

From: [FOI](#)
To: [REDACTED]
Subject: RE: FOI 128/18 - Requests for Advice received - Response
Date: 18 September 2018 10:47:13
Attachments: [REDACTED_Copy Letter re Election Agent.pdf](#)
[REDACTED_Copy letter.pdf](#)
[Rugby FOI.pdf](#)

Dear [REDACTED]

Our Ref: FOI 128/18

Thank you for your email to the Electoral Commission dated **01 August 2018**.

The Commission aims to respond to requests for information promptly and regrets that on this occasion we have not done so.

Your request is in bold below followed by our response.

- 1. Could you tell me the dates the 3 requests were made by Rugby Borough Council to the Electoral Commission, the information requested and the responses given together with the dates of the responses. I trust you are able to provide this information.**

Our response is as follows:

We hold the information you have requested.

The dates of the three requests for advice we received by Rugby Borough Council were:

16th April 2018

3rd May 2019

30th May 2018

I attach a separate document with contemporaneous notes pertaining to these enquiries. Each request for advice was responded to on the same date it was received.

Exemptions under section 40(2)

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requests would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by Part 1 of the DPA because the information relates directly to an identifiable living individual(s). This includes names and contact details of individuals in some instances.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>

Yours sincerely,

A black rectangular box redacting the signature of the Access to Information Officer.

Access to Information Officer (FOI and DPA)

The Electoral Commission

FOI@electoralcommission.org.uk

electoralcommission.org.uk

[REDACTED]

[REDACTED]

19th April 2018

Dear [REDACTED]

Revocation of agency – Rugby Borough Council Elections 2018

I, [REDACTED], of [REDACTED], [REDACTED] hereby revoke your agency.

This letter has been delivered by hand to your office. This constitutes good service under s69(3) Representation of the People Act 1983.

From today you may not act as my agent nor state that you are such. You may not publish materials on my behalf, but you must properly account for all materials thus far produced and forward to me details of expenses incurred on my behalf so that I might properly complete the Return of Election expenses by 7th June 2018. You are liable for all actions as agent from 6th April 2018, when [REDACTED] [REDACTED] Returning Officer, Rugby Borough Council published the Notification of Election Agents' Names and Offices for the Rokeby and Overslade Ward up to and including receipt of this letter. Any material which has been previously produced but not distributed and which bears your imprint must not now be distributed; to push even one leaflet with the wrong agent details on could constitute an election offence. I will now act as my own agent in accordance with s67(4) Representation of the People Act 1983 and will notify the returning officer accordingly; my office address is as per the letterhead.

Please provide me with all donations of money or other property (whether given as a gift or loan) that you have received in accordance with s71A(1) Representation of the People Act, 1983.

For the avoidance of doubt, I stand nominated as 'The Conservative Party Candidate' as per the Statement of Persons Nominated for Rokeby and Overslade dated 9th April. The deadline for withdrawal of nominations, 4pm 6th April 2018, has passed. That designation is on the ballot papers distributed thus far for postal voting and cannot be changed. I also have approval to use the Conservative Party logo for the duration of the election; this cannot be revoked as the logo is also on the ballot paper. I will use the designation 'The Conservative Party Candidate' on my literature together with the logo.

Please note:

The Electoral Commission, Local Elections in England and Wales, Guidance for Candidates and Agents, Part 2b of 6, Standing as a party candidate, P13:

Revoking an election agent's appointment

[REDACTED]
Returning Officer
Rugby Borough Council
Town Hall
RUGBY
Warks
CV21 2LB

22nd May 2018

Dear Mr [REDACTED]

Return of Election Expenses – Paul Wesson – The Conservative Party Candidate - Rokeby and Overslade

Please find attached my return of election expenses together with appropriate declarations.

I have stated that the period I was candidate from is the 27th March, but I only became my own agent on the 19th April after revoking the agency of [REDACTED] [REDACTED]. Neither the Rugby Conservative Association nor [REDACTED] [REDACTED] have been in contact with me about the issue of completing forms for the period that he was agent. I am aware, however, that there was expenditure made on my behalf when 2000 copies of a leaflet were printed by Rugby Conservative Association using in house facilities. This was done without my specific agreement and without my then agent contacting me to tell me the leaflets were about to be produced on his authorisation. I did see the leaflets but rejected them as they were not agreed betwixt myself and my agent and were of a poor quality (as you know the English law of agency dictates that I appoint the agent and he works for me, not the other way round). I do not know the value of the leaflets, but they were printed on a basic printing paper using a 4-colour printer. They were not distributed. If you feel those leaflets should be declared then [REDACTED] [REDACTED] should make such a declaration as he authorised them. I will copy him and the Rugby Conservative Association into this letter, but currently nobody responds to my letters or e-mails and we do not have a professional working relationship [REDACTED]
[REDACTED]
[REDACTED]

There is also a second issue. Between the General Election of 2017 and the publication of notice of election, the Rugby Conservative Association has been fund raising towards elections and other expenses (I have made donations at functions). Money has been expended and I am sure that the declarations as to election expenses by most of the other Conservative candidates will show that they received substantial support from the Conservative Party. Under s71A(1)Representation of the People Act, 1983 I am entitled to a share of monies raised for the election of Conservative candidates in this election, especially any monies specifically donated for my campaign. These should have been paid to myself or my agent:

s71 A (1)In the case of any candidate at an election, any money or other property provided (whether as a gift or loan)—

(a)by any person other than the candidate or his election agent, and

(b)for the purpose of meeting election expenses incurred by or on behalf of the candidate, must be provided to the candidate or his election agent.

By way of a letter dated 19th April 2018 I revoked [REDACTED] agency (copy attached). At paragraph 4 I requested all donations of money or other property. I have received no response from [REDACTED] who has yet to acknowledge the letter revoking his agency. I do not have the current accounts for Rugby Conservative Association, but have the accounts up to 31st December 2017 (relevant pages attached). As you can see, p3, Donations were £[REDACTED] and Fundraising was £[REDACTED]. The notes on p5 give a breakdown. I will not try to calculate what has been raised between the General Election and the notice of election, but would suggest that I would normally have expected to receive the same level of support as most other candidates. Two paper candidates received the cheap leaflets, but I was not selected as a paper candidate. [REDACTED] the original candidate for Newbold and Brownsover (not nominated) had a properly laid out leaflet printed by professional printers in Bath, which was what I was expecting. I contend that I should have at least the same amount spent on me as [REDACTED] has declared for [REDACTED] or if he has failed to make such a declaration, as [REDACTED] (for instance).

I would be grateful for your clear advice as Returning Officer on this point of law. If money has been raised for election spending is a candidate entitled to a share of such monies? I was 1/14th of the candidates. If you cannot provide advice should I pursue the matter with the Electoral Commission? I really want to settle this matter without recourse to the courts.

I'm sorry to trouble you with these matters, but I have been a candidate on 10 previous occasions (agent on 7) for 4 different authorities and have never known an agency to be revoked.

I am yours,

[REDACTED]

[REDACTED]

1 CAS-68216-S6Q4Q0 – 30 May 2018

Candidate expense returns and change in Election Agent during election period

From: [REDACTED]

Sent: 25 May 2018 09:25

To: [REDACTED] [REDACTED]@electoralcommission.org.uk)

<[REDACTED]@electoralcommission.org.uk>

Subject: Re:Expenses

Hi [REDACTED]

We have a bit of a problem with a Conservative candidate who stood in the May elections - [REDACTED]. He had a disagreement with the Rugby Conservatives and revoked his appointment of their election agent. He now has an issue with the election expenses and has written to [REDACTED] see attached letters.

I'd appreciate your advice or is this something that the Commission would deal with.

Many thanks

Kind regards

[REDACTED] (AEA Cert)

Principal Electoral Services Officer

Hi [REDACTED]

Thanks for your e-mail.

The legislation is clear in that, once the result of the election has been declared, it is the responsibility of the Election Agent for every candidate to submit to the Returning Officer a full account of all the expenses incurred by the candidate(s) for which they acted as Agent. If the appointment of the Election Agent is terminated during the election period the Election Agent is still bound to file a return for the period in which they acted as Election Agent. That means that Mr [REDACTED] will need to file a return for the period from the time he was appointed as Election Agent until 19 April when his appointment was terminated. Whether or not a candidate has been elected, failure to submit a spending return or declaration without an authorised excuse is an offence. The only sanction available for these offences is criminal prosecution. Whilst the Electoral Commission has a legal remit to secure compliance with the rules on candidates' spending and donations, we do not have any sanctioning powers in respect of breaches. Suspected breaches of the rules therefore have to be referred to the Police for investigation and possible criminal proceedings.

We do not know whether Mr [REDACTED] is an experienced Election Agent but we note from the correspondence that he acted for other candidates at these elections. Hopefully he will therefore be aware of his responsibilities including accounting for any expenditure that was incurred in regard to electing Mr [REDACTED] whilst he was his Agent. Although there is no obligation on the Returning Officer to chase up "missing" expense returns it might be worth contacting Mr [REDACTED] to remind him that he was on record as Election Agent for Mr [REDACTED] during part of the election period.

In regard to Mr [REDACTED] second point about the meaning of section 71(A) of the Representation of the People Act 1983 we do not share his interpretation of that particular section. This section is meant to deal with donations to candidates at elections and to ensure that they are accurately recorded and accounted for. The section does not create any entitlement on the part of the candidate to some, or all, of the money that may have been raised in advance of the election to fund their potential campaign.

Hope this helps.

Regards

[REDACTED]
Regional Manager (Midlands)

2 CAS-67644-X8Y3J9 – 3 May 2018

Lost postal ballot paper

([REDACTED]) [REDACTED] said they had received a completed postal vote statement without the ballot paper last week. They have received a call today from the elector to say he hadn't received his ballot paper - can they re-issue him with a new one?

Yes, treat it as a lost postal vote and re-issue and cancel the original

([REDACTED])

3 CAS-67020-V9S9B2 – 16 April 2018

Revoking an election agent's appointment

([REDACTED]) A candidate has fallen out with his election agent and now wants to revoke his appointment - can he do this? How does he do this?

An election agent's appointment can be revoked at any time. He just needs to put it in writing to the RO and then appoint a new one. if he doesn't appoint a new one then he will become his own agent. Advised [REDACTED] to amend the notice of election agents with the new details

([REDACTED])