



ISLINGTON

Corporate Resources
Town Hall, Upper Street, London N1 2UD

Report of : Director of Corporate Resources

Meeting of	Date	Agenda Item	Ward(s)
Standards Committee	30th March 2006		Potentially all

Delete as appropriate		Non-exempt
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Subject: GENERAL ELECTION ACTIVITIES OF VOLUNTARY ORGANISATIONS

1. Synopsis

- 1.1 The purpose of this report is to set out what activities are and are not appropriate for voluntary organisations to engage in during the period between the announcement of an election, and the date on which the election is held.

2. Recommendations

- 2.1 To note the content of the report and to ask officers to post the guidance contained within it on the Council's website.

3. Details

- 3.1 The local elections are due to take place on 4th May. Last year, the Standards Committee asked for guidance to be produced for voluntary and community organisations that may wish to organise hustings for candidates. This report sets out such guidance and it is suggested that it be posted on the Council's website, albeit with the caveat that if in doubt, any organisation wishing to take part in such activities should take further advice.
- 3.2 The election provides an opportunity for voluntary organisations to raise important issues with candidates who are standing for election during the election campaign. However, voluntary organisations must comply with the rules laid down in electoral law covering political activities and campaigning during the electoral period. Voluntary organisations must ensure that any campaigning work they do no candidate is given an unfair advantage over another.

4. Basic Principles

- 4.1 The constraints on the kind of activity envisaged by this report derive from two sources. The first is S.75 Representation of the People Act 1983 (RPA 1983) which prevents any person during the election period from spending money on election activities that support or promote a candidate without authorisation of a candidate's agent.

- 4.2 The second consideration applies to those organisations which are charities. Those bodies may only act in accordance with their charitable purposes and should follow the guidance issued by the Charities Commission. (CC9 - Campaigning and Political Activities by Charities issued in September 1994 and supplemented by a specific paper on Charities and Elections in April 2005. Both are available on the Charity Commission website). For the purpose of this report, references to voluntary organisations are to faith, community and voluntary organisations which are charities.

5. Electoral Law and the Holding of Hustings

- 5.1 Electoral law controls any expenditure incurred in promoting or procuring the election of a candidate at an election. During the election each candidate is allowed a certain amount of funds for such activities which must be accounted for. This is calculated by reference to the numbers of eligible electors in the electoral area (ward) and is published shortly after the election is called. Under section 75 of the RPA 1983, it is an offence (a “corrupt practice”) for any person to incur expenditure with a view to promoting or procuring the election of a candidate “ without the permission of the candidates’ election agent. Such expenses include those incurred for the purposes of:

of holding public meetings or organising any public display; or

of issuing advertisements, circulars or publications; or

of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.

- 5.2 Accordingly, organisations must be wary of providing facilities without the permission of the candidates’ agents. Guidance is given to agents by the electoral commission as to how to ascribe notional values to the provision of facilities. The Commission’s guide to Hustings is on their website. It indicates that provision of facilities would not be regarded as an election expense if **all** candidates in an election were invited to participate. It is not a legal requirement to invite all local candidates to hustings, but it is considered to be good practice to do so. If they do not, voluntary organisations must ensure that they tell candidates’ agents they have been invited on a selective basis. This would give the candidate the choice to decide whether to incur the expense. In such a case voluntary organisations would need to provide candidates with an estimate of the cost of the hustings.
- 5.3 Voluntary organisations need to ensure that the meeting is not used as an opportunity to endorse a particular candidate or party’s view. Therefore, voluntary organisations should not present an opinion, which can be compared to any view of the candidate.

Practical Steps

- Voluntary organisations will need to identify and book a venue, which is accessible, and easy to get to.
- Invite the candidates as early as possible. The Council will publish a list of candidates and their agents on its website shortly after the close of nominations on 3rd April 2006.
- Write to candidates’ agents confirming the time of the meeting and venue, information about the issues the hustings will address, details as to who will chair the meeting, how long they can speak for, how long the question and answer period will be and what time the meeting will finish.

- Voluntary organisations will need to arrange for the meeting to be chaired by someone who is seen as fair and impartial. The Chair will need to control the length and time that candidates speak for and ensure that constituents ask questions and not make statements.
- Voluntary organisations can advertise as widely as possible to ensure that meeting is well attended, through posters or flyers in public places, through local newsletters, or the media

6. Supporting a Political Party or its Policies

- 6.1 Charitable organisations must, as a general principle, be seen to be independent and not support a political party. However, it is acceptable for a charitable organisation to support a particular policy, even if a political party or candidate advocates that policy. The guidance indicates that they should be wary of consistently supporting policies associated with one particular party.
- 6.2 Individual members of a voluntary organisation may choose to assist a political party in their personal capacity, but officers and employees of a voluntary organisation must not use their position in any campaigning activities which would suggest that the voluntary organisation they work for support a particular political party. An employee of a voluntary organisation directly involved in the organisation's campaigning activities, who also has a personal interest with a political party, or is standing as a candidate, should declare this to their employer. The trustees of the voluntary organisation should then consider whether there is a conflict of interest and risk to the organisation because of the employee having dual roles.
- 6.3 The Charity Commission guidance indicates that charities must not donate funds to political parties. Indeed the Political Parties, Elections and Referendums Act 2000 prescribes "permitted donors" and charities are not included in the list.

7. Premises

- 7.1 Voluntary organisations can allow their premises to be used by political parties but it must be on the same terms as other non-commercial user organisations if they wish to avoid the restrictions of section 75 of the RPA 1983.
- 7.2 However, voluntary organisations may be justified in not allowing an organisation/individual to use their premises where the organisations' aims or an individual's activities conflict with the voluntary organisations objectives, or there is a risk of public disorder or of alienating the voluntary organisation beneficiaries or supporters.

8. Publicity

- 8.1 Section 75 of the RPA 1983, as well as charity commission guidance, prohibits voluntary organisations from engaging in activities that involve incurring expenditure, which seeks to promote a candidate or a political party. This means that voluntary organisations cannot produce leaflets during the election period to encourage people to vote for, or not to vote for a particular candidate.
- 8.2 Also voluntary organisations must not make a comparison of its views with those of candidates or political parties taking part in the election.

8.3 Local government law (section 2 of the Local Government Act 1986) prohibits the Council from giving publicity to any political party or publishing any material or event is designed to influence public support for or against a political party. This restriction extends to voluntary organisations that receive funding from the Council, and is a condition of grant funding. Voluntary organisations may put that funding at risk if they break this legal requirement.

9. Newsletters and Periodicals

9.1 Voluntary organisations that publish newsletters/periodicals to promote their work and raise public awareness may continue to do so during the election period provided that the publication of the periodical newsletter is regularly produced and is not produced for the election itself. Periodicals/newsletters published during the election period should not be so different as to constitute a different publication altogether.

10. Contact with candidates

10.1 During the election period voluntary organisations can visit or write to candidates setting out their organisation's concerns and asking personal opinions on these concerns. Also voluntary organisations may bring to the attention of candidates issues and information about the work of their organisation, in order to raise public awareness about them, provided that the material is educational, informative reasonable.

11. Conclusion

11.1 In conclusion the purpose of electoral law is to ensure fairness between candidates of political parties. The Charity Commission is clear that voluntary organisations should be seen to be independent from party politics whilst continuing to effectively promote their objectives.

Background papers:

Representation of the People Act 1983

Representation of the People Act 2000

Charity Commission advice on Charities and Elections (Version April 2005)

CC9 - Campaigning and Political Activities by Charities

(Version - September 2004)

Electoral Commission Advice on Hustings Events and Candidates Election Expenditure 2004.

Final Report Clearance

Signed by Date
Director of Corporate Resources

Received by Date
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