

THE WOODLAND TRUST
EVIDENCE TO THE CIVIL SOCIETY COMMISSION
OCTOBER 2013

1. **Question:** *What sort of campaigning activity does your organisation want to do ahead of elections (irrespective of regulation at this stage)?*

We want to advocate the adoption of policies and programmes that will enable the creation, protection and restoration of more native woodland throughout the UK, including the devolved assembly elections .

We have done this in the past through two distinctive routes, firstly through contacting all prospective parliamentary candidates at elections to ask them to pledge their broad support to the importance of our cause and asking our supporters to do the same at a constituency level, and secondly through in depth engagement in the manifesto development processes going on within each of the main political parties. We would want to repeat this in 2015. We don't produce public comparisons of different parties' positions on tree issues as part of our materials to supporters and communicate these though that analysis is used internally.

2. **Question:** *Is policy campaigning important ahead of elections in a democracy? If so why, and what is your organisation trying to achieve?*

Elections are a good time to try and persuade politicians to adopt policies that are environmentally benign because they are in listening mode about what the electorate want and creating their proposition for the electorate through the party manifesto process. The Coalition Agreement is a specific example of why this 12 month period is critical. This has been the blueprint for the Government's delivery over the past 3.5 years and is a composite of manifesto promises from both parties, which themselves were formulated within what would under the new legislation be the restricted period. It is worth bearing this in mind as many pollsters predict a hung parliament in 2015, so we could likely end up with a Coalition Government elected in 2015, who could again formulate a Coalition Agreement drawn from Manifesto promises.

Our approach involves asking our supporters to be our advocates and as they form the electorate, they are the most powerful voice for trees and woods at an election time. All we are trying to do is ensure whichever party is elected nationally follows through any manifesto commitments they make on trees

and woods, or creates strong and positive policies, and ensure whichever politician is elected in a constituency will be a strong local voice for any issues around trees and woods in their patch.

3. **Question:** *Is it right that voluntary organisations try to influence the policy positions of parties, elected politicians and candidates?*

Absolutely. Most voluntary organisations especially charities have as a part of their mission the goal of changing society in some way for the better. Charities in particular have to comply with the public benefit test i.e. is what I am doing going to deliver public good? Change comes through a variety of channels – direct delivery on the ground to improve desired charitable outcomes, provision of advice to beneficiaries, outreach and support, and advocacy through lobbying and campaigning. Larger charities will try and achieve change through a mix of channels because approaches which have been proven on the ground can inform the development of better policy through experience. Voluntary organisations have huge collective knowledge which can inform the policy making process which politicians readily acknowledge and make full use of. Politicians also have goals about changing society for the better and recognise that they do not have the monopoly on good ideas and policy proposals, nor can they be experts in every policy area they are interested in.

4. **Question:** *Is it right that voters should understand politicians' policy positions and what voluntary organisations think about these positions? – or would that information unduly influence politicians?*

We tackle the issue the other way round – because most politicians don't have much of a view on the importance of trees and woods nor promote a particular line we are often starting from more or less a blank canvas. It is up to us to persuade a politician to adopt a view which is sympathetic to our cause. Our efforts focus not on analysing party views and then communicating that publically as part of information flow to our supporters to help them make their electoral choices but actually trying to help to craft those views in the first place.

5. **Question:** *What are the principles that regulation of third-party campaigning should be based on?*
- a. non-partisanship
 - b. freedom of expression

c. respect for democratic process

6. **Question:** *What transparency is needed in relation to donors who give money towards a campaign run by a voluntary organisation? (i.e. registration thresholds and how burdensome reporting should be – size of organisation, timescale ahead of elections)*

We have very few donors who specifically give to our campaigning work (most like to support something more tangible, i.e. buying a wood or supporting children planting trees) and even fewer who give to specific campaigns. Most of our campaigning work is funded by unrestricted gifts. Any rules would need to make it clear that there is no requirement to report on the origin of unrestricted funds used by charities and voluntary organisations for campaigning as it is the organisation's decision to use such funds for that purpose, not the donor's.

7. **Question:** *Are you concerned about a current lack of transparency?*

On the basis of our experience, and those of the wider charity sector, this answer is no.

8. **Question:** *Should regulation of voluntary organisations be based on those for political parties? If so, why? E.g. Should spending limits for voluntary organisations be based on a percentage of political party spending? If so why?*

No. Political parties and voluntary organisations are different entities. A voluntary organisation may currently decide that its principle strategy to achieving its charitable or societal goal is to campaign and advocate changes to policy. That is an entirely reasonable decision to make. To limit spending limits on a particular form of activity is to create constraints on the freedom of the organisation to choose the way it wishes to achieve its goal, which is a matter for its board or trustees, not for government to impose through ill advised legislation.

9. **Question:** *Should definitions of campaigning activity for voluntary organisations be based on a percentage of political party spending? If so why? And do you have any thoughts about what the percentage should be?*

See answer above.

10. **Question:** *Do you think the existing law regulating third party campaigning works – or are changes needed? What changes, if any, would you propose?*

It works for us as the nature of our campaigning activity has by and large not yet come under the scope of the existing legislation but that is clearly not the case for all voluntary organisations.

11. **Question:** *Part 2 of the Lobbying Bill proposes to introduce changes to the current regulation of non-party campaigning ahead of elections – how do you think they would affect your organisation’s campaigning activity? You may wish to draw on plans for the next general election, or on campaigns you ran at the last election.*

The new spending caps combined with a wider range of activities caught (especially full staffing costs) and the problematic definition of what constitutes ‘non-party campaigning’ would radically reduce the scale of campaigning activity possible. As a large charity we could quite plausibly incur a total of £390,000 (the sum of the total limits for the UK) on campaigning during the regulated period if that remains defined as 365 days before an election, of which >95% would be staff costs.

Specific examples include:

Influencing Manifestos - Before the 2010 election we ran a campaign asking our supporters around the UK to urge all prospective candidates to make commitments and pledges on woodland creation and protection of ancient woodland. Many MPs that made a pledge used this as publicity in constituency media, a pledge to ‘double native woodland cover’ also appeared in the Liberal Democrat manifesto and in all the manifestos of parties standing in Northern Ireland. As more activities involved in this campaign would count towards ‘controlled expenditure’ and the thresholds are lower, it is likely that under the new proposals the same campaign would be subject to regulation and we would need to drastically scale back on this activity, reducing its impact.

Campaigning to protect Ancient Woodland – A core activity which could be negatively affected is our WoodWatch programme, where, often with local community and political support, we fight to save woodland under threat from development. A current example is our campaign to save Smithy Wood in Sheffield, where we are working closely with the local MP Angela Smith and others to save an ancient woodland much cherished by the local community. This might not only be hit by a reduction in constituency-level spend limits

but we would also be required to register with the Commission if we wanted to host a public meeting, liaise with the local media, or conduct polling to gauge local opinion on the issue.

Large scale and often politicised national campaigns like the hugely contentious High Speed Two debate would also be affected. This is particularly likely as UKIP has already pledged to fight the Conservatives directly on this issue along the route of the scheme. Whilst we obviously operate within Charity Commission guidelines and do not undertake political campaigning which supports any individual Party or Candidate, the ambiguity surrounding the definition of what constitutes “support” may mean that our activities to fight ancient woodland loss could be seen to enhance one candidate/party over another, so could contravene the proposed regulations.

Capacity and reactivity - Our capacity to engage and react would also be reduced given the current size of our advocacy and public affairs team. If full staffing costs are included in controlled expenditure, we estimate that we would need to drastically wind down the time spent by our national campaigning team for the year ahead of a General Election and operate with less than one member of staff able to campaign on geographically focused issues such as local woodland threats in key constituencies.

Coalition working

As a player in a number of environmental coalitions and umbrella bodies such as Wildlife and Countryside Link, we, like other larger NGOs, would have to withdraw from many of these, which would in turn force many such bodies to close down completely due to lack of member subscriptions which provide a key element of their funding.

12. Question: *Do you agree with the thresholds set for third parties needing to be registered with the Electoral Commission as set out in the Bill? Do you have any suggestions for what the thresholds should be?*

No. If the intent is to prevent third parties spending millions on influencing voters these thresholds are way too low. The campaigning impact which could be achieved within the limits set cannot possibly be on the scale the Government wishes to control.

13. **Question:** *Do you agree with the limits on constituency spending by third parties set out in the Bill? If you do not think the limits set out are right, what would be appropriate?*

These are less contentious for national bodies which campaign generically and but for local organisations who operate within a confined geographical area they could be highly restrictive.

14. **Question:** *What do you think the particular effects of Part 2 of the Lobbying Bill will be on your campaigning in Scotland/Wales/NI?*

As a UK organisation we would have to monitor expenditure across all four countries, creating a further administrative burden on us and adding to our overall risk profile. In general our success in influencing policy in Wales and Northern Ireland is higher than in England because the political communities are much smaller and more easily accessible, yet the limits set would effectively suspend all activity by staff in those two countries so this would disproportionately affect our ability to campaign in those countries.

15. **Question:** *Do you think there should be a pause in the passage of this legislation? How long do you think this pause should be?*

It should be for long enough to conduct proper pre-legislative scrutiny so at least three months.

16. **Question:** *If this Bill passes, how long do you think the Electoral Commission should take to consult civil society on its guidance?*

It should be for the Nolan recommended period of 12 weeks.

FOR FURTHER INFORMATION PLEASE CONTACT

Hilary Allison, Policy Director
01476 58111 email: hilaryallison@tiscali.co.uk

The Woodland Trust, Kempton Way, Grantham Lincolnshire NG31 6LL

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