

22 November 2013

HOPE not hate opinion on amendments to Part Two of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

Commission on Civil Society and Democratic Engagement Second evidence session

Overview

The HOPE not hate campaign is a registered third party with the Electoral Commission and fully compliant with all the associated regulatory requirements. In the 2010 General Election HOPE not hate spent £319,231 campaigning against the BNP. This figure was well within the financial cap in place.

We are appalled with the fact that the amount an organisation like ours, fighting for democratic values, can spend is being drastically cut, whilst the scope of costs which have to be accounted for – such as staff time – are dramatically widened. Indeed, the restrictions on us as third party organisation are now far more extensive than those on political parties, such as the BNP.

What began as a bid to clean up politics and make the process more transparent has ended up as an attempt to restrict people and individuals engaging in politics and exercising their democratic rights of free speech. Simply put, this Bill, unless fundamentally amended, could gag HOPE not hate in the run up to the next General Election and prevent us offering a proper challenge to racism and fascism.

How the Bill will impact on the HOPE not hate campaign

Part Two of the Lobbying Bill will:

- Cut the maximum amount HOPE not hate can spend in the 12 months before the election by up to 70% and make it a criminal offence to exceed the limit. In total we would be limited to £390,000 across the British Isles. When combined with a widening of the scope of activities and costs that will now have to be included, we would be significantly restricted in our ability to launch national campaigns.

It should be noted that a political party (of any size) can spend up to £18.96 million in an election period. HOPE not hate will be restricted to 2% of the expenditure available to the BNP.



- Dramatically widen the scope of activities that need to be incorporated into our costs. These will now include staff time, organising events, the development and publication of policy papers, transform costs encountered by our staff and supporters and even research time that goes into blogs, websites and leaflets. While placing these new restrictions on organisations like HOPE not hate, the Government has decided that political parties do not have to include staff costs in their returns as they are too difficult to work out.
- Limit total spending to £9,750 per constituency in the 12 months before the election. When including staff and design costs this will significantly limit our ability to participate in grassroots anti-racist and anti-fascist campaigning activities in areas particularly vulnerable to the politics of hate – this work makes HOPE not hate unique in the British democratic landscape.
- Require HOPE not hate to report to the Electoral Commission weekly during the election campaign, placing a huge administration burden on our small team.
- Restrict our ability to build coalitions against racism with other organisations, as any costs accrued by a coalition will need to be “aggregated” (meaning that HOPE not hate would have to declare within our reported expenses the full amount spent on the joint campaign, regardless of how much we contribute).
- Place more rigorous restrictions on HOPE not hate in an election period, then those faced by the BNP, the National Front or any other political party.

Recommendations regarding workable amendments

By the very nature of its work, HOPE not hate focusses on constituencies on which our intelligence shows that an openly racist or fascist candidate is about to run for local or central government.

We believe that, although we managed to function legally and effectively in the parameters set by PPERA (2000), there is much room for improvement, especially in terms of striking a better balance between national and local campaigning guidelines.

As such, **we think is only fair and transparent to be regulated in line with legislation already in place for local political parties.**

We hope to see major changes to the current wording of Part Two of the Lobbying Bill in the following areas:

- **The regulated period:** Because Britain has got a fix term Parliament, we too would like to be regulated for the duration of the “**long campaign**” – **the period between dissolution of Parliament and Election Day, plus the preceding three months.**

Any regulated period which starts earlier than the first month of the election year (e.g. **January 2015**) would put undemocratic pressure and scrutiny on non-party campaigning.



- **Overall spending limits:** During the 2010 General Election, HOPE not hate spent just under £320,000 which is below the national expenditure limit of £390,000 which is being proposed by the Government in this new bill. However, at that time, we had five times less types of costs to account for than we might have for the 2014 general Election if the Bill passes in its current form.

As such, HOPE not hate does not take issue with the new overall spending limit **only if** the constituency cap is significantly increased and the Government gives up on its determination to widen the scope of activities and costs that will now have to be included, which will significantly restrict in our ability to launch national campaigns.

- **Constituency spending limits:** It would be hypocritical of us not to admit the need for rules on targeting of particular seats. However, in line with current legislation for local political parties, HOPE not hate thinks it is only fair for us to be able **to spend up to £50,000 in a constituency** vulnerable to the hate message and lies of racist or fascist candidates. **Any constituency spending limit lower than £35,000 will dramatically jeopardise our work** and mission, at a time when the political vacuum left by the three mainstream political parties is being filled by candidates and parties determined to spread myths, fear and hate in order to gain votes.

We do not believe we can operate campaigns such as Barking and Dagenham (2010) under the proposed restrictions, however carefully we plan and budget. We rely on the energy and support of our volunteers, and we will need to impose bureaucratic controls on their activities where their enthusiasm may take us over the unreasonably low limit.

- **The administrative burden of regulation:** Asking small and medium size third sector organisations to report back to the Electoral Commission on a weekly basis, when political parties with a significantly larger admin personal do not have to, is highly undemocratic. HOPE not hate thinks it is only fair that we should be allowed, as we have in the past, to report back to the Electoral Commission three to six months after the General Elections on spending and relevant donations, or, at most, on a trimestral basis on spending during a 12 months regulated period, every two months during a 6 months regulated period, or monthly as in the case of a 3 months “long campaign”.
- **The definition of electoral material:** HOPE not hate is particularly worried about the chilling effect that these new proposals will have on organisations like ours which seeks to influence public opinion. The current wording of the Bill penalises those non-party campaigners who engage in the democratic process, in the 12 months before the General Election, and be doing so *either directly or as a consequence of their actions* influence the standing of a candidate.

HOPE not hate was born out of the need to oppose candidate who campaign against sexual, ethnic and religious minorities, and out of the need to safeguard and celebrate Britain’s diverse society. We have not shied away or been apologetic about crushing the political prospects of candidates and parties who try to divide us, plant fear and reap violence.



HOPE not hate feel very strongly about the need to **return to the PPERA (2000) definition of “electoral materials”** which covers leaflets, websites, posters and banners, campaign advertising, etc. “which can be reasonably regarded as intended to promote the electoral success or demise of particular parties, or candidates, or parties or candidates who hold, or don’t hold, particular views, or otherwise enhance or damage their standing with the electorate...”.

After this consultation period, **HOPE not hate would like to see the following activities no longer counting as spending:**

- **Staff costs** – Political parties do not have to account for them, either at a national or local level. Asking a small organisation like ours to do so is unacceptable.
- **Unsolicited material sent to our supporters** - HOPE not hate has a 200,000 plus support base. HOPE not hate does not have a membership structure. We see no reason, nor any explanation was provided by the government, as to why existing electoral laws which exempt communications made by third party organisations to their members and supporters is no longer appropriate.
- **Leaflets we distribute that are not in response to specific queries** – HOPE not hate campaigns extensively on progressive issues, where these involve people who hold office or seek election, or where one party is more associated with it than the other, and the law specifically states that there need not be any mention of party or candidate names for us to fall short of being perceived of unintentionally enhancing the standing of a political party or a candidate. It is hard to see how it is possible to divide public policy from those who seek election – as it is those who are elected who determine policy – and the Bill makes no attempt to do so.
- **Market research** or other methods of finding out how people intend to vote and why, as long as the results are not published in our electoral material
- **Press conferences** or other dealings with the media
- **Transport in connection with publicising our campaign**
- **The issue of “coalition or aggregated costs”**- HOPE not hate feels strongly about the need to remove the treatment of coalitions of charities and campaign organisations as single entity in terms of accounting for campaign costs. As an alternative we would suggest that the cost of that particular campaign which has brought together like – minded charities and campaigners be **reported as regulated cost only by the organisation who initiated the coalition in the first place.**
- **The HOPE not hate “Battle (Campaign) Bus”** – HOPE not have believes it is only fair to account for costs incurred in running the HNH Bus **as an overall sum, after the elections**, just like political parties do for their Battle Bus. Keeping track and weekly reporting on the costs that the HNH Campaign Bus might incur in the various constituencies it travellers through, over a period of weeks, from London to Scotland and back again, is both unpractical and an unfair added burden on non-party campaigners.



Conclusion

By design or default this Bill will severely restrict the ability of organisations like HOPE not hate to function and combat fascism, racism and other forms of extremism. It is nothing more than a Gagging Bill, limiting democracy, political involvement and criticism.

We have stressed only some of the issues which will directly impede our ability to participate in the democratic process during an election cycle, as we have successfully done against the BNP for the last decade. **On 10 April 2014 HOPE not hate will celebrate 10 years** of hard, at times dangerous, but highly rewarding non-party campaigning aimed at offering an antidote to the spread of racism and fascism around elections, and beyond, across British society, but especially at a grassroots level. Being told that we have to significantly reduce the scope of our activities the month after our anniversary, is both highly illiberal and undemocratic, but also unthinkable for the vast majority of our 200,000 plus supporter base.

At a time when trust in political parties and politicians is at an all-time low we need to increase involvement and participation in the democratic process not limit it. Without major changes, this Bill will remain nothing more than a gag on our right to engage in politics and criticise political parties. And the fact that we will be limited to only 2% of the funds available to the BNP is surely reminiscent of totalitarian regimes and not of the tradition of the world's oldest working democracy who, next year, will celebrate 800 years since the signing of the Magna Carta.

We hope that the Commission on Civil Society and Democratic Engagement will appreciate our evidence and try to convene to the distinguished members of the House of Lords, that they are our last hope in ensuring that the Government pauses and rethinks this appalling bill which will literally reduce us to silence but allow racists, fascists and xenophobes to carry on spreading hate and lies unchallenged.

Yours Sincerely,

A handwritten signature in black ink that reads "Nick Lowles". The signature is written in a cursive, slightly slanted style.

Nick Lowles
Executive Director
HOPE not hate

