0%
22/9/13	33.0%	37.0%	11.0%	9.0%	10.0%
8/9/13	31.0%	38.0%	11.0%	12.0%	8.0%
27/08/13	32.0%	37.0%	10.0%	11.0%	10.0%
15/8/13	32.0%	38.0%	10.0%	10.0%	10.0%
1/8/13	33.0%	39.0%	10.0%	11.0%	7.0%
19/7/13	33.0%	38.0%	11.0%	11.0%	7.0%
24/6/13	30.0%	36.0%	10.0%	14.0%	10.0%
10/6/13	30.0%	37.0%	10.0%	17.0%	6.0%
26/5/13	29.0%	35.0%	10.0%	14.0%	12.0%
10/5/13	30.0%	39.0%	11.0%	13.0%	7.0%

Observatory now makes adjustment relative to the “average pollster” rather than the 2010 General Election.

Date	Cons.	Lab.	Lib-Dem	UKIP	Others
21/4/13	30.0%	40.0%	10.0%	14.0%	6.0%
7/4/13	30.0%	39.0%	12.0%	13.0%	6.0%
18/3/13	27.0%	39.0%	11.0%	13.0%	10.0%
10/3/13	31.0%	42.0%	11.0%	11.0%	5.0%
18/2/13	31.0%	41.0%	11.0%	10.0%	7.0%
11/2/13	32.0%	41.0%	11.0%	9.0%	7.0%
27/1/13	33.0%	39.0%	11.0%	10.0%	7.0%
15/1/13	31.0%	43.0%	10.0%	9.0%	7.0%
2/1/13	32.0%	40.0%	10.0%	8.0%	10.0%
2013 Average	31.5%	38.7%	10.5%	11.4%	7.9%
16/12/12	31.0%	41.0%	9.0%	9.0%	10.0%
3/12/12	32.0%	41.0%	10.0%	8.0%	9.0%
18/11/12	31.0%	43.0%	9.0%	8.0%	9.0%
11/11/12	32.0%	42.0%	11.0%	8.0%	7.0%
28/10/12	33.0%	43.0%	9.0%	7.0%	8.0%
15/10/12	31.0%	42.0%	10.0%	7.0%	10.0%
23/9/12	33.0%	43.0%	9.0%	6.0%	9.0%
17/9/12	34.0%	42.0%	11.0%	7.0%	6.0%
29/8/12	34.0%	42.0%	8.0%	6.0%	10.0%
7/8/12	33.0%	44.0%	10.0%	8.0%	7.0%
31/7/12	33.0%	42.0%	10.0%	7.0%	8.0%
26/7/12	33.0%	43.0%	9.0%	7.0%	8.0%
22/7/12	34.0%	43.0%	9.0%	7.0%	9.0%
16/7/12	34.0%	43.0%	9.0%	7.0%	8.0%
11/7/12	35.0%	43.0%	8.0%	8.0%	7.0%
4/7/12	34.0%	43.0%	9.0%	7.0%	8.0%
27/6/12	32.0%	43.0%	11.0%	7.0%	7.0%
21/6/12	33.0%	43.0%	8.0%	8.0%	8.0%
17/6/12	32.0%	43.0%	9.0%	8.0%	9.0%
11/6/12	34.0%	43.0%	8.0%	7.0%	8.0%
6/6/12	32.0%	44.0%	8.0%	7.0%	11.0%
27/5/12	32.0%	42.0%	8.0%	8.0%	10.0%
21/5/12	32.0%	42.0%	8.0%	7.0%	11.0%
17/5/12	31.0%	44.0%	9.0%	8.0%	8.0%
2012 Average	32.7%	42.7%	9.1%	7.4%	8.5%
Overall Average	32.3%	39.2%	9.5%	10.8%	8.5%

Source: BBC

Figure 22: Polling Observatory opinion poll data (Great Britain-wide) November 2012 to December 2014

Date	Cons.	Lab.	Lib-Dem	UKIP	Others
Dec. 2014	30.0%	32.2%	8.5%	16.2%	12.0%
Nov. 2014	30.7%	31.6%	8.5%	15.2%	14.0%
Oct. 2014	30.1%	34.4%	8.3%	15.2%	12.0%
Sep. 2014	31.2%	34.4%	8.6%	14.0%	11.8%
Aug. 2014	32.0%	35.3%	8.8%	13.3%	10.6%
Jul. 2014	30.8%	34.6%	8.8%	14.8%	11.0%
Jun. 2014	30.9%	33.8%	9.3%	14.9%	11.1%
May 2014	31.6%	35.3%	7.4%	14.1%	11.6%
Apr. 2014	33.0%	36.2%	7.6%	12.1%	11.1%
Mar. 2014	32.1%	37.0%	7.2%	12.7%	11.0%
Feb. 2014	31.9%	37.8%	7.2%	11.8%	11.3%
Jan. 2014	31.0%	37.6%	7.8%	12.1%	11.5%
2014 Average	31.3%	35.0%	8.2%	13.9%	11.6%
Dec. 2013	30.9%	37.5%	8.0%	11.9%	11.7%
Nov. 2013	31.8%	38.3%	7.4%	11.3%	11.2%
Sep. 2013	31.7%	37.3%	7.7%	11.3%	12.0%
Sep. 2013	31.8%	37.7%	8.4%	11.7%	10.4%
Aug. 2013	31.2%	38.1%	8.4%	11.7%	10.6%
Jun. 2013	30.0%	37.6%	8.3%	12.8%	11.3%
May 2013	28.1%	37.7%	8.0%	14.4%	11.8%
Apr. 2013	30.3%	38.4%	9.1%	11.5%	10.7%
Apr. 2013	28.9%	39.3%	10.1%	11.2%	10.5%
Mar. 2013	29.9%	41.2%	9.1%	9.3%	10.5%
Feb. 2013	31.9%	40.7%	6.9%	8.5%	12.0%
2013 Average	30.6%	38.5%	8.3%	11.4%	11.2%
Dec. 2012	30.6%	41.4%	8.5%	8.8%	10.7%
Nov. 2012	31.9%	41.9%	7.9%	7.6%	10.7%
2012 Average	31.3%	41.7%	8.2%	8.2%	10.7%
Overall Average	31.1%	38.4%	8.2%	11.2%	11.2%

Source: Polling Observatory

A2.11 In carrying out our review, Ofcom noted that the various Great Britain-wide opinion polls typically included support for the Green Party in the “Others” category. Therefore, in figure 23 overleaf we have separately laid out the average Great Britain-wide opinion poll rating for the Green Party, from January 2013 to December 2014, from the following companies: ComRes; ICM; Ipsos-Mori; Opinium; Populus; Survation; TNS-BMRB; and YouGov.

Figure 23: Green Party opinion poll data (Great Britain-wide) January 2013 to December 2014)

Date	Green Party
Dec. 2014	5.9%
Nov. 2014	5.5%
Oct.2014	4.6%
Sep.2014	4.6%
Aug. 2014	4.2%
Jul. 2014	4.5%
Jun. 2014	4.5%
May 2014	3.9%
Apr. 2014	2.6%
Mar. 2014	2.6%
Feb. 2014	2.6%
Jan. 2014	2.7%
2014 Average	4.0%
Dec. 2013	2.7%
Nov. 2013	2.8%
Oct. 2013	2.7%
Sep. 2013	2.7%
Aug. 2013	2.6%
Jul. 2013	2.7%
Jun. 2013	2.6%
May 2013	2.7%
Apr. 2013	2.6%
Mar. 2013	2.3%
Feb. 2013	2.2%
Jan. 2013	2.1%
2013 Average	2.6%
Overall Average	3.3%

Source: Various polling organisations

Wales

A2.12 It is Ofcom's understanding that very few opinion polls have been carried out in relation to Wales only. Figure 24 overleaf sets out indicative levels of current support for the period from February 2013 to December 2014 in Wales only, as suggested by polls carried out by YouGov (with two polls conducted by ICM).

Figure 24: Opinion poll data (Wales only) February 2013 to December 2014)

Date	Cons.	Lab.	Lib-Dem.	Plaid Cymru	UKIP	Green Party	Others
Dec. 2014	23.0%	36.0%	5.0%	11.0%	18.0%	5.0%	2.0%
*Sep.2014	23.0%	38.0%	7.0%	13.0%	14.0%	1.0%	4.0%
Sep. 2014	23.0%	38.0%	6.0%	11.0%	17.0%	5.0%	0.0%
July 2014	25.0%	41.0%	5.0%	11.0%	14.0%	3.0%	1.0%
May 2014	22.0%	43.0%	7.0%	11.0%	13.0%	3.0%	1.0%
April 2014	24.0%	45.0%	7.0%	11.0%	10.0%	1.0%	2.0%
*Feb.2014	24.0%	42.0%	9.0%	14.0%	7.0%	2.0%	2.0%
Feb. 2014	22.0%	47.0%	7.0%	11.0%	9.0%	2.0%	3.0%
2014 Average	23.3%	41.3%	6.6%	11.6%	12.8%	2.8%	1.9%
Dec. 2013	21.0%	46.0%	8.0%	12.0%	10.0%	2.0%	1.0%
July 2013	23.0%	48.0%	8.0%	9.0%	8.0%	2.0%	2.0%
Feb. 2013	22.0%	51.0%	9.0%	10.0%	7.0%	1.0%	0.0%
2013 Average	22.0%	48.3%	8.3%	10.3%	8.3%	1.7%	1.0%
Overall Average	22.7%	44.8%	7.5%	11.0%	10.6%	2.3%	1.5%

Source: YouGov (and *ICM)

A2.13 It is also Ofcom's understanding that relatively few opinion polls have been carried out in relation to Scotland only. Figure 25 indicates levels of current opinion poll support for the period from October 2012 to December 2014 in Scotland only, according to aggregated opinion polls carried out by YouGov (with polls carried out by Populus, Ipsos-Mori, Survation and ICM).

Figure 25: Opinion poll data (Scotland only) March 2012 to December 2014

Date	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Others
Dec. 2014	17.0%	25.0%	6.0%	43.0%	5.0%	4.0%
****Dec.2014	13.0%	26.0%	6.0%	43.0%	7.0%	5.0%
***Dec.2014	16.0%	24.0%	5.0%	48.0%	4.0%	2.0%
Nov. 2014	17.0%	27.0%	5.0%	42.0%	4.0%	5.0%
***Oct.2014	18.0%	32.0%	5.0%	34.0%	5.0%	6.0%
Oct. 2014	18.0%	28.0%	6.0%	40.0%	4.0%	4.0%
Oct. 2014	15.0%	27.0%	4.0%	43.0%	6.0%	5.0%
**Oct. 2014	10.0%	23.0%	6.0%	52.0%	2.0%	7.0%
Sep. 2014	19.0%	31.0%	6.0%	34.0%	4.0%	6.0%
Sep. 2014	20.0%	31.0%	6.0%	33.0%	4.0%	6.0%
Aug. 2014	18.0%	36.0%	7.0%	28.0%	4.0%	7.0%
Jul. 2014	22.0%	36.0%	7.0%	26.0%	4.0%	5.0%
Jun. 2014	19.0%	37.0%	7.0%	27.0%	5.0%	4.0%
May 2014	19.0%	36.0%	6.0%	28.0%	5.0%	5.0%
*Apr. 2014	19.0%	32.0%	7.0%	34.0%	4.0%	4.0%
Apr. 2014	19.0%	36.0%	8.0%	29.0%	4.0%	4.0%
*Mar. 2014	18.0%	34.0%	7.0%	34.0%	3.0%	4.0%
Mar. 2014	20.0%	40.0%	7.0%	27.0%	2.0%	5.0%
Feb. 2014	19.0%	38.0%	8.0%	27.0%	3.0%	6.0%
Jan. 2014	21.0%	38.0%	7.0%	25.0%	4.0%	5.0%
2014 Average	17.9%	31.9%	6.3%	34.9%	4.2%	5.0%

Date	Cons.	Lab.	Lib-Dem.	SNP	UKIP	Others
Dec. 2013	20.0%	37.0%	9.0%	25.0%	5.0%	4.0%
Nov. 2013	19.0%	38.0%	10.0%	26.0%	3.0%	4.0%
Oct. 2013	21.0%	42.0%	7.0%	23.0%	4.0%	3.0%
Sep. 2013	20.0%	39.0%	7.0%	27.0%	4.0%	3.0%
Aug. 2013	19.0%	40.0%	7.0%	26.0%	5.0%	3.0%
July 2013	20.0%	41.0%	8.0%	24.0%	4.0%	3.0%
June 2013	18.0%	40.0%	8.0%	27.0%	4.0%	3.0%
May 2013	19.0%	42.0%	9.0%	23.0%	5.0%	2.0%
April 2013	17.0%	42.0%	9.0%	25.0%	4.0%	3.0%
Mar. 2013	19.0%	41.0%	11.0%	21.0%	5.0%	3.0%
Feb. 2013	19.0%	43.0%	10.0%	22.0%	3.0%	3.0%
Jan. 2013	19.0%	44.0%	10.0%	23.0%	2.0%	2.0%
2013 Average	19.2%	40.8%	8.8%	24.3%	4.0%	3.0%
Dec. 2012	20.0%	45.0%	7.0%	21.0%	4.0%	3.0%
Nov. 2012	21.0%	42.0%	7.0%	26.0%	2.0%	2.0%
Oct. 2012	19.0%	42.0%	7.0%	27.0%	3.0%	2.0%
Sep. 2012	18.0%	41.0%	6.0%	30.0%	3.0%	2.0%
Aug. 2012	17.0%	43.0%	7.0%	27.0%	3.0%	3.0%
Jul. 2012	17.0%	40.0%	6.0%	32.0%	2.0%	3.0%
Jun. 2012	19.0%	39.0%	7.0%	31.0%	3.0%	1.0%
May 2012	14.0%	40.0%	5.0%	35.0%	2.0%	4.0%
Apr. 2012	15.0%	36.0%	7.0%	35.0%	3.0%	4.0%
Mar. 2012	18.0%	39.0%	7.0%	33.0%	2.0%	1.0%
2012 Average	17.8%	40.7%	6.6%	29.7%	2.7%	2.5%
Overall Average	18.3%	37.8%	7.2%	29.6%	3.6%	3.5%

Source: YouGov (and *Populus, **Ipsos-Mori, ***Survation and ****ICM)

Northern Ireland

A2.14 Hardly any opinion polls have been carried out in relation to Northern Ireland only. Figure 26 overleaf lays out indicative evidence of levels of current support for the period from May 2012 to October 2014 in Northern Ireland only, according to opinion polls carried out by Lucidtalk (with one poll carried out by Ipsos-Mori and one poll as part of the Northern Ireland Life and Times Survey).

Figure 26: Opinion poll data (Northern Ireland only) May 2012 to October 2014

Date	DUP	Sinn Fein	SDLP	UUP	Alliance	TUV	Green	Others
Oct. 2014	25.9%	24.0%	15.1%	11.8%	6.2%	5.2%	0.5%	11.3%
Sep. 2013	29.3%	26.1%	13.8%	10.8%	10.2%	2.2%	1.3%	6.3%
Jan. 2013*	24.3%	23.6%	19.3%	12.8%	10.0%	2.9%	7.1%	
Jan. 2013**	26.9%	19.0%	20.6%	15.9%	12.7%	4.9%		
Dec. 2012	30.0%	26.4%	13.5%	11.4%	11.6%	7.1%		
May 2012	30.7%	28.0%	12.5%	11.0%	10.9%	3.2%	3.7%	0%
Overall Average	27.9%	24.5%	15.8%	12.3%	10.3%	c.2.9%	c.2.2%	c.4.2%

Source: Lucidtalk (and *Ipsos-Mori and **NI Life and Times Survey)

Annex 3

Ofcom's procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts

This Annex reproduces in its entirety Ofcom's procedures for determination of disputes under Ofcom's rules on Party Political and Referendum Broadcasts.

- A3.1 This document outlines the procedures which apply to Ofcom's determination of unresolved disputes between political parties and broadcast licensees under Ofcom's Rules on Party Political and Referendum Broadcasts ("Ofcom's PPRB Rules"): <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/ppbrules.pdf>
- A3.2 Such disputes will be determined by Ofcom's Election Committee ("the Committee") applying Ofcom's PPRB Rules, in accordance with section 333 of the Communications Act 2003 ("the Act") which requires Ofcom to ensure that party political broadcasts (including party election broadcasts) and referendum broadcasts are included in the services of every "licensed public service channel" and "national (i.e. UK-wide, commercial) radio service" ("the Licensee").
- A3.3 Under Ofcom's PPRB Rules, decisions as to the precise length, frequency, allocation and/or scheduling of broadcasts offered to political parties/designated organisations are the responsibility of the Licensee in the first place. When Licensees make the decision, they should notify the relevant political party/designated organisation ("the Party") promptly in writing, setting out the basis of the relevant decision. If the Party wishes to dispute any element of the Licensee's decision, it should first make representations direct to the Licensee to enable the Licensee to reconsider its decision.
- A3.4 If any dispute remains unresolved between any Licensee and any Party, as to the length, frequency, allocation and/or scheduling of broadcasts ("the dispute"), it may be referred by the Party or the Licensee to Ofcom for determination under Ofcom's PPRB Rules using these procedures.
- A3.5 These procedures contemplate a dispute being referred to Ofcom in the first place by a political party/designated organisation under Ofcom's PPRB Rules, and will be appropriately modified where a dispute is first referred by a Licensee.

Initial Referral of Disputes

- A3.6 If the Party considers it appropriate to refer the dispute to Ofcom under Ofcom's PPRB Rules, it should do so in writing by email to the Committee ("the Referral Letter") as soon as reasonably practicable. The letter should be addressed to the Secretary to the Corporation at Ofcom: graham.howell@ofcom.org.uk
- A3.7 The Party's Referral Letter should set out the details of the dispute and the Licensee in relation to which the dispute is referred, together with the Party's grounds for disputing a Licensee's decision.

- A3.8 The Referral Letter should also enclose any correspondence relevant to the disputed decision, and provide any other relevant evidence or background information. For example, if the Party's dispute concerns the number of party election broadcasts allocated to the Party by a Licensee during an election period, the Party should provide correspondence from the Licensee notifying the Party and setting out the basis of its decision, together with any relevant supplementary information about the Party (e.g. its size, support, number of candidates at the election).

Acceptance of Dispute

- A3.9 On receipt of a Party's Referral Letter, the Committee will write to the Party confirming whether it has accepted the dispute and, where applicable, requesting any relevant further information ("the Acceptance Letter"). The Acceptance Letter will set out an appropriate timetable under which the dispute will be determined (including the date when the Committee intends to meet), having regard to the need to determine disputes promptly and fairly. For practical reasons, to enable Licensees to schedule all PEBs before polling day, both the Party and the Licensee must be prepared to respond very rapidly to requests from Ofcom in furtherance of its considerations of a dispute, and all correspondence will be expected by email.
- A3.10 The Committee will also forward the Referral Letter (and any other documentation provided by the Party) to the Licensee, giving the Licensee an opportunity to respond to the dispute with any comments, representations and additional evidence. The Committee will state a deadline by which the Licensee should respond.
- A3.11 On receiving the Licensee's response, the Committee will write to the Party again, giving it a final opportunity to reply to the contents of the Licensee's response, and stating the deadline for doing so. Any further response from the Party will be forwarded to the Licensee, together with any other relevant documentation, to give it a final opportunity to respond, with a deadline for doing so.

Resolution of the Dispute

- A3.12 Prior to determination of the dispute by the Committee, if the Licensee and the Party are able to resolve the dispute, the Party should notify the Committee that it wishes to withdraw the dispute from the Committee. In such circumstances, the Committee will take no further action.

Determination of the Dispute

- A3.13 If the dispute remains unresolved, the Committee will meet at an arranged time to determine the dispute under Ofcom's PPRB Rules, considering all the written representations and evidence provided by the Party and the Licensee.
- A3.14 The Committee will not normally hold an oral hearing. However, the Committee may consider it appropriate to do so in exceptional circumstances, in which case both the Party and the Licensee will be invited to attend.
- A3.15 The Committee may also consult any relevant third parties (e.g. the Electoral Commission) in order to obtain or confirm any factual or contextual information relevant to determining the dispute. Where appropriate, the Committee will give the Party and/or Licensee the opportunity to respond to such information.

Decision Letter

- A3.16 Once the Committee has determined the dispute, the Committee will write to the Party and the Licensee informing them of its decision, and setting out its reasoning.
- A3.17 The Committee will publish its decision on the Ofcom website in accordance with its normal process and the principles of transparency and best regulatory practice under section 3(3) of the Act.
- A3.18 The Committee's decision is final and not subject to internal appeal.

Annex 4

Responding to this consultation

A4.1 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 5 February 2015 at the latest.**

Ofcom's consultation principles

A4.2 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A4.3 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

A4.4 We will be clear about who we are consulting, why, on what questions and for how long.

A4.5 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.

A4.6 We will consult for up to ten weeks depending on the potential impact of our proposals.

A4.7 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.

A4.8 If we are not able to follow one of these principles, we will explain why.

After the consultation

A4.9 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.

A4.10 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk We would particularly welcome thoughts on how Ofcom

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

- A4.11 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's Consultation Champion:

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

Tel: 020 7981 3601

Email: Graham.Howell@ofcom.org.uk

How to respond

- A4.12 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on Thursday 5 February 2015 at the latest**.

- A4.13 We strongly prefer to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/major-parties-15/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 5), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.

- A4.14 For larger consultation responses - particularly those with supporting charts, tables or other data - please email adam.baxter@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.

- A4.15 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation:

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

Fax: 020 7981 3807

- A4.16 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.

- A4.17 It would be helpful if your response could include direct answers to the questions asked in this document. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A4.18 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Adam Baxter on 020 7981 3236.

Confidentiality

- A4.19 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, 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.
- A4.20 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A4.21 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/account/disclaimer/>

Next steps

- A4.22 Following the end of the consultation period, Ofcom intends to publish a statement setting out our decision on the issues in this consultation in early March 2015.
- A4.23 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Annex 5

Consultation response cover sheet

- A5.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk
- A5.2 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.
- A5.3 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.
- A5.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at <http://stakeholders.ofcom.org.uk/consultations/consultation-response-coversheet/>
- A5.5 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)