

Letter: To the Chair of the Police and Crime Committee at the Greater London Assembly

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Letter: To the Chair of the

Police and Crime Committee at the Greater London Assembly You are in the Key correspondence section Home Key correspondence On this page Letter summary Read our letter in full First published: 7 February 2018 Last updated: 16 July 2019 Summary of the letter Date: 7 February 2018 To: Steve O'Connell AM, Chairman, Police and Crime Committee Address: Greater London Assembly, City Hall, The Queen's Walk, More London, London, SE1A 2AA From: Claire Bassett, Chief Executive Format: Sent by email Full letter Dear Sir I committed to write to you following today's meeting of the GLA's Police and Crime Committee, with further detail about the implementation of Sir Eric Pickles' 2016 recommendations on electoral fraud and the registration of the new political party Aspire. The additional information required is set out below, in the wider context of detail about the decision and the party registration system as a whole. I trust the Committee will find this additional information helpful. Sir Eric Pickles' 2016 recommendations You asked for information about the proportion of Sir Eric Pickles' 2016 recommendations which have been implemented to date. While many of the recommendations will require legislation to be developed and introduced by the UK and other governments, our current understanding of the status of the 50 recommendations is: 7 recommendations (14%) could be delivered immediately through changes to Electoral Commission guidance or practice, which we implemented ahead of the May 2017 elections 3 recommendations (6%) are being tested through pilot schemes at the May 2018 local government elections, which are being overseen by the Cabinet Office, although we have also addressed one of these recommendations (on providing additional guidance on security and secrecy to postal voters) in our guidance to Returning Officers 8 recommendations (16%) would require secondary legislation to implement, and the Cabinet Office is considering how and when to take these forward 25 recommendations (50%) would require primary legislation to implement, and again the Cabinet Office will be considering how and when to take these forward subject to Parliamentary time 2 recommendations (4%) where the UK Government either rejected or did not need to take action to implement the recommendation 6 recommendations (12%) where the UK Government need to consider further what action it will take You will note that the total number of recommendations in the list above adds up to 51, because recommendation 23 (on providing additional guidance on security and secrecy to postal voters) has been addressed in our guidance but is also being tested in pilot schemes this year. Scrutiny of registration applications The Commission is the registrar for political parties in Great Britain and Northern Ireland. Registration decisions are important statutory decisions taken by the Commission, and they are treated accordingly. The Political Parties, Elections and Referendums Act 2000 (PPERA) sets out criteria that applicant parties must meet in order to be placed on the register of political parties. Where an application meets those tests, the Commission must register the party. All applications are subject to a detailed assessment against the statutory criteria, including an analysis of the applicant party's constitution, its financial scheme and applied-for party name and descriptions and/or emblems against the relevant tests. We also publish applied-for identity marks on our website for public comment. Where we receive comments, they are given careful consideration. The assessment will result in a recommendation to the Commission's internal Approvals Board. This Approvals Board ensures that the application and assessment is considered by a wide range of senior people within the Commission. It is chaired by the Director of Political Finance and Regulation & Legal Counsel, who takes the final decision. As registrar, the Commission has a duty under

section 23 of PPERA to maintain the registers of political parties. This could mean that if in future we consider that any party's identity marks no longer meet the statutory tests, it will be removed. Further, should a party's circumstances change, such as the registered officers, this may give cause to the Commission to review the party's registration. Additionally, should it come to the Commission's attention that a party is not operating in accordance with its constitution or financial scheme this may also give rise to such a review.

Decision to register Aspire Following its assessment of the application to register Aspire, the Commission determined that it met the statutory requirements set out in PPERA: its name and emblem were suitable to appear on the register; it had a constitution that set out its structure and organisation; and it had adopted a scheme detailing the party's arrangements for regulating its financial affairs for the purposes of PPERA.

Aspire's name One of the statutory tests for a party name relates to whether a voter is likely to be misled as to the effect of their vote if they see that name on the ballot paper. The existence of other organisations with the same or similar name to that proposed may be a relevant factor but an application is only rejected if the Commission forms the opinion that it is likely to result in a voter being misled as to the effect of their vote. When assessing Aspire's application, we searched open-source material to establish whether there were other organisations named 'Aspire'. There were a number of organisations named Aspire that operated in the borough of Tower Hamlets and wider. In addition and for the record, I now understand we did receive comments from members of the public drawing our attention to some of these organisations. These comments were received in response to our publishing the proposed name, descriptions and emblems of Aspire. Each of the comments received was assessed carefully before the Commission took its decision on registration. Under the statutory functions and duties of the Commission as set out in PPERA, it is the Commission's opinion that determines whether a party's name meets the relevant criteria. We form this opinion after a robust process of assessment, opportunity for public comment, and review by a wide range of senior persons within the Commission. The decision is properly based on the reasonable judgement of the Commission, acting appropriately as a public body and in line with PPERA. The word 'aspire' is a generic and widely used word. It is the Commission's opinion that the word 'aspire' is not likely to be so associated with one particular organisation as to result in a voter thinking that they are voting for a party that is connected to another organisation named 'Aspire' and hence being misled as to the effect of their vote. We are satisfied that is a reasonable and the proper conclusion to draw in accordance with the applicable legislation.

Aspire's emblem The Commission cannot register an emblem that in its opinion is likely to mislead a voter as to the effect of their vote if it appeared on a ballot paper. The emblem included in Aspire's application was the depiction of a house above the word Aspire and contrary to what was stated by some Committee members during the hearing this is not identical to that used by Tower Hamlets First at the point of deregistering. The emblems registered to Tower Hamlets First at the point of deregistration can be found in an Annex to this letter, along with the registered emblem of Aspire and the emblem proposed, although not considered, in the application to register Tower Hamlets Together. Whilst the emblems of Tower Hamlets First contain images of a house, they are different to the emblem registered by Aspire. The images of a house, the number of houses and the layout are different. In our opinion, on the basis of the images alone, a voter, including a voter whose first language is not , would recognise that the images are different. Further, the inclusion of a party name on an emblem is a material consideration and removes or significantly reduces the

likelihood that a voter would be misled. We concluded that voters would not be misled by the proposed emblem. Aspire's constitution and financial scheme We also met with the proposed officers of the party before deciding on its registration, to seek information regarding the party's financial structure, procedures and controls, as well as the operation of its financial scheme and constitution. We corresponded extensively with the party's legal representatives and considered additional information provided by them in support of the party's application, including the party's written financial procedures and controls. We were content that the party was compliant with the necessary legal requirements in order to be registered. Decision to reject the application to register Tower Hamlets Together In February 2017 the Commission rejected an application to register a party called Tower Hamlets Together. The Commission came to the opinion that if the applied-for party name appeared on a ballot paper it would be likely to result in a voter being misled as to the effect of their vote. As usual, we published the proposed name, descriptions and emblem from Tower Hamlets Together for comment. Through these actions and our analysis of the registration application, we became aware of another organisation called Tower Hamlets Together, a partnership of local health and social care organisations in Tower Hamlets. According to the comments received from that organisation and others, this partnership was active and well-known locally. The applied-for party name was therefore identical to that of an active and well-known organisation, and that name was comprised of a specific phrase - three specific words in the same order. On this basis, the Commission formed the opinion that a voter would be likely to think they are voting for a party connected to or endorsed by Tower Hamlets Together, the local partnership. A party cannot be registered without a name, so rejection of the name meant that the party could not be registered. It was therefore not necessary for the Commission to determine whether the party's emblems or descriptions met the statutory criteria. The Commission's regulatory responsibilities Whilst two of the proposed registered officers named in the applications for Aspire and Tower Hamlets Together were the same, they were separate applications and the facts were different. They comprised different identity marks, different constitutions and different financial schemes. Now it is a registered political party, Aspire has a number of financial reporting obligations to meet. For example, it will be required to submit annual statements of accounts to the Commission. These will then be published on our website. Aspire will also be required to update the Commission on any changes to its registered officers, and again these will be published. Section 145 of PPERA places the Commission under a duty to 'monitor, and take all reasonable steps to secure, compliance with' the rules in PPERA relating to political funding and spending. We are proactive in fulfilling this duty and parties that fail to comply with their financial reporting obligations, or to maintain their registered details, are routinely investigated and fined. I want to assure you that the Commission will take appropriate and proportionate steps in fulfilling those duties in respect of Aspire, as we would with all registered parties. Related content Letter: Coronavirus and its impact on the May polls Read our letter to Chloe Smith MP (Minister for the Constitution and Devolution) from March 2020 Letter: Spending by Britain Stronger in Europe at the 2016 EU referendum Read our letter to the Rt Hon Priti Patel MP from January 2018 Letter: To Google about digital campaigning at the EU referendum Read our letter to Google from November 2017 Letter: To Twitter about digital campaigning at the EU referendum Read our letter to Twitter from November 2017