

Rt Hon Priti Patel MP
House of Commons
London
SW1 0PW

15 January 2018

Dear Ms Patel

Assessment decision: spending by Britain Stronger in Europe at the 2016 EU referendum

Further to our letter dated 8 January 2018 we have now completed an assessment into your complaint about Britain Stronger in Europe (BSiE) and other 'remain' campaigners in the 2016 EU referendum. You raised concerns about whether BSiE had failed to report joint spending in its return for that referendum, and whether it had exceeded its spending limit as a result. The relevant offences are set out in sections 118(2) and 122(4) of the Political Parties, Elections and Referendums Act 2000 ("PPERA").

Following an assessment, the Commission has determined that it does not have reasonable grounds to suspect BSiE committed these offences. We will not be opening an investigation into this matter.

Scope of the assessment

Your letter dated 29 December 2017 raised two complaints. As you are aware from our earlier letter, we did not assess your complaint about campaigners that registered in the final month of the campaign; your letter did not provide evidence that the rules may have been broken in any of these regards.

This assessment did look at your complaint that Britain Stronger in Europe may have failed to report joint spending with the Liberal Democrats, the Labour Party and Conservatives IN by way of paying for campaign materials and/or coordinating campaigns via a daily phone call. In particular you were concerned that BSiE and the aforementioned referendum campaigners may have coordinated their campaigns to the extent that the rules on joint spending in schedule 1 paragraph 22 of the European Union Referendum Act 2015 applied. Further, you alleged that taking those rules into

The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

Tel: 020 7271 0500
info@electoralcommission.org.uk
electoralcommission.org.uk

account, BSiE may have exceeded its spending limit and may have submitted a false spending return.

The assessment

We have conducted an assessment into this matter in accordance with our Enforcement Policy. In doing so, we reviewed the information highlighted by your letter together with other publically available information, as well as BSiE's spending return and our records from the referendum. We also spoke to senior figures from BSiE.

Payments for campaign materials

You highlight payments in your letter as follows: *'Britain Stronger in Europe paid for campaign materials worth £52,062.23 for the Liberal Democrats between 15 April 2016 and 8 June 2016 and campaign materials worth £22,829 for Labour on 15 April 2016. In addition, the Labour Party paid for materials worth £7,265.65 for Britain Stronger in Europe on 26 May 2016'*.

We are aware of these payments from the referendum spending returns of the campaigners concerned.

The spending on campaign materials for the Liberal Democrats was incurred as part of a commercial agreement with the Liberal Democrats. This was not joint spending under the rules. In respect of the Labour Party, the £22,829 you refer to is recorded as joint spending by BSiE. We are satisfied that this was correctly reported under the rules. The £7,265.65 you refer to as paid by the Labour Party to BSiE was incurred as part of a commercial agreement between BSiE and the Labour Party. We are satisfied that this was not joint spending.

Coordination between BSiE, Conservatives IN, the Labour Party and the Liberal Democrats

You refer to extracts from two books published since the referendum that describe daily telephone meetings of certain 'remain' campaigners chaired by BSiE and ground campaigning by the Labour Party.

Following examination we are satisfied that while liaison took place there is no evidence of joint spending as a result. The evidence indicates that the meetings were advisory in nature, focussed on communications and did not involve or result in decisions on referendum spending, or the coordination of campaign activities across campaigners, as part of a common plan or other arrangement.

We are also satisfied that any instances of working together resulting in referendum spending between BSiE and other campaigners, including spending associated with the coordination of volunteers by BSiE, has been reported.

Assessment outcome

We have determined, following our assessment of the available evidence, that we do not have reasonable grounds to suspect that BSiE committed offences pursuant to either section 118(2) or section 122(4) of PPERA in relation to joint spending. We will not be opening an investigation into this matter.

While we appreciate that you felt that an investigation was justified, our decision has been taken after careful examination of the evidence. As with any regulatory matter, should new evidence come to light that makes it appropriate for us to look again at this matter, we would do so

The Commission recognises the ongoing public interest in the campaign finances of the EU referendum. Since that referendum the Commission has published the conclusions of investigations into campaigners for both the 'leave' and 'remain' outcomes. More investigations are ongoing, and their conclusions will be published in due course. The Commission will continue to investigate where evidence causes us to suspect the campaign finance rules were broken.

Yours sincerely



Louise Edwards
Head of Regulation