# Committee on Standards in Public Life Roundtable Review into the Regulation of Election Finance 7 October 2020

Committee on Standards in Public Life

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*Dirk Hazell, Leader, UK EPP*

*Amy Killen, Elections Coordinator, Women's Equality Party*

*Jon Nott, Treasurer, Green Party*

*Anne Milton, Former independent parliamentary candidate for Guilford; Former MP for Guildford*

*Tabitha Morton, Deputy Leader, Women's Equality Party.*

*Annabel Mullin, Leader, Advance Together*

*Andrew Pope, Leader, Somerset Independents*

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*Lorraine Roberts, Chief Operating Officer, Women's Equality Party*

*Gavin Shuker, Former independent parliamentary candidate for Luton South; Former MP for Luton South*

*Claire Wright, Independent Councillor for Otter Valley, East Devon*

*Adam Zerny, Independent Councillor for Central Bedfordshire and Potton Town Council*

Jane Ramsey

Thank you all and welcome. We are very grateful that you are taking part in this roundtable. My name is Jane Ramsey. I am an independent member of the Committee. I am joined by fellow Committee members who are about to introduce themselves, and in particular, Lord Evans, Chair of the Committee, with whom I am coleading this review.

Jane Ramsey

Everyone has met Jeremy. There are five independent members and three members from the main political parties nominated by the parties. We also have Piers Coleman here, who has retired as a lawyer and is advising us, which is extremely helpful. Lord Andrew Stunell is the Liberal Democrat member on the Committee and one of the party-political members.

As I hope you all know, the Committee is a nonpartisan organisation independent of Government. We advise the Prime Minister on ethical standards across public life. One key way we do that is conducting inquiries like this looking at policies and practices across public life, reporting on our conclusions, and then making recommendations to the Prime Minister that the Prime Minister can then take up as he or she wishes. Obviously, there will be more of that later on around this review.

As many of you will be aware, the Committee has a long history in the area of electoral regulation. The Electoral Commission was established by the Political Parties, Elections and Referendum Act of 2000, which we call PPERA because we talk about it so often, following recommendations made by the Committee. We reviewed that in 2007 and looked at the funding of political parties in 2011.

The purpose of the review is to take a holistic look at how elections are regulated in the UK for parties, nonparty campaigns and candidates. I would like to make clear that the review is not covering wider aspects of the administration of elections, nor will we be looking at the arrangements for the funding of political parties. Our review began in June. We have heard from a wide range of contributors, including the larger political parties, the Electoral Commission, law enforcement bodies and returning officers. Earlier this week, we had a roundtable much like this one with academics, those in civil society and think tanks.

We are very conscious that good electoral regulation must support political engagement and facilitate participation at all levels whilst ensuring the systems we have cannot be exploited by the unscrupulous minority. It is no good having a system that works only for major parties to the detriment of regional or singleissue parties and independent candidates. That is why we are very pleased to have time with you today and we will be very interested to hear directly about your experiences.

Can I just remind you that a transcript of the roundtable is being taken which we will send to participants for fact checking after the event? The approved transcript will be published on the Committee’s website. The meeting will be live tweeted ‘#CSPL\_election\_finance’. That is also in the chat. If you want to expand on very particular points that might make us run over and not able to complete the whole of the discussion as planned, it would be really helpful if you could put any comments you feel you did not quite have time to make into the chat. They can be recorded as well and they certainly help on particularly detailed points.

I would be very grateful if I could go around and ask you to briefly introduce yourselves: your name, your role if you are representing a party, and your region. It would also be very helpful if you had one quick thought about election finance regulation that you would be very keen to take away. If you could limit that to 30 seconds, that would be absolutely brilliant.

Annabel Mullin

I was the leader of Advance Together, which is a small microparty that ran both in both local and national elections over the course of the last few years. We ran a heavy antiTory digital campaign in the last election working in marginal seats. ‘Campaign finance is really not fit for purpose,’ I think is pretty much the takeaway that I suspect that many of us have come to having experienced it from different angles. Thank you.

Dirk Hazell

UKPP is a moderate centreright party reflecting the values of Europe’s largest political family, the EPP, European People’s Party. We want more competent, effective, and manifestly impartial electoral regulation. The Electoral Commission must no longer have party political commissioners.

Robert Buckman

I am the Chief Operating Officer for the Green Party. I am grateful to be able to talk about transparency and levelling the playing field for all candidates, which is what I and we believe that election finances are there to achieve.

Jane Ramsey

Is your colleague Jon with us?

Robert Buckman

He is indeed, yes.

Jane Ramsey

I think that Jon is the treasurer of the Green Party; welcome.

Andrew Pope

I am the leader of a new party for Somerset, Somerset Independents. I was formerly an independent city councillor in Southampton and a parliamentary candidate there. One thought is that big parties are getting away with it, as intimated by Annabel earlier. We need more transparency of funding and more competence of the Electoral Commission. I am sorry to say that, but looking at the comments already received by you guys, I think that is the case. We need specialised, dedicated police.

Jane Ramsey

Thank you. I think there are three representatives of the Women’s Equality Party: Tabitha Morton, Lorraine Roberts and Amy Killen.

Tabitha Morton

I am deputy leader of the Women’s Equality Party with my two colleagues here today. We are five years old. We really want to address the inequalities that our electoral system has built into it. For example, the rules themselves are very cumbersome. There is a lot of administration for small parties. It is a ‘one size fits all’ for large and small parties, and very specifically rules around things like childcare and caring. We give our candidates support for those because we want women to run who have never run before. We believe in changing politics completely. These are just some of the examples that we are going to go into a little bit later as to improvements, but a ‘one size fits all’ really does not work for small parties.

Jane Ramsey

Thank you very much. We are expecting the leader of the Yorkshire Party Bob Buxton, so I am sure that he will introduce himself as he contributes as we go along.

Anne Milton

I stood at four general elections as a Conservative Party candidate, being successful and elected, and then at the last general election I stood as an independent. There is absolutely no way any independent can ever compete with the spending power of the big political parties. If you want a level playing field, you are going to have to make some very dramatic changes, which will of course be resisted by the main political parties for obvious reasons. That is the main point. It is just impossible to compete. I was somebody who knew what I was doing; I had fought four general elections before with the party behind me.

The other thing is that it is incredibly complicated. I asked the person who had helped me at previous general elections when I had stood as a Conservative candidate. The point she made was ‘If I did not know what I was doing because I have done this before, I would not have a clue.’ Just the paperwork would be impossible for a new independent candidate. I doubt whether you can ever get a level playing field, but it is a worthy ambition.

Jane Ramsey

Thank you, Anne.

Gavin Shuker

I fought three elections as a Labour candidate and served three terms as a Labour MP. I was one of the members of parliament in 2019 who left to form The Independent Group, which is a group of independent members of parliament. I suppose first of all, I will just say hi to Anne, who is my former colleague, and agree with everything that she has just said. I knew what I was doing in the last election and it would be very hard for an independent to fight on a level playing field.

Secondly, just to add to that, the PPERA legislation has been written with major parties in mind. It is not a surprise in any way that it went through Parliament, but it leaves huge gaps in terms of how independents can run and manage their affairs. If we get the chance to talk about it later, it would be good to talk about my experiences with the Electoral Commission. As a group of members of parliament sitting as independents, we were trying to find ways to become regulated rather than ways to avoid regulation. That points to the hole at the heart of the legislation.

Jane Ramsey

Thank you. Claire is an independent councillor for Otter Valley in East Devon and a former independent parliamentary candidate for East Devon.

Adam Zerny

I stood as an independent in North East Bedfordshire, which is where Richard Fuller was elected for the Conservatives. I have been an independent councillor on Central Bedfordshire Council for around about 10 years now and we have about a quarter of the councillors on that council. I obviously did not get elected, but I did not finish last.

Paula Reed

I am from Plaid Cymru. I am head of finance and compliance and I started with the party in June. I am discovering the complexities around the regulations. This is all new to me, but I can already see that there seems to be unfairness.

Jane Ramsey

Thank you. I should also say that we have two members of the secretariat: Lesley, who is the head of the Secretariat, and Nicola Richardson, who are very helpfully supporting this review.

Dame Shirley Pearce

I am one of the independent members.

Lord Stunell

I am the Liberal Democrat person on the Committee as one of the political representatives.

Jeremy Wright

I am the Conservative Party nomination on the Committee.

Lord Evans

Can I introduce myself? I am Jonathan Evans. I am the chairman of the Committee on Standards in Public Life. Thank you very much to Jane for running through the introductions. We thought it was important to get everybody to introduce because it is a very diverse group, which is certainly what we were hoping for.

We want to talk about a variety of areas. We would like to start, if we may, on the question of rules on donations and expenditure. There are rules in place that require parties and candidates to check whether a donation comes from a permissible source. There are also rules on recording donations and when and how they need to be included in financial returns. Those of course vary between parties and the candidates.

I would like to ask what your experiences are of complying with the rules on donations and particularly checking permissibility of donations. Are there aspects of this which cause practical difficulties? The first question is really around rules on donations, checking of permissible donations and whether that is something which works properly.

Robert Buckman

When the donation is to the local party rather than the central party, it becomes much harder. We have all of the electoral registers, whereas a lot of local authorities are not very helpful in providing help to a local party that has received a donation of over £500. It can be very challenging for them. They are in the fortunate situation that they can get in touch with us and we have that information centrally. For smaller parties, it can be really tricky to get that. A lot of the local authorities do not seem to realise that they have a responsibility to provide that information.

Lord Evans

Yes. Thank you.

Amy Killen

The note I really wanted to make is that repeat permissibility checks are a bit of a nightmare. Once someone has crossed the £500 threshold in a year and they then give us other smaller donations, we should check them again. I checked with the Electoral Commission that that was right, and then we got councils saying to us, ‘We checked that person last month for you,’ but we still needed it again.

I would echo what the Green Party said about councils being tricky. I had one just last month say, ‘We cannot tell you because of data protection,’ which is factually incorrect. None of the councils work the same; it is completely different every single time. You are trawling a council’s website. Our candidates have problems where I would not have a problem because I have a partybranded email address. I will call them and I can understand the law, but it is a lot of our time as a small team to have to support our candidates doing that in the middle of elections.

Lord Evans

Can I just check there? Essentially, once you have passed the threshold, even if you get repeated small donations within a relatively short period of time, you are required to recheck each time.

Amy Killen

Yes. I asked the Electoral Commission this question last year because it was not clear to me from the guidance if I should check again if someone passes the £500 threshold in June and they then give us another £100 in July. The answer I received was yes, so that is what we do. If you have very large donors that give you one big donation a year, you only have to check them once. If you are a smaller party in a position where you are getting lots of little donations from people in the £500 to a few-thousand-pound mark over a year, it is a much greater administrative burden. That is a particular difficulty we have.

It is an awful lot of heavy admin and there is not a lot of clarity and detail on supporting candidates with care. As Tabitha mentioned at the beginning, we will provide candidates with vouchers for childcare; we often have to ask the Electoral Commission the rules around this because it is not generally covered in the guidance. They are good at getting back to us, but it is all time taken to have to keep asking these questions.

Lord Evans

Thank you.

Amy Killen

Thank you.

Andrew Pope

The Electoral Commission, as I have already said, is not consistent. It is not competent in many cases. You just have to look at the other representations that have been made to your Committee. I cannot believe I am saying this, but I think Her Majesty’s Revenue and Customs does it better than the Electoral Commission. Many people’s experience of HMRC is not particularly positive. However, it does provide clear guidance, webinars and so on; the Electoral Commission is not doing that.

If it is an issue with resources, then I would suggest that the resources are more equalised for the Electoral Commission. If it is necessary, perhaps the big parties can pay a percentage of that. I am sure the money could be found because the money is found for Her Majesty’s Revenue and Customs. That is one side of the tax coin, whereas we are talking about people who will be spending the money generated by Her Majesty’s Revenue and Customs. Therefore, the regulation should surely be more equal than it is at the moment. I will leave it there.

Lord Evans

Thank you.

Andrew Pope

Thank you, Chair.

Gavin Shuker

Of course, registered political parties have particular benefits that they can exercise in terms of complying with the law, such as being able to get access to the full electoral register, and so on. As an independent, of course you are not a political party. Even the basic ability to be able to check permissibility on donors is really limited, added to the point around different local authorities frankly not understanding what the law is there. That said, when we launched as a group of MPs that were independent, we managed to raise quite a lot very quickly with some actually really good permissibility checks, and so on. Even then, we had one or two return donations that we identified straight away but then also had to publish. Obviously, there is a reputational issue there as well that I just raised in that you do everything right and it is possible to get it wrong.

My main point is this. Actually, we voluntarily chose to comply with the law in order to make sure that we were on a level playing field with the political parties. We did not have to do any of that. Although I would obviously say we were a group of members of parliament who were trying to be above any level of suspicion, it actually leaves a huge loophole in the legislation. We were sitting in with the Electoral Commission, for example, saying, ‘We want to publish our donors. We want to use your website. We want to align ourselves with the rules around £5,000, £7,500 and so on. We cannot do that under the legislation, so is there any way we could trigger some situation whereby you could regulate us?’ The Electoral Commission, who gave us very good access, said, ‘Well, no. There is not, really. You are just going to have to voluntarily comply.’

Just lastly, this is an issue particularly for members of parliament. There are actually two regimes that we have to live under. Jeremy and other serving members of parliament will know this. Firstly, we obviously have to comply with all the checks and publications under the Electoral Commission. There is also the register of members’ financial interests. Those do not align at all, so the thresholds do not align. Actually, there is a huge amount of power in the House of Commons system that actually sits with one person making a judgment from one moment to the next. It led us into a situation where we had to come up with creative ways to interpret the legislation and the rules to help that person to get us to comply. That is a huge weakness at the moment.

Lord Evans

Yes, interesting.

Geraint Day

There are two points. One has become reinforced with the comments you have just received, which is the difference between even the smaller political parties and independents. As a political party, we have access to electoral registers. The donation checking can be cumbersome at times, but it is fairly easy to do. We certainly check everyone quite easily and we have not experienced the same issues from a lot of the comments you have just received.

The one extra point I would raise is that I have been aware of some discussions amongst some lobby groups about lowering the level from £500 for checking. I even saw ‘down to £10’ from someone. That would cause chaos for everyone, I believe. If you think we have problems checking anything over £500, having to check the permissibility check on someone giving you £20 would be chaotic. Setting the correct limit is quite important there. There is maybe an argument for review of that limit because those limits have been set for quite a while now. Costs have changed and so on. Those are the two points I would like to raise, really.

Lord Evans

There is an interesting tension there. The argument for reducing the limits, and at least one group has said it ought to come down to ‘one pay, one fee’, i.e. all donations, is the problem of online donations. You can send in potentially hundreds of thousands of small donations and those are very difficult to track. Therefore, you could envisage a deliberate attempt to circumvent the rules by PayPal donations or whatever. That was the argument. I am not saying which is right. Prima facie, there is some validity in that, but also on the point that this becomes unrealistic, particularly for smaller organisations and individuals.

Geraint Day

Just to respond specifically to that, the approach is rightly to try and catch those people who are trying to circumnavigate the law. That occurs mostly during referendums and so on where organisations are set up and then they disappear straight afterwards. Those individuals are more likely to take that risk. A possible answer is realtime reporting and the realtime ability for the regulator to investigate. During those periods when large donations are starting to come in, they would then be able to step in and look at that in real time. Those sorts of donations would become very visible and steps would be able to be taken before a result was announced. That would have a big impact on those people trying to circumnavigate that law.

Lord Evans

Thank you.

Tabitha Morton

I would just like to add to the point that Geraint has just been making as well. I do not think anyone on this call does not want to follow the rules. Everyone wants to follow the rules and make sure we have the most democratic election possible. If we are going to look at any lowering of thresholds, we have to also think about where we get our data from. We have to go to every single local authority individually and ask them to check permissibility. If we were going to lower thresholds, then we would have to make sure that was an automated system so that we did not have to go to them all individually. There are also probably cleverer ways of doing it than that, like putting infrastructure into organisations so that you could check the addresses of people and not using payment systems that people do not have to supply their addresses on. There are other cleverer ways of checking than just arbitrarily saying, ‘Right, let us do it to £1,’ while we still keep things democratic.

The point I originally just wanted to make was that we have talked a lot about original donations, but as a smaller party, and in modern fundraising, you want to diversify your fundraising as much as possible. As much as we would all love to have £1 million donations, that is not a luxury that all of us have. We have found our way through individual donations and membership, et cetera. One of the sticking points that I have personally found is around trusts and noncharitable trusts. We understand charitable trusts; that is a nono. This is such a minefield. Even though the Electoral Commission has sat with us for several hours explaining the rules, its basic answer was, ‘You have to come back each and every time.’

This has actually resulted in two long pieces of work with trusts we did where we checked they were permissible, but we actually got the donation and had to return it. That is quite painful when our fundraising team has done all of that work and developed the relationships as well. Every single time, you have to check the rules constantly instead of having some clarity there. The burden of proof is almost on the party to say, ‘Why did that particular party get that trust through?’ You have to investigate each and every single time, so again, it is just the amount of administration around this whilst trying to follow the rules.

Lord Evans

Interesting, yes.

Dirk Hazell

I would like to add to the consensus and, surprisingly perhaps, to say that I think the Conservative Party in its evidence to you has correctly identified the need for legal clarification on unsolicited support for political parties from third parties following the Supreme Court’s judgment in Mackinlay. That is a very technical and difficult judgment.

I also think the Electoral Commission has correctly noted the need for much more transparency on digital campaigning, but it would be a very polite understatement to say it is a bit behind the curve. Frankly, with industrial levels of partisan digital campaigning, which we have arguably been the victim of, from Russia and similarly disruptive overseas jurisdictions, there is a need for much more robust international cooperation that is way beyond any Electoral Commission regulator’s pay grade.

I might just perhaps add, following some of the comments that other people have made, and it is slightly specialist, but we did ask the Electoral Commission some time ago how we should treat for declaring purposes our use of the EPP’s Europeanwide generic marketing material. Answer was there none.

Lord Evans

Thank you. I am conscious that we could talk more about this, as on a number of these subjects, but time is against us so I would like to move onto campaign spending. As well as incoming rules, there are spending limits on money that can be spent during regulated periods and what information must be recorded and reported on the spend side.

I wonder whether anybody would like to share an experience of trying to comply with the rules on spending. Does the increased use of digital in campaigns make that more difficult? Is there anything about election finance regulation that causes particular difficulties for smaller parties or independent candidates that would deter participation? We are very much aware that one could design an extremely tight and rigorous system of electoral finance, but given that a large majority of the people involved are amateurs, we absolutely do not want to deter smaller parties or independents. There is a balance to be drawn between being watertight on the one hand and being accessible on the other.

Jon Nott

For us, this is one of the key points of the level playing field. It touches partly on the thing we are going to come onto about the two different regimes in terms of RPA and PPERA. It is possible to do a very large amount of targeting of national spend to particular constituencies without meeting the threshold for that becoming reportable constituency spend. If you are a small party or an independent bound with a single constituency limit, a party that has a multimillion-pound national limit can target a large amount of spending many times the constituency limit, whether that is through printed material that does not mention the candidate or online material generally promoting the party, that a small party or an independent cannot possibly hope to match.

There is a question of whether the threshold for targeted national expenditure needs to be readdressed. Certainly at the moment, not only is it easy for the larger parties to just effectively outspend a local candidate or an independent smallparty candidate by orders of magnitude, but it is also similar to the points that Gavin was making about trying to play fairly. The rules almost encourage you to do the same once you get to that scale.

We certainly find that, if we want to make that breakthrough from having one MP to having multiple MPs, we are almost shepherded by the system to target national spending in particular areas that are within the letter but not the spirit of the law. We look at that and go, ‘That is not what we want to do. We want to play fairly, but equally, we want to make sure that the voters have a chance and a fair opportunity to elect the people they want to elect.’ There is a real tension there that not only disadvantages individual parties and candidates, but also distorts the system. It almost encourages people to try to play as close to the rules as possible, which is obviously damaging to the system as a whole.

Lord Evans

Do you have an idea as to how you do that? One way, I suppose, would be to raise the individual constituency threshold.

Jon Nott

Yes, that is one way. The other thing is in terms of the targeting. If the national expenditure is printing of leaflets and delivery and you are paying a delivery company to deliver to certain postcodes, that could be reportable as targeted expenditure whether or not it mentions the candidate. Similarly, if you are doing targeted social media advertising based on geography, it might involve some work with social media companies to ensure that they are able to provide the information in the right way. There are definitely mechanisms. Certainly, quite a lot of that expenditure is very obviously geographically targeted. It should be possible to regulate that.

Lord Evans

Thank you.

Tabitha Morton

I just wanted to make two points really, particularly around the third point on the agenda around the boundaries between national and constituency. There is definitely a blurring. You referred to our digital campaigning. We are living in COVID times now. The elections ahead of us are going to be hugely digital as opposed to feet on the ground. There is going to be increasing blurring between those.

There is the obvious spending that larger parties have, but this is also coupled with something else that is not directly governed by the Electoral Commission currently. It is the amount of media coverage that larger parties naturally get in a country that has two major parties. There is almost a structural unfairness to smaller parties. No matter how you govern or how you do your spending, you will see two of the major parties continually in the press that continually have that platform that is not governed by the Electoral Commission in the same way. I appreciate that there are some rules during restricted periods, but it does have a structural unfairness. If some reform was made, it would not just be about the blurring between national and local spending, but also how we address this other piece that really gives the larger, more established parties a disadvantage.

Lord Evans

Thank you.

Annabel Mullin

I want to reiterate Tabitha’s point here. A lot of people think social media and the digital space is actually a great equaliser, but it actually gives more power to the large organisations and just consumes the smaller players. It is amplified in the digital space. Look at the figures that were released only yesterday and reported today, including £1 million on Facebook alone. If you think about how that microtargeted spend can really amplify their message in addition to the coverage that they are receiving from newspaper organisations, it just amplifies the twoparty system in this country.

Whilst we can try and target people in marginal seats, do very well at that, and cut through quite well, the dominance is so explicit. That dominance plays to everything, whether it is the administration that you have to do postelection or during the election in terms of your reporting. The natural reporting of Facebook does not fit neatly with the Electoral Commission returns, whether that is the electoral returns for your candidate or indeed at a national level. Everything becomes in triplicate, requiring smaller parties who have by dint of the shape and size of them very limited administration budgets, and often it is volunteers, to do things they are not able to do. I found the people at the Electoral Commission incredibly helpful throughout, but it is trying to manage some of the things on a daily basis. It is exceptionally hard. I really think that the digital space is becoming such an enormous issue, whereas originally I thought it would be great. We cannot get away from the dominance of the two parties there as well.

Lord Evans

Thank you.

Adam Zerny

I will just give you a brief bit of experience of me standing as an independent as well to give a background to some of what I will suggest. I got leaflets out to every household later than I had hoped, largely due to Post Office inefficiency. I got two leaflets to many houses. I canvassed every day for weeks. I did video and social media. I spent about £10,000 all in. The Conservative who got elected did a handful of canvassing visits, usually an hour or so at a time, mainly standing around while eager young local Conservatives knocked on doors for him. We sent our leaflet out right at the end. Of course, because it was a safe seat, he was returned.

Yes, it was a strange election. People voted because of Brexit in many cases. Maybe it would have been different on another occasion, but this is the sort of thing I wrote down while I was canvassing. I thought that there should be a fixed amount per candidate so every candidate regardless of party would be allowed to spend a fixed and relatively low amount of money, somewhere between £5,000 and £10,000. It would be enough to pay for a leaflet for every household, but not for mass campaigning on social media. They would put their email address and their phone number for the candidate on every leaflet so the elector got the opportunity to question them. A hustings in every major town would be broadcast virtually and that would be it.

That would allow every candidate to have a relatively level playing field. Yes, you would have a situation where the major parties would be more recognised as they are at the moment. People think, ‘I vote Conservative,’ or, ‘I vote Labour,’ but over time this would gradually create a situation whereby they actually have a level playing field when they are standing for election. Over time, you would get more independents selected and a greater crosssection of society.

Lord Evans

Thank you. There are other people who want to come in, but I think we need to move onto the next section. I was going to ask one further question. I will invite those people who have a view on this to perhaps put it into the comments box because it is a relatively straightforward question at least, so I think we can gather up some of the views through comments.

We had a suggestion from the Association of Electoral Administrators and some returning officers who said that the system for gathering the financial returns for candidates should be digitised and there should be an online facility for candidates to submit returns directly to the Electoral Commission. Amy was about to say something about that. Rather than going to the local returning officer, candidates would put it straight out as an online return to the Electoral Commission, which would give greater transparency and may be administratively easier for some. If you have a view on that and would like to put a comment in the comment box, that would be really helpful.

Jane Ramsey

Turning now to the parallel regimes of the RPA and PPERA, we have heard, from many contributors to this review that the law on party and candidate finance is incredibly complicated, which will not surprise you. It presents challenges for people for people who want to comply, but have to regulate the rules. I know Gavin and others have mentioned that, even if you are trying to act in good faith, it is complicated and difficult. Expert bodies, most notably the Law Commission, have recommended a rationalisation of election law and a consistent legislative framework that would apply to all elections and referendums. While the Law Commission did not look at the regulation of national campaigns conducted by political parties, it noted that a holistic reform on the law of campaign expenditure would ideally address both local and national campaigns.

We wondered whether people on this roundtable thought there should be a rationalisation of the two separate legal frameworks for spending by and in support of candidates under RPA and parties under PPERA, and if you could share any examples you might have of where the separation of the regime has created practical difficulties. How could the rules be better aligned? Andrew, you are referring to the previous views I think.

Dirk Hazell

In very simple terms, the RPA and PPERA should be clear and in one place. Even PPERA itself with all its amendments is a real dog’s dinner. I have asked the Electoral Commission so many times - but you never, ever, get a clear or consistent answer - on what bit of PPERA they are looking at when they issue their latest edict. It does need to be rationalised. It needs to be readily comprehensible for all of us participating in this process, frankly, so that we can read the law ourselves in one place and understand it. It should not be a covert way of giving an incompetent regulator, the Electoral Commission, more power. The one thing the Electoral Commission has been good at is asking for more power for itself, but it has then been very bad at using it.

Jane Ramsey

Does anyone have other views on your lives being easier if there was a rationalisation?

Andrew Pope

I agree wholeheartedly with Dirk Hazell’s points and everything he said. Other guys and girls will have seen something from the Electoral Commission in the last few weeks where it has decided to change its interpretation of PPERA. That concerns me greatly. For small parties, if they are going to change their interpretation with no warning, I will want to know why that is and why they have decided to do that. They are moving in one direction and then moving in another direction the next year. It would be really nice to know what triggered that. Perhaps it was the Arron Banks court case. Who knows? It would be really nice to know. I do not think that it is competent enough to be able to interpret PPERA in the way that it does and the way that it changes it in such a way that it is really difficult for smaller parties to know where they are going.

Yes, some of the people there can be helpful. That is great, but then others will contradict what other staff have told us. It has been a repeating thing. We have actually had the wrong information from the Electoral Commission. This is not Somerset Independents; this is the former party in Southampton, Southampton Independents. Their advice has actually led to them starting an investigation and they gave us the wrong the information. Looking at the comments that have been made to the Committee, that has happened to many other people as well. If we are going to give more power to the Electoral Commission, I totally agree with Dirk that we need to make sure that they are doing it correctly in the first place.

Jane Ramsey

The comment that we seem to be receiving back is that it is not necessarily the different legal regime per se. It is actually changes to, or lack of clarity around, how they have interpreted the law by the Electoral Commission.

Andrew Pope

Yes, absolutely. That is absolutely correct.

Jane Ramsey

Thank you. Just to Annabel’s point in the chat, yes, we will be recording the comments. They will be incorporated into the transcript or note.

Gavin Shuker

Obviously, this section is concerned with the relationship to the RPA and PPERA, but just to underline the point that I was trying to make earlier, the registrar of financial interests in the Commons is actually a third part of that stool. There are specific things in there that are very hard for independents or small parties to comply with compared to the larger parties. In particular, there is exclusion around resources that are lent to you by a party.

If I just try and explain that in the simplest terms, as a member of the Labour Party, obviously there were a number of Labour Party support staff that helped me. They were not employed by me, but they helped me in my work in Parliament. Perhaps they coordinated media briefings, they supplied notes for the chamber or they were organisers across a region. They are specifically exempted from declarations. You do not have to declare that. It is a gift in kind, but because it is from party, there are particular carveouts within the register of financial interests that are there. As an independent, that immediately becomes something that I have to declare, or as a member of a small party, perhaps where it is a smaller geographical group, and so on. Even then, you can see how it is possible to fall between different regimes and how the larger parties actually have a degree of protection that would not otherwise be there.

Jane Ramsey

Thank you. We have touched on this significantly already, but does anyone have anything additional different to say? Some contributors to our review have told us about the complexity of determining whether campaign expenditure should be recorded against party or candidate spending limits. We have also heard that the boundary between national and constituencylevel spending is becoming increasingly blurred with the prevalence of digital campaigning. Do you think the UK’s electoral system should retain the difference between national and constituencylevel spending? Should there be reform?

Robert Buckman

The difference between RPA and PPERA causes real confusion with the volunteers who are often under the impression that they have fulfilled their obligations and then are surprised when the central party is chasing them for information that they had not been keeping track of because they have been speaking to the local authority. Aligning those would be super helpful.

That boundary between constituencylevel and nationallevel spending is so crushing with £19 million as the overall national spend. You can target as a party as you want, but it is roughly £10,000 per constituency. It makes it so impossible for independents or parties without those resources to fight in that constituency. I would really want to see the relationship between those two spending limits revisited. I suspect it makes it so hard for everyone on this call.

Geraint Day

I specifically want to talk about the national and constituency limits and how that also related into the last UK general election when the long campaign period crossed over into the previous election as well. You have to retrospectively look back at the time. To try and work that out into what was supposed to be allocated where would be difficult. A lot of this is down to clarity of guidance.

I have seen this done. A third of the election communication has been put down to national spend. I think, ‘How is any election communication, which is specifically to that constituency, classified as national spend?’ The argument put back was ‘It was because this bit was about a national policy and it was on lots of leaflets, therefore it is national spend.’ That is unacceptable. It is not something we as a party have ever done. It is quite rare, but that is an example of how it works in affecting on a leaflet.

When it comes, then you take that scenario and you put it over to the digital world. That is when you start to see lots of spend that would historically be classified as constituency starting to be classified as national spend. What makes it very unfair for all candidates except for the Labour Party and the Conservative Party, to be honest, is that the limits are so high on national spend, but there is no way that any other party is even going to get close to them. That gives a massive inbuilt advantage to those two parties. That needs to be addressed. There are different issues around the Senedd elections in Wales. Of course, the responsibility of that is devolved, so I do not intend to touch on that at the moment.

Jane Ramsey

On that latter point, if the dual system of national and constituency is maintained, bearing in mind your digital point, would you want a rebalancing of limits or different spending limits and controls?

Geraint Day

I am referring mostly to the UK general election here. Given the first past the post element to it, if you increase the limits at constituency, then you will find that the amount of money that is spent in those marginal seats by the Labour Party and the Conservative Party will be huge. They will spend up to the limits in those seats all the time. That will make that bias even more pronounced in those local areas.

It is rare that any other candidate gets close to the expenditure limits. It does happen occasionally, but it is an unusual activity. If there was going to be a rebalancing there, I would be nervous about substantially increasing the constituency limit in that you would see more and more spend pouring into those marginal seats and less into the safe seats. Of course, that is an issue around first past the post. I will declare an interest; we as a party are very supportive of STV. You have to be very careful with how much money you allow to be spent in those marginal seats. Otherwise, you are just going to end up with more and more people losing interest with democracy and the inbuilt bias into the Westminster elections will become even more pronounced.

Jane Ramsey

Thanks.

Adam Zerny

This one does not fit in with exactly what we are talking about, but there is not really a slot that is suitable for it, so I will throw in here if that is alright. I wanted to talk really briefly about the local authorities who run the elections. I had an appalling experience with Bedford Borough Council, which was running the North East Beds election. It could not even get me the electoral roll on time. It could not even get me the number of people voting. I was obviously trying to get leaflets printed, so in the end I had to take a guess at how many leaflets I needed printed. At that point, I printed enough leaflets for the number of voters. I had the Post Office tell me that it actually needed 10% more than that. No one had ever made me aware of that at any stage throughout the process, so I ended up with 10% of the electorate not getting a leaflet.

I got to the point where the local authority was not returning calls or emails. When I went to drop my nomination form off, it refused to check the names in advance and left me waiting there for 90 minutes beyond the cutoff for the end of that day to the extent that I almost wonder whether they were doing to say, ‘It is too late to accept it today.’ It eventually accepted it, and then refused to answer any calls from then onwards.

If I may, I really want to offer the opportunity. It may be that other local authorities are a lot better. Central Beds, which was partly involved, was a lot better. Bedford Borough Council was particularly awful. For an independent candidate who does not have the benefit of an office behind them happy to do all that admin while they go out and canvass, it makes it almost impossible to stand.

Jane Ramsey

Thanks very much. We should now move on.

Lord Evans

Thank you very much. We were going to move on to talk a little bit about the Electoral Commission, but we have already touched on some of that.

Anne Milton

Just following on from the previous comments, as an independent who had previously stood as a Conservative, I was definitely at an advantage because I had the relationships with the local authorities. In contrast, I got good service from my local authorities because I knew them and they liked me. It really should not depend on that.

I am just going to wrap up on a few things. Targeted campaigning in marginal seats is really a very valid one, but I have to say, and I said it at the beginning, that if you had no experience of this system, there is absolutely no way you could ever get any cut through as an independent. I really think it is almost impossible. Actually, I was encouraged by all sorts of small political parties to join them because I would get the advantage of their national spend. Wisely, I did not do so, simply because I could keep control of what was going on and the rules were so complex.

Even with all the knowledge that I had, I knew that I could easily run into hot water. It is plenty of money. As an independent, I ran a stateoftheart campaign. I paid for somebody to put up my posters. I got out three leaflets. It was absolutely by the books and there was plenty of available money for me as an individual. The regulations and the rules, over everything that people have discussed, mitigate against an independent without a political party ever getting elected.

Lord Evans

Thank you.

Anne Milton

It will not happen.

Lord Evans

Thank you very much. Just on an admin point, there was a suggestion that it might be useful to circulate the comments that have been appearing on the comments boxes to participants; I think I am right in saying that we can do that. We will aim to circulate those separately to the transcript because there is some useful stuff in there.

Focusing therefore a little bit more on the Electoral Commission, obviously we have had a number of comments as we have gone along from a number of people with deep reservations about the Commission. Obviously, it has a role in the regulation of the finance of elections, although not so much directly regarding constituencies. It has explained to us that its approach is to work to ensure compliance through the guidance and advice it provides before electoral events. We would be interested in hearing from you on how the Electoral Commission performs this role of providing guidance and advice in terms of quality, timeliness, clarity and particularly responses it gives to queries. We have had a few comments on that. Is there anything else? People who have not had that opportunity, please would you come in now?

Jon Nott

There are a couple of things here. One has already been touched on: the £500 threshold, the differing advice that people are given around that and the potential for abuse of those donations just below the threshold where some clarity would be most welcome.

The other area where I think there is some scope for clarity is about the nature of sanctions. Just looking at the register of what various parties and people have been fined for, it is clear that some of the largest fines are for multiple offences which appear to be relatively trivial things from the level of detail you can see. Failure to report the allocate invoice is probably on multiple times and can lead to tens and thousands of an offence, whereas almost a complete ignoring of the rules is a single offence which leads to a relatively small fine. If you are a large party, I do not wish to turn dismissive, but it almost could be counted as the cost of doing business.

There is also the idea that there should be some sort of proportionality not just to the scale of the offence, but also to the size of the party. Certainly for us, and I am sure for any of the independents or small parties here, a fine in the tens of thousands of pounds would have a serious impact on our ability to continue to campaign either in a particular seat or even more generally. Just looking at the stuff that was published today, fines of that level are a fraction of the cost of leaflet delivery in one constituency for one of the larger parties. Of course, this is allocated to national expenditure. The idea that those fines are in any way a deterrent for the larger parties is questionable.

I made the point in the chat, but I want to just reemphasise that there is a serious issue about the funding of the Electoral Commission. A number of people have noted the online reporting systems. Certainly in my firstever meeting when I became treasurer, the Electoral Commission apologised for the quality of the systems that they have to support us. It is very hard to have transparency if the systems are very difficult for the Electoral Commission to use. They are very difficult for the parties to use and difficult for electoral administrators to use. If you look at the transformation of HMRC’s online systems and filing systems compared to the antiquated system the Electoral Commission is using, it is clearly possible to use digital to enable effective reporting and publication of transparent information. The Electoral Commission does not have those tools or the resources to have those tools at the moment.

Lord Evans

Thank you.

Lorraine Roberts

I wanted to make two separate points and they kind of mirror Jon’s a little bit. One of the points I was going to make just around the Electoral Commission was that, in previous lives, I have been the chief executive of a number of small charities. I always really appreciated the advice and support that was available from umbrella organisations in running a small charity. That does not exist and I think that undermines the wider spread of democracy that the Electoral Commission does not have the resources. Maybe it is not its role to give that sort of advice and support. It does respond to queries and so forth, but sometimes it is not always clear. More proactive stuff would be great.

The second point I wanted to make was really around the investigations, and again going back to the whole issue of proportionality, not just in the regulations and requirements themselves which place huge burdens unnecessarily on smaller parties, but also in the response to any contravention. That is exacerbated in part because the negative impact or malicious intent of any contravention is not really taken into account in the first instance. It may be when you get right down the line as to what fine you are going to get given, but it is not in the first instance.

In our firstever general election campaign and our firstever spending return, we made a number of mistakes. They were small mistakes, none of which benefitted us in any way at all. We were well below any thresholds and that sort of thing. The investigation took almost a year and massive amounts of capacity on our behalf to prove that these were genuine mistakes and we had no malicious intent. It resulted in a fine of about £800. Huge amounts of the Electoral Commission’s time must have been taken up in this investigation as well. What was the point of that, really? Nobody was deliberately making those mistakes.

At the moment, we have another situation where we missed an invoice, because we did not get a reminder. It was not reported in time. Now we have to go through applying to the court in order to pay an invoice of just over £500 that makes no material impact on our campaign or spending limit. We could not have benefitted. We cannot pay that supplier, which is a small printing company that would probably really appreciate its money, particularly in current times. Now they will not speak to us. We cannot use them again because they are furious. They have to be a witness in a court case just so that we can pay this money for what? There will then be the investigation afterwards. It just seems to me that this is completely ridiculous and really undermines the ability of small parties. Before you launch into those investigations there has to be a question of, ‘Did that have any benefit?’ ‘No, that £500 had no benefit for us. It was a mistake.’ We cannot pay the invoice and we have to go through a court case. The courts do not even know what to do with us. It is frankly ridiculous.

Lord Evans

Thank you. One of the suggestions that has been made is that, specifically under RPA, is it is either nothing or a criminal offence, which is a strange anomaly, and that actually some kind of civil sanctions so that to be able to note or mark the fact that there has been an infringement, but without the whole process having to go into a criminal process, would be a more sensible way of managing this, which would require an expansion of the Electoral Commission’s role on that. From previous comments I suspect not everybody on the call would welcome that. However, to me it would appear to be a way of trying to avoid the cliff edge between nothing at all or an actual criminal investigation. If anyone has views on that, that would be useful. Geraint, I think you wanted to come in.

Geraint Day

I have worked for Plaid Cymru in different roles for over 15 years now. One of the first jobs I had was I remember reading PPERA as it went through the Commons, or as it came into law. At that time I found that the Electoral Commission took a much more proactive, lighter touch to enforcement. If they saw that something was going wrong, exactly as the example just given, they would step in and say, ‘You need to do this. Make sure it is declared in the next return.’ In the last few years they seem to have taken a much more heavy-handed approach to regulation and enforcement, and that, ‘You have missed that deadline, and therefore we are going to fine you.’

When this has been raised with them – and I think that is a policy decision right at the head of the Electoral Commission – they have said political parties have had almost 20 years to get used to PPERA and now they should be able to comply. That shows a failure to understand the nature, not just of independents and smaller parties, but even the larger parties which are predominately run by volunteers, in terms of local treasures and local secretaries. These people have a turnover of those individuals. I would not like to estimate the number of people who have been treasurers for all other accounting units over the last 15 years, but it is in the hundreds. The training and the skillsets that have built up, we are not talking about professional individuals who are employed to do it in most cases. They are predominately volunteer-based. We need to be careful about how those people are treated otherwise they will walk away from those roles. They will not want to do it. They will not want the threat of prosecution and fines hanging over them. They are doing it because they believe in democracy and they want a better country.

The one element I would like to raise – and this is the point I put in the chat – the Electoral Commission’s office in Wales has retained a much more open approach. Anyone can phone them up and say, ‘Can you answer me this question?’ They will get back to you, and within 24 hours you should get a phone call back with a reasonable explanation. If I contact the UK Electoral Commission, it is much more formal. You get a response in writing, and there is usually a caveat at the end which says, ‘This is our understanding. However, we may be wrong. It is up to you. This is advice only.’ That is not what you want to hear. You want a more advisory approach from the Electoral Commission in a lot of cases. That approach that they take is crucial to how they are then going to be perceived.

Lord Evans

That is helpful. Thank you very much.

Anne Milton

The story that Lorraine and the previous speaker talk about not only shows a disproportionate attitude but it is also a bit of a tragedy, really. If you accept that neither the Labour Party nor the Conservative Party have any interest in the rules being simpler, because they will always have the infrastructure to get around the complexity. In the main political parties there are departments who deal simply with this. We will not see a change in regulator. There will never be a change in law, and the main political parties have no interest in this becoming anything other than more complex. It suits them very well. Therefore, the regulators could redress some of that balance by dealing differently with the smaller political parties. That will be the only way to affect some change.

Lord Evans

Thank you.

Jane Ramsey

I was listening to all of that with great interest. I should out myself as a former Deputy Returning Officer and Proper Officer for the Electoral Register, but more than 20 years ago in a number of London boroughs. I know that I was sitting and thinking, ‘Oh dear, poor local authorities.’ However, I take your point that those people have criticised the swiftness of their local electoral services department. It has obviously all gone downhill since I have left! For those latter two points, I am interested in whether you think that is different for anybody who has stood for local elections? I have worked for local authorities, and still work with local authorities, in another life, on various NHS matters, and the impression I get is that smaller parties and independents can make a huge impact to a district council and do not appear, to the outsider, like me, looking in, that they are having some difficulties in complying with the rules or not. I think it is very different with general elections. I just wondered whether, for the sake of completeness, any of you have got any thoughts about that, where you have stood, or are aware of colleagues standing in non-general elections.

Andrew Pope

I have stood as a Labour, independent and local council parliamentary candidate, successfully or otherwise. I would totally agree with Anne Milton. I imagine that it is a bit of a wake-up call for Anne and Gavin in the comparison of the two experiences, and I have agreed with pretty much everything that Anne and Gavin have said. My experience is that within the Labour Party – and I will not say which Labour Party because I have been involved with local constituency Labour parties – they employ young ones who are quite compliant and do what they are told. Whilst the Labour Party has greater resources, it is not that much different, but they are able to raise the funds to employ people. Whilst it is not that much of a big difference, it is a big difference, and the small parties do not have the funds to employ anybody, as many other commenters have said. It is tough and almost impossible.

Claire Wright is on the call, and as I have said to her before she has done a great job there, but it requires huge resources. I have stood as an independent candidate and have spent up to £5,000 on a campaign and made a dent. I got the points out there but it is very difficult. On a local council point of view, and going back to Jane’s original question, you can have more of an impact, and then you can build your profile via a general election, or a local council campaign, and then build from there. To compete on a 50,000 to 70,000 people constituency is just impossible, and it is horrible to say that. You can make a difference on the campaigns, but that is not what we are here talking about today. We are trying to win elections. You can do it on a smaller level, but on a general election level it is extremely difficult.

Lord Evans

Thank you.

Adam Zerny

When I first asked Bedford Borough Council for advice they just referred me to the Electoral Commission documents. The advice from the Electoral Commission is huge in scale and it can be really daunting for an independent. It is also pretty vague, and in many cases it is really outdated for things like online campaigning. As an independent candidate you have 100 questions a day –

Lord Evans

Adam, you have cut out, I am afraid. Let us go onto Dirk. Hopefully we can reconnect Adam shortly.

Dirk Hazell

Lord Evans’s point on civil sanctions is correct in principle. It is particularly useful where you have a competent regulator, and it will deal with the sort of problems that Lorraine has raised. However, I cannot emphasise too strongly that our written evidence understated what an absolutely diabolically dreadful regulator the Electoral Commission, as currently constituted, is. We were strongly advised by Queen’s Counsel, in his written Opinion, to litigate some of their unlawful conduct towards us. I took the view that it was not in the national interest at that time for us to do it but our retained Queen’s Counsel was absolutely staggered by their disregard for basic principles of law and governance.

I will give you one specific example. I will slightly elaborate what is in our written evidence. In line with the Commission’s written and repeated guidance to our treasurer, we reported quarterly loans even when they were low. In 2018 the Commission suddenly changed its mind and said this was unlawful. It took months for them to tell us which part of PPERA we were allegedly not complying with. In January 2019 they eventually said Section 71T of PPERA. In March 2019 it then alleged an offence under Section 71S(5). It then alleged yet another hitherto unsighted provision: in January 2020, our treasurer, who has given up on this, was deemed to be guilty under Section 71M(1), 71M(4) and 71M(10)! This is contrary to the most basic principles of natural justice and the most basic concepts of financial and general regulation.

The Commission is never going to be better until it looks neutral, and that means repealing Section 3A PPERA.

This is not a party-political point, although it might sound it. Please bear in mind that the Conservative Party’s current Electoral Commissioner was effectively deemed to have given unreliable evidence in the Marion Little trial. This is the level that we are dealing with, and it should not be like this with a regulator.

The Commission greatly overstates its accountability. In its evidence it says, ‘We are accountable to all these parliaments.’ I agree with the Conservative Party: the Speaker’s Committee is absolutely useless and they are not inclined to do anything.

The last Speaker of Parliament actually wrote asking the Commission to answer our legitimate questions. The Commission just ignored it.

An un-transparent regulator is almost by definition a bad regulator. They should have a structured relationship with all regulated entities, and they could then become a much better regulator. If they listened in a transparent and structured way to everybody who has participated this morning they would be a much better regulator.

I know that your office is uncomfortable about me going into this territory, but you absolutely cannot safely give any more power to this regulator until it has been reformed. Reform is essential. The Court says, effectively, that they lie: they do lie. It seems they will do anything to cover up their mistakes: they are more interested in that than in actually getting things right.

Lord Evans

Thank you very much. Very clear messages, thank you. Adam, you dropped off the call, but you were keen to come back in again.

Adam Zerny

Thank you very much. I do not know how much of what I said you heard, but I was just bemoaning the fact that the local authority involved with running the election in my constituency just referred me to the Electoral Commission documents. There are so many of them. As a firsttime candidate, you have literally hundreds of questions a day which you want to get answered, and you do not have the time to go through all of these documents each time you want to get one of those questions answered. The problem is that if you are at risk of getting a criminal record you take the easy route and you do not take any risks because you do not want to run that risk of getting in trouble. You then watch the larger parties do exactly what you wanted to do, and in many cases you watch them break the rules.

I did eventually get some advice from the Electoral Commission but it came too late and it still did not give me a definitive answer on the issues that I really wanted resolved. I would suggest that we need an advice line which can give out advice and email quick answers to questions. I also think that the Electoral Commission needs to work really closely with local authorities and the Post Office, given they distribute all the leaflets, and ensure there is one body that the candidate can speak to. It is ridiculous to have to liaise with so many people when what you really want to do at this stage is get out there and knock on doors, and instead you are sitting at home talking to five or six different people and trying to get answers.

Lord Evans

That is very clear. Thank you very much. Before we move on from the Electoral Commission, I think they have withdrawn from their suggestion of taking a prosecution role, which I am sure will be welcomed by some of the people on the call today. The question of the governance of the Electoral Commission has also been raised, and one or two people have commented on that. This is quite a technical area. If anybody else has any views on the current governance arrangements for the Electoral Commission, that would be useful to hear, although I recognise that for people who are not specifically interested in election process but are more interested in the outcomes of elections that might not be in their area of strength of particular focus. However, if anyone does have an interest in governance I would welcome any comments you have on that.

That not being the case, I am going to hand back to Jane.

Jane Ramsey

Turning now to regulated periods and reporting the expenditure, which were touched on briefly by participants earlier, we have heard that the system we have of regulated periods for election spending do not seem to reflect the realities of modern campaigning and its complexities. It is different for different elections, and can overlap, and so on. We are also aware that money spent on building databases outside of regulated periods can have a significant impact on the outcome of an election, but are not captured by spending limits or transparency requirements.

Do you think that regulated periods continue to be the most appropriate way of capturing expenditure that could have an impact on the outcome of elections? Do they create challenges for compliance, and is there a viable alternative? I would welcome your thoughts on that. Does anyone have any thoughts or are we all very happy with the way that it works at the moment?

Jon Nott

I well remember the period before the extended regulated periods and the rush to get material distributed before the regulated period started. The idea of regulated periods is a good one. The challenge goes back to something we discussed earlier. Whilst you have overlapping regulatory requirements which do not align with one another, a situation we had last year – where you had a series of local elections which then retrospectively became part of the European, and later the General Election regulated period – was an absolute dog’s breakfast. I do not envy anyone who had to try and work that out at a local level, as far as enough at an overview level. Some kind of alignment and possible combining of those different regulations would help.

Just to reemphasise the point earlier, the regulated period is less when the money is spend. It is more where it is spend. That is where the real challenge is to the level playing field. It is this ability to target money geographically without needing to account for it geographically that is far more important to address than the issue of whether or not spend is for weeks, six weeks or six months before an election.

Jane Ramsey

Thank you. Tabitha, did you want to come in?

Tabitha Morton

I would just like to back what Jon has just been saying. From a Women’s Equality Party perspective, we will report when we need to report. It is two things: if you are going to change the way we report, extend periods, make them more real-time – I think that is the next question you are going to ask – if you do anything like this, for a small party, just remember the huge administration task that this is. You are suddenly going to have a lot of your volunteers who will be doing spending returns instead of knocking on doors. It does not answer the question or the problems that we raised earlier, that larger parties with more money to spend can do strategic spending outside of these times that helps to benefit in the elections without breaking any of the rules. I am not suggesting any of the parties break the rules, but again, there is this unfair playing field.

If there is going to be any change to the spending times or any real-time changes, please remember that you also have to put the infrastructure in so local authorities all report in the same way so we can get all of that data in. The administration burden on a smaller party is so much huger, so you could bring a lot of inequalities in by changing this as well.

Gavin Shuker

I completely agree. It is not so much about the regulated period, which we are all used to complying with. We know what the period, the run-up to it, and election day will be. It is the amount of money that can be spent and what is and is not included which is the most important issue by far. We touched on it before, but there is this split between national and local spend. The major political parties will spend all their time trying to convince the Electoral Commission that everything they do is better at a national level. The reality is they are going to focus their resources on individual target seats. The fact that we got into a pattern in the last few years of setting election days and then junking them with very short notice has made a mockery of some of these periods.

If I could make one associated point, which is trying to get to the very high level on this, what are we trying to achieve here? What do we mean by a level playing field? As someone who stood as an independent last time around, my question would be could a credible independent candidate – and it strikes me that anyone who is an incumbent in their own seat that they have been in for 10 or 15 years could be classed as a credible candidate – a Frank Field, Anne Milton or Dominic Grieve –have a reasonable shot, with the resources that they have, against a the major parties? That strikes me as a pretty reasonable test. Something like 22 candidates did that in the last election and not one of them was returned.

The reason for that is really simple. However we tackle it, the major parties can massively outspend smaller parties and independents in their own seat. I can tell you anecdotally, as someone who left my party and stood as an independent and did not choose to join another party like the Liberal Democrats, that I saw many of my colleagues who took the same path end up joining political parties. I do not want to cast aspersions, but I think the reason why is pretty clear. They were forced into that, because without that they would be so outgunned they would not have a shot in any particular way. It is producing really perverse incentives in the system at the moment.

I do not have a huge issue around compliance. Like any body, the Electoral Commission has holes in it but it is possible to comply. I actually am realistic about the fact that I do not think you would get huge reductions in national spend limits. However, if I could go into an election where I knew that national or local, whether it is the party paying for it or supposedly the candidate being promoted, I was on a level playing field and I effectively had the same budget that I could spend over the same period of time, even if I struggled to raise that money and even if people thought that I was a very unattractive candidate as an independent, I could at least come out of that election and say that the rules were fair. Someone did not spend £200,000 for my seat and I spent £15,000. I could say, ‘I maybe struggled to raise that money, but actually I had the ability to do so should it be there, and another credible independent candidate would be able to.’

At the moment, however you tackle it, where it is trying to put it into regulated periods or trying to reduce the burden of administration, that fundamental unfairness at the heart of it means that no one will get close. It is not a very healthy political system where you can have a credible independent running and have no chance of winning a seat.

Jane Ramsey

Thank you.

Andrew Pope

I agree wholeheartedly with what Gavin has just said. I mentioned Claire Wright earlier on, and our friends in Ashfield, Nottinghamshire, have a candidate called Jason Zadrozny, who got a significant vote there. That is with huge knowhow and a massive amount of work done on the streets over many years. Ashfield Independents control Ashfield District Council. Going back to the points about the media, what coverage were they getting? ITV did not even mention Jason in most of their reports. It really got my goat during the campaign. Even where you have got people who have a very high profile, is a leader of the council and have done a huge amount of work, there are issues in relation to the media coverage and the regulation. Going back to the points that have been made by Gavin and the rest of us today, how do you deal with that? You need to have some level of banding of regulation between the large and small parties. It cannot be one-size-fits-all.

I do not have the detailed solutions here as to how that works, but I have mentioned Her Majesty's Revenue and Customs, and I will say it again that they have got it right to a much greater extent than the Electoral Commission has so far. Perhaps we could be looking at them as a model. I know that many people would laugh at the concept, but they are doing some things like, webinars and videos, a lot better than the Electoral Commission is doing.

Jane Ramsey

Thank you.

Anne Milton

I wanted to cover Gavin’s point about it feeling fair, which I think is quite important. However, I would warn about looking at the last few elections, because however fair it is you have got a political decision for the electorate to make that was very extreme on both sides. You would need to go back in history a bit to look at whether Gavin and I could have stood a chance of winning 25 years ago when the political dialogue was not on the extremes as it is now. I would also warn against drawing a distinction between national elections and local elections. In local elections, if councils are all out it is not quite first past the post. You have to get maybe two or three candidates in, which gives independents a better crack at the whip.

Regarding press coverage, because I was interesting – and Gavin was equally interesting – I got a disproportionate amount of press coverage, unlike the smaller political parties, because I was interesting. I got plenty of articles in national newspapers. It was never going to do me any good, because as I say, it was against the backdrop of very extreme politics. Although all the rules have changed it would be interesting to maybe talk to independents who have stood some years or decades ago just to see what they felt about the level playing field nature of elections.

Jane Ramsey

Thank you.

Geraint Day

I wanted to concentrate on the realtime reporting element. To highlight that I will give an example of a target seat that was a marginal seat. We estimated that, during the regulated period, our opponent had probably spent between £30,000 and £40,000 in the constituency, which is way beyond the limit of what they should be able to spend. We were unable to see, or no regulator was able to see, where that spend was being allocated to during the regulated period because it is only when the election return goes in that you see what they are actually putting down on that. There were numerous rounds of direct mail going into the constituency. There were buses of activists coming from the west of England into the constituency. I think it was people from Liverpool who turned up to staff the polling stations and polling agents on Election Day.

The amount of money that was spent in that constituency was huge. You can see that money coming in. If you have some form of realtime reporting on that and the ability for queries to be able to be raised with the regulator, to say, ‘We think there is something not correct going on in this campaign,’ and them to be able to step in and say, ‘That is not national spend. That is obviously local spend. The dividing up of an election leaflet so that the majority is counted as national spend is incorrect.’ That needs to happen before the election takes place. Once the election takes place, the only option you have is to go through an electoral court. How many times has an electoral court been called in political history and recent times? I think we are talking under five. It is such a cumbersome, expensive, legal process. Any regulation needs to happen and the control needs to be done before polling day.

That is the point I will raise. It is an important element not just when it comes to marginal seats. This is stepping outside of what we have been discussing into referenda, but when you come to referenda, the temptation to bend the rules and to work in grey areas is even higher. You can see allegations of that and investigations about that, especially during the Brexit referendum.

Jane Ramsey

Thank you for that. That segues very nicely into the final question, which is around the fact that some campaigners have said that following an election it takes far too long before information about money spent on elections is available, and they have suggested that there should be shorter timeframes for spending returns for parties. Have other people got thoughts on whether shorter timeframes or real-time reporting of campaign expenditure during election periods would be a worthwhile ambition or would be unfeasible or too great an administrative burden?

Amy Killen

I do really take the points that have been made about, if it is real time, we will know if something untoward is going on. However, I am filled with dread at the thought of having to manage the work that I manage post-election during an election, and how we would do that with our small teams and support our volunteers to do that when we are already supporting them to deliver their local campaigns. It would be a huge burden. It seems to me that it would be better that we address the problem of extensive national spending in local seats by the major parties than placing this burden because it will be smaller parties and independents that suffer from this too.

Jane Ramsey

Would anyone else like to come in on that point on real-time? Dirk, are you wanting to come in or are you content with your comment?

Dirk Hazell

I am content with my comment.

Jane Ramsey

Thank you.

Andrew Pope

I think it would be too burdensome on small parties. However, it could be done if it was streamlined the rest of the time, going back to the points I made earlier. That is all I will say on that.

Jane Ramsey

Thank you. I saw Lord Stunell nodding vigorously, I think, at Geraint’s point about the multiplicity of elections, timing and reporting periods. I wondered whether you wanted to come in on that.

Lord Stunell

First of all, we have heard some really compelling evidence. I find it compelling, because to some extent it confirms my own views. That is always the best sort of evidence to hear. There are clearly really significant issues for any candidate whose essential focus is on one constituency or one ward, as compared to a party which is contesting on a national or council-wide level, as the case may be, because of all the reasons that have been put forward. There have been some very trenchant criticisms of the Electoral Commission coming from this roundtable, which, to some extent, do match my own views, but on the other hand are quite out of tune with a lot of the evidence we have received from other quarters. I want to know, in the view of the people on the roundtable, whether this is something that is a structural problem and that there should not be a regulator at all, or is it something to do with the regulator. Do you honestly think, as small parties, you would get on better if there was no regulator? In so far as the regulator does anything, it does limit the propensity of larger parties to dominate the whole process to an extreme degree. You and I might agree an even more extreme degree.

Jane Ramsey

Thank you, Andrew. Jeremy, do you want to come in?

Jeremy Wright

I was just going to follow up on what Andrew has just asked, because I have also heard, as Andrew did, a lot of criticism of the Electoral Commission and a lot of comment around the issue of not being able to pick up the phone to the Electoral Commission and get a simple answer to a simple question. I suppose my query is whether that is largely due to the complexity of the rules and arrangements, which means that however competent the Electoral Commission may be it is very difficult to give simple answers to the questions that are legitimately being asked. How much of it is because the Electoral Commission does not understand the rules themselves, or something else, because criticism of the Electoral Commission might be entirely fair, or it might be unfair because the Electoral Commission are themselves doing their best to understand what is a ridiculously complex system. I would be interested in any views on that.

Jane Ramsey

Thank you.

Lorraine Roberts

I wanted to come back and say we think there should be a regulator, but we are looking for reform of that. We are looking for a reform of the regulations themselves as well as the regulatory body. As we have said, this ‘one size fits all,’ in terms of the regulations and how they are applied. In terms of how they are applied, I do not know whether that is to do with the Electoral Commission itself or the set of regulations or requirements that they have to meet themselves.

I would like to say that when we have phoned up, in some of the contact, that most of the actual individuals who we speak to in the Electoral Commission are very nice. I think they are trying to do their best, and they have never been rude or disrespectful to me. It is more about reform of the system, and there probably is a capacity issue for the Electoral Commission. If we wanted to see something a bit more akin to some of the things that HMRC do, around webinars or running proactive advice sessions, I presume that is going to take extra resources. It would save time and difficulty in the longer run. That does not quite answer your question, but it is about a review of the regulator and [inaudible].

Jane Ramsey

Thank you, Lorraine. You might have frozen. I do not know if it was just for me. We are now reaching the wrapup time. I am going to hand over to Jonathan. I know Gavin wanted to come in with a counter-point on the Electoral Commission. I will let Johnathan decide if that is the best use of the next few minutes, in addition to the wrap-up.

Lord Evans

Thank you very much, Jane. Can I just check whether Shirley Pearce still on?

Dame Shirley Pearce

I am still here.

Lord Evans

Did you want to come in, Shirley?

Dame Shirley Pearce

Only to say that as a non-political member of the CSPL I have found that I have heard today a very consistent set of messages at the core. That is comforting. I should be surprised by what I am hearing, but I am not surprised by what I am hearing. We do not want to write a report that just criticises the current system; that is not helpful to anybody. We will have to do something to assimilate all the ideas that we are getting, and it would be very helpful to hear your top two or three recommendations of what you would like to see different. We will not be able to deliver all of those but we would be able to consolidate where there is agreement. I am particularly concerned by the criticisms I hear of the Electoral Commission. As Jeremy so accurately said, what do we need to do to change it or change the environment in which they are operating? It is not an easy task that they have, given the strange legal framework. I am motivated by the strength of the feelings that I have heard today to be part of making some clear recommendations. However, we need your input in that.

Lord Evans

Thank you very much, Shirley. I would suggest that if there are any responses that people would like to make to Shirley’s suggestion, which I think is a good one, please feel free to either put them in the chat box now or send them on to the secretariat so that we can take them into consideration. It is one of those inquiries where we will not be come forward with recommendations that everybody supports on all sides, because, as you would expect, we have had a degree of contradictory opinion on a number of issues. I would like to say thank you very much indeed for your very active involvement today. From our point of view, this has been an extremely useful conversation. As I said at the beginning, we clearly recognise that we need a system in this country which is available to all and not just to those who have a large party structure. Therefore, your contribution is a very important part of the evidence that we have been taking.

I have been struck by several of the points that came through clearly. Firstly, there is the strong sense that there is the lack of a level playing field in regard to the major parties, and that independent candidates do not, and cannot, have the level of support that you get from a major party, and that that does create a degree of structural unfairness. Secondly, there are inconsistencies in the legislation for parties and candidates, and that the regulation needs to be proportionate. The heavy bureaucratic burden is not surprising, but it is clearly a big issue. There are the strong views, not all consistent, but with a clear flavour, about the Electoral Commission, and particularly the advice and guidance that the Electoral Commission is able to give. There was the question about resourcing for the Electoral Commission, which is an important point.

We noted the concern about targeted spending in marginal constituencies and excessive national spending in specific constituencies, and a suggestion as to whether we need to revisit spending limits. There is a strong concern about the Commission’s response to genuine mistakes and whether their enforcement response needs to be proportionate and possibly triaged. There is the worry about the burden of real-time reporting on small parties, although there are also some benefits, in terms of real reporting, and if it can be handled practically, and about the potential impact of all this on volunteers’ willingness to stand and to participate. There is a very wide and important set of points for us to put into the mix.

We will circulate the transcript for your approval once we have it. We may quote from it in our report. We will also aim to circulate the comments that have been made in the comments box. Thank you very much for those. It just rests with me to say thank you very much indeed again for your time and the sharing of your expertise and experience today. This is a really important part of our evidence. Certainly, from my point of view it is extremely important to balance the ‘big players’ with the interests of local, smaller and new participants. That is what has been helpful in today’s conversation. Thank you very much indeed for your participation. Thank you.

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