[redacted]

From: FOI
Sent: 16 July 2021 10:22
To: [redacted]
Subject: FOI 093-21 - Response

Dear [redacted],

Our Ref: FOI-093-21

Thank you for your email to the Electoral Commission dated 27 May 2021.

The Commission aims to respond to requests for information promptly and regrets that is has not done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

I would like to request the following information under the FOI Act regarding the campaign group Scotland Matters.

http://search.electoralcommission.org.uk/English/Registrations/TP12795

I would like to see all correspondence between the Electoral Commission and representatives of Scotland Matters regarding:

The registration of Scotland Matters as a third party campaigner.

Any and all correspondence regarding Scotland Matters "working together" with, in conjunction with or in partnership with any other groups, organisations or individuals and the necessary declaration of sharing of resources/funds/ strategy etc

Any correspondence about the allocation/ disclosure of campaign funds/donations/spending by Scotland Matters or official affiliates of Scotland Matters.

If it saves time and resources to simply send all correspondence between the EC and Scotland Matters to myself rather than focusing on just the above criteria then this I also acceptable!

Our response is as follows:

We hold the information you have requested.

To access the documents we are releasing, you will need to use a secure document-sharing site, Objective Connect.

You will receive an 'Invitation to Objective Connect Email Notification' (sent to the inbox of [redacted]). This notification will contain a link to enable you to start accessing your information. Please find below details on how to access the specific area we have set up for your documents.

1. Click on the link in the email.

2. You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.
3. With your username and password, enter both details at the login screen and click ‘login’.
4. You will now see your personal page, which will show the Share ‘FOI – 093-21’.
5. By clicking on the name of the share, you will find your documents.
6. You may view any of these documents
7. In addition you may download a copy to your personal computer by selecting the ‘download’ option and then ‘save’.

This service will be closed one month from our response date, this is the **16 August 2021, at 5pm**.

Exemption: Personal information: Section 40(2) Freedom of Information Act 2000

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 the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances. The individuals in some cases are junior staff members and they would not reasonably expect their information to be released.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

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: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-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

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

Dear All, ([redacted] can you forward to anyone I've missed out at your end)

Following our meeting today I have put in bold below my understanding of the answers to the questions we covered.

Please revert with anything I've got wrong plus the additional question about access to the paper copies of the reporting format - and thanks for your patience!

Can you confirm that only the spending on specific activities that are the result of collaboration with other registered groups will be considered joint spending after which both groups must report each others spending on that activity? **Yes**

Following on from that, can you confirm that having collaborated on one or more activities does not mean that everything any of the groups does independently is classified as joint spending? **Yes- joint campaigning and spending will only apply to those specific activities which have been agreed and co-ordinated in a way that meets the criteria described in the guidance.**

What do we do if we have a donation of more than £500 via PayPal and do not have an address for the donor. **We would have to find out the address of the donor and if they are unwilling to allow us to use this we would either have to return it within 30 days or it will go to the Electoral Commission. (We are adapting our donations page to reflect this requirement).**

Do we have to record all donations of more than £500 we make to non regulated (unregistered) groups. **NO**

If we collaborate with an unregistered group and share the cost of an activity, does their contribution have to be added to our regulated spending? **YES**

In the case above, does our contribution to a jointly funded or collaborated activity with an unregistered group mean that they have to include our portion of the spending when checking their £10k headroom for registration **YES**

Do we have to record donations >£500 that we make to unregistered groups? **NO**

From what we have done so far, do you have any concerns as to where we might run into problems or infringements? - **Nothing yet, but we will keep communications channels open and continue to seek clarity on anything we are unsure about.**

If we put up a billboard or other election material in or near a constituency that favours a particular candidate directly or by implication but the wording or content of that billboard or material has not been agreed or co-ordinated with that candidate or party, (other than permission to use a photo they have copyright of) would this count as joint spending. **Yes. Scotland Matters expenditure in this case would have to be added to the campaign spending of the Party, and also to Scotland Matters (SM) regulated spending total. SM should seek approval from the agent of the candidate as it would affect their spending headroom. Any campaign activity specific to a candidate in a constituency campaign comes under the Police Scotland rules for constituency campaigning and not the Electoral Commission).**

We have had some difficulty with the PEF website and have been unable to initiate a spending report in order to see the final reporting format *(Error 502 bad gateway)*- should we be able to do that at this stage? **This is not yet online but will be soon. In the meantime you have sent us a link to the paper copy. This link leads to the Non Party Campaigner 2021 Elections guidelines. We tried to follow the instructions you sent but this leads to the same 'document-link document link document scenario I described at the meeting. Eventually it arrives at the same documents that we attached to the original email (see attached). Is there some thing different we should be seeing or is it possible that links that work internally on your system do not work from outside?**

We wish to set up our accounting system to suit the requirements of the recording format. Is it possible to do all our spending recording on PEF as we go along so that it is virtually ready to send after the election? **Yes - once it is up and running**

Are we correct in our understanding that the PEF reporting area allows you to pre populate it with the both donors, donees and people who we are paying for performing activities that are regulated spending. **Yes**

Are we correct in our understanding that a separate set of accounts has to be sent along with the online or hardcopy submission and is there a particular format for this. **No - only for UK general election.**

14 .After a joint campaign activity with another group, that group unilaterally set up a crowd funder to cash in on the publicity. We had no input in this and no access to it unless they donate to us. Does this count as donations to us or if it is spent by the other group without us being involved in any joint campaign activity would it be counted as our spending. **No on both counts**

Regards

Mark

Allan

So further to your telephone conversation, you only become subject to the reporting requirements if you make political contributions of more than £25k in any calendar year which you have to notify us of. The reporting requirements in relation to reportable gifts are,

- a single gift of more than £7,500
- two or more gifts given by the **same person** in the same calendar year which total more than £7,500. You need only count individual gifts worth more than £500 toward this total (you should record all gifts you receive in excess of £500 in any case).
- any additional gifts given by a source that you have already reported as having given a gift in that calendar year, if the gifts have a value of, or add up to, more than £1,500 (So if person A gifts you £7501 you have to report it. If Person A then makes further gifts you in excess of £1500, then you have to report that too, and so on)

So for example, if Scotland Matters has made political contributions in this year of more than £25k, you have to notify us of that. You then become subject to the reporting requirement. So you would have to tell us about reportable gifts you have received in the current year, any you received last year, and any you receive next year. And of course the reporting requirement would roll forward if you made political contributions of more than £25K next year or in subsequent years.

[redacted]

From: [redacted]
Sent: 27 May 2021 10:01
To: 'MARK OPENSHAW [redacted] Allan Sutherland [redacted]
Cc: [redacted]
Subject: RE: Guidance for unincorporated associations

[redacted]

Your understanding is essentially correct. See under.

Am I correct in my understanding that Donations in excess of £500 made by us to other registered groups or third parties during the recent regulated period would count towards or 25k per calendar year political donations reporting threshold. (As a cross party croup we will not be donating to political parties but towards other non party groups or individuals some of whom have registered with EC).

Yes that's right. Any donation of over £500 to a **registered** non-party campaigner (or any of the other entities mentioned below) will count towards the £25,000 in this calendar year. Since the recent regulated period was all inside this calendar year, that

covers the whole regulated period. You can find the register of Third Parties on our website here.

That those donations only count towards the threshold if they were made after the group or individual registered.

Yes that's right (on the assumption that it's only non-party campaigners you have given/will give money to). Again you can see dates of registration on our website.

Will all donations made to Scotland Matters by other groups during the regulated period and already required to be reported in our returns, also require to be reported again if we were to make donations to other groups in excess of the £25k.

If this happens, please let us know.

Technically, they are separate reporting requirements. However, we have a system in place to prevent the need for 'double-reporting' for entities that are both registered unincorporated associations and members associations (and therefore have to report donations as 'regulated donees').

As far as I'm aware we have not come across a situation before where a registered campaigner such as Scotland Matters also falls under the rules for unincorporated associations, so we will need to consider the matter with colleagues.

It is also worth perhaps commenting that the donors to Scotland Matters, if unincorporated associations themselves, would be subject to the same rules regarding political contributions since you are now a registered campaigner.

[redacted]

The Electoral Commission
Tel [redacted]
electoralcommission.org.uk

From: MARK OPENSHAW [redacted]
Sent: 26 May 2021 16:10
To: Allan Sutherland [redacted]
Cc: [redacted]
Subject: Re: Guidance for unincorporated associations

Thanks [redacted] that's very useful.

Only three clarification required from me.

Am I correct in my understanding that Donations in excess of £500 made by us to other registered groups or third partys during the recent regulated period would count towards or 25k per calendar year political donations reporting threshold. (As a cross party croup we will not be donating to political parties but towards other non party groups or individuals some of whom have registered with EC).

That those donations only count towards the threshold if they were made after the group or individual registered.

Will all donations made to Scotland Matters by other groups during the regulated period and already required to be reported in our returns, also require to be reported again if we were to make donations to other groups in excess of the £25k.

Thanks
Mark

------ Original Message ------
From: [redacted]
To: "'MARK OPENSHAW'" [redacted] Allan Sutherland" [redacted]
Cc: [redacted]
Sent: Tuesday, 25 May, 21 At 17:21
Subject: Guidance for unincorporated associations

Allan / Mark

So as a registered non party campaigner you will have to report on your spending on regulated activity during the regulated period and on any donations and loans your receive/enter in to in the period.

There is another side of things to be aware of. As an unincorporated association you are also subject to additional rules in relation to political contributions. You can find our guidance for unincorporated associations on our website, and this briefing note is also useful. Essentially all unincorporated associations must notify us when they make political contributions totalling more than £25,000 in any calendar year. This £25k may be made up of single or separate political contributions e.g.

- Donations or loan made to a registered political party;
- A donation or loan made to a member of a registered political party;

- A donation or loan made to an association comprising mainly of party members (a members' association);
- A donation or loan made to the holder of an elective office;
- A donation made to another **registered** non party campaigner (so it does not count as a political contribution if the other campaigner was not registered with us at the point you made the contribution);
- A donation made to a permitted participant in a referendum

So if you have, or will in future, make political contributions of more than £25k in any calendar year, you will have to separately notify us and you must also tell us about the reportable gifts received by your association in:

- the calendar year before you made the contribution (i.e. exceeded £25k)
- the calendar year of the contribution and
- the calendar year following the contribution

This information is then published on the register of unincorporated associations and the register of recordable gifts to unincorporated associations.

Reportable gifts include:

- a single gift of more than £7,500
- two or more gifts given by the same person in the same calendar year which total more than £7,500. You need only count individual gifts worth more than £500 toward this total
- any additional gifts given by source that you have already reported as having given a gift in that calendar year, if the gifts have a value of, or add up to, more than £1,500

- Any unincorporated association that intends to make political contributions of more than £25,000 should keep records of all gifts they receive that are worth more than £500.

Please have a read at the guidance and if you have any questions do not hesitate to get in touch.

[redacted]

[redacted]

The Electoral Commission
Tel. [redacted]

electoralcommission.org.uk

From: MARK OPENSHAW [redacted]
Sent: 24 May 2021 17:56
To: Allan Sutherland [redacted]
Subject: Video meeting

Anytime between 10am and 2:30pm tomorrow or Wednesday anytime between 10 and 1130am or between 1 and 3 pm

Mark

------ Original Message ------
From: "Allan Sutherland" [redacted]
To [redacted]
Cc: "Mark" [redacted]
Sent: Monday, 24 May, 21 At 17:40
Subject: Re: Donations outside election periods

Perfect. Mark, I think you are .ore available towards the end of the week?

Allan

On Mon, 24 May 2021, 16:01 [redacted] wrote:

> Allan
>
> I am currently seeking guidance from colleagues on this. It might then be better if we arrange a quick video meeting to discuss as there are other rules that apply to unincorporated associations. Ideally if we could meet later in the week that would be great. I will come back to you tomorrow.
>
> [redacted]
>
> **From:** Allan Sutherland [redacted]
> **Sent:** 24 May 2021 14:10
> **To:** [redacted]
> **Cc:** Mark [redacted]
> **Subject:** Donations outside election periods
>
> [redacted] as per our call, if, as we all believe, donations over £500 do not need to be reported to the EC, could you please confirm that in an email please.
>
> With best regards

From: [redacted]
Sent: 28 April 2021 13:26
To: [redacted]
Cc: [redacted]
Subject: RE: Correction Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

Thanks [redacted]

I'm not having a good day! Just realised that the correction is at odds with my earlier statement in the first email that **all** 'boost' spending paid for by Scotland Matters by Phil Doherty would be classed as Joint Campaigning".
Allan pointed out to me that based on our discussion discussion with your team last week it would only be expenditure on boosts of Scotland Matters Material paid for by SM that would be classed as 'Joint campaigning/spending' so that statement should be taken out of the preamble and the previously changed line 11 should read as now worded in the table below.

Our group keeps having circular discussion on what each of us thinks we need to do to comply. If your response points out any line you don't agree with - and what you think it should read, this will settle a lot of argument at our end and hopefully we can quit bothering you.

Mark

> ------ Original Message ------
> From: [redacted]
> To: "'MARK OPENSHAW'" [redacted]

[redacted]
Sent: Wednesday, 28 Apr, 21 At 11:55
Subject: RE: Correction Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

Mark

I will respond later today. Thanks for the correction

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 28 April 2021 11:48
To: [redacted]
Subject: Correction Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

All,

No one has responded to this as yet - just as well because there was a **mistake on line 11** which I have now rectified.
Can you all have a good look and let me know if there are any issues before we get too far along. The original table and summary are below the new one with the changed line highlighted..
[redacted] can you please forward to your colleagues as before and let me know if you are in agreement.
Regards
Mark Openshaw

	Transaction Purpose	Recipient	Reported by	Report as
1	3rd party donation to SM	SM	SM	Donation
2	3rd party donation to PD	PD	PD	Donation
3	3rd party donation to DB	DB	NA	NA
4	Donation by SM	PD	PD	Donation
5	Donation by SM	DB	NA	NA
6	Donation by SM (No strings)	Third Party	Third Party if registered	Donation
7	Payment by SM for services	PD	SM	Regulated Spend
8	Payment by SM for services	DB	SM	Regulated Spend
9	SM Payment for Boosts of SM Material	PD	SM	Reg Spend

10	SM Payment for Boosts of SM Material	DB	SM	Regulated Spend
11	PD Payments for boosts using SM donations (no strings or collaboration)	Third Party	PD	Regulated Spend
12	SM Payments to 3rd Parties for Services	Third Party	SM	Regulated Spend
13	PD payments to 3rd Party for **NON joint** campaign activities	Third Party	PD	Regulated Spend
14	SM Spending on Joint Campaign activity with another NPCG	Suppliers/Printers /Billboard Cos etc	SM and the other group	Regulated Spend

------ Original Message ------
From: [redacted]
To: "'MARK OPENSHAW'" [redacted]
Sent: Wednesday, 28 Apr, 21 At 11:55
Subject: RE: Correction Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

Mark

I will respond later today. Thanks for the correction

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 28 April 2021 11:48
To: [redacted]
Subject: Correction Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

All,

No one has responded to this as yet - just as well because there was a **mistake on line 11** which I have now rectified.

Can you all have a good look and let me know if there are any issues before we get too far along. The original table and summary are below the new one with the changed line highlighted..
[redacted] can you please forward to your colleagues as before and let me know if you are in agreement.
Regards
Mark Openshaw

	Transaction Purpose	Recipient	Reported by	Report as
1	3rd party donation to SM	SM	SM	Donation
2	3rd party donation to PD	PD	PD	Donation
3	3rd party donation to DB	DB	NA	NA
4	Donation by SM	PD	PD	Donation
5	Donation by SM	DB	NA	NA
6	Donation by SM (No strings)	Third Party	Third Party if registered	Donation
7	Payment by SM for services	PD	SM	Regulated Spend
8	Payment by SM for services	DB	SM	Regulated Spend
9	SM Payment for Boosts of SM Material	PD	SM	Reg Spend
10	SM Payment for Boosts of SM Material	DB	SM	Regulated Spend
11	SM Payments for boosts (no strings)	PD	PD	Regulated Spend
12	SM Payments to 3rd Parties for Services	Third Party	SM	Regulated Spend
13	PD payments to 3rd Party for **NON joint** campaign activities	Third Party	PD	Regulated Spend
14	SM Spending on Joint Campaign activity with another NPCG	Suppliers/Printers /Billboard Cos etc	SM and the other group	Regulated Spend

------ Original Message ------
From: "MARK OPENSHAW [redacted]
To: [redacted] "Allan Sutherland"
[redacted] "David Bone"
[redacted]
Cc: "Mark Openshaw" [redacted]
Sent: Monday, 26 Apr, 21 At 19:59
Subject: Reporting of Spending and Donations - Summary of Meeting between Scotland Matters and EC

All,

After our discussion with the EC today I have attempted to summarise the outcome in tabular form so that we can all be clear on who reports what and ensure that all regulated spending and donations are correctly assigned.

Please have a look and let me know if there is anything wrong, not clear or if there is a scenario I have missed out.

[redacted] – Can you please forward to your colleagues [redacted] and revert with any comments or concerns.

Regards

Mark Openshaw

The Table

Refers only to transactions and spending on regulated activities.

Assumes Phil Doherty is registered with UKUV.

'Boost' refers to spending on any activity to disseminate social media content beyond its normal reach.

Is based on **all** 'boost' spending paid for by Scotland Matters by Phil Doherty being classed as Joint Campaigning.

Depends on **all** David Bone's spending on regulated activities remaining below £10k.

Depends on Justification of any "**Non Joint** campaign" spending by PD (Item 13)

Only Donations over £500 are counted.

SM = Scotland Matters, PD = Phil Doherty, DB = David Bone, Third Party = Other NPCGs, Entities or Individuals, NA = Not Applicable.

	Transaction Purpose	Recipient	Reported by	Report as
1	3rd party donation to SM	SM	SM	Donation
2	3rd party donation to PD	PD	PD	Donation
3	3rd party donation to DB	DB	NA	NA
4	Donation by SM	PD	PD	Donation
5	Donation by SM	DB	NA	NA
6	Donation by SM (No strings)	Third Party	Third Party if registered	Donation

7	Payment by SM for services	PD	SM	Regulated Spend
8	Payment by SM for services	DB	SM	Regulated Spend
9	SM Payment for Boosts of SM Material	PD	SM	Reg Spend
10	SM Payment for Boosts of SM Material	DB	SM	Regulated Spend
11	SM Payments for boosts (no strings)	PD	PD and SM	Regulated Spend
12	SM Payments to 3rd Parties for Services	Third Party	SM	Regulated Spend
13	PD payments to 3rd Party for **NON joint** campaign activities	Third Party	PD	Regulated Spend
14	SM Spending on Joint Campaign activity with another NPCG	Suppliers/Printers /Billboard Cos etc	SM and the other group	Regulated Spend

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 22 April 2021 09:51
To: 'Allan Sutherland' [redacted]
Cc: [redacted]
Subject: RE: UK Union Voice

Martin/Allan
Before we go any further on this.

On studying the EC guidance I believe that Registering UKUV would be necessary only if they were going to be spending money on regulated activities other than what they are doing for us and therefore risked going over the 10k limit. By setting thing's up as previously described to [redacted] so that UKUV and David Bone and their associated Facebook pages were in essence 'contractors' being paid to do work and disseminate output on behalf - not spending anything on their own. kept it simple so that all spending on any of these platforms would be attributable to Scotland Matters and recorded and reported to EC accordingly. Nice and simple - no worries about £10k limit.

Registering of UKUV would means that we would come under a separate set of EC guidance where we would have to decide between three options :

- Informal Joint campaigning - seperate accounting and reporting but requiring to report each others joint spending.
- Having a more formal 'Lead Campaigner' and recording the spending of each group plus the totals

- Forming a 'Complex Joint Campaign' group with different accounting and reporting requirements.

[redacted]**If you can confirm that our previously described approach** of using UKUV and David Bone to provide services and dissemination of our material via UKUV and David Bone and attributing all the spend on these to Scotland Matters, meets the requirements of the EC, then we can advise UKUV with a view to him withdrawing his application.

On a related matter. We have had more funding come our way than we had ever imagined. Somehow the figure of £75k was in our heads as the maximum that a NPC could spend. I have trawled the guidance but cannot find this, only a reference to requirements for professionally audited accounts if the spend goes over £250k - which is way out of our league.

Is there a limit and if so what is it.

Yours Sincerely

Mark Openshaw

------ Original Message ------
From: [redacted]
To: "'Allan Sutherland'" ; "Mark Openshaw"
Cc [redacted]
Sent: Thursday, 22 Apr, 21 At 09:42
Subject: RE: UK Union Voice

[redacted]

If he is emailing in his application he can do so then. I will let Registration Team know in any case.

[redacted]

From: Allan Sutherland [redacted]
Sent: 22 April 2021 07:17
To: [redacted] Mark Openshaw
[redacted]
Subject: UK Union Voice

[redacted]

Phil Doherty of UK Union Voice has now applied to the Electoral Commission.

As discussed he is getting close to his £10k limit. How should he communicate that to the EC?

best regards

Allan

Mark

Apologies for the delay in getting back to you on this. Waiting for a colleague's input.

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 05 February 2021 15:20
To: [redacted]
Cc: Allan Sutherland [redacted]
Subject: RE: Clarifications of Points raised in Zoom meeting.

[redacted]

The main questions were around satisfying whoever is going to be the responsible person that they are not personally on the hook for any penalties or liabilities .

From my notes (you may have more).

1. You were going to verify whether or not the responsible person could be personally liable for any penalties or transgressions - over and above the responsibility of the group as Unincorporated Association.

2. Verify that the individual members of any unincorporated Association Registered were not personally liable for any penalties over and above the assets of the group.

3. You were going to check if the person registering/responsible person needs to put their own address or can the use the PO Box.

4. You were going to verify that if our group donates funds to another group with similar aims to do with as they please and without stipulating what it is used for, this would not be classed as spending on joint campaigning.

5.YOu were going to check if multiple donations of under £500 from the same source would be counted as a donation over £500 and if his would be just over the election period or prior.

Would appreciate a response today if possible as we will be discussing with proposed responsible person over the weekend

Mark

------ Original Message ------

From: [redacted]
To: "'MARK OPENSHAW'" [redacted]
Sent: Friday, 5 Feb, 21 At 11:40
Subject: RE: Clarifications of Points raised in Zoom meeting.

Mark

Apologies I am in a meeting at the moment. Can't find my notes (sure they are about somewhere). Can you recall the points I said I would follow up on, or the specific points you want clarity on? Apologies for delay in coming back to you.

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 04 February 2021 10:45
To: 'Allan Sutherland' [redacted]
Subject: Clarifications of Points raised in Zoom meeting.

Hi [redacted]

During our Zoom meeting the other day, you took notes of a number of issues which you said you would double check some of your advice or interpretation with colleagues. We would greatly appreciate any feedback you have been able to get - before we get too far along the road with setting up our campaign.
Thanks
Mark Openshaw

------ Original Message ------
From: [redacted]
To: "'Allan Sutherland' [redacted]
Cc: "Mark' [redacted]
Sent: Thursday, 28 Jan, 21 At 17:50
Subject: RE: Po Box

[redacted]

So we are assuming the billboard is the poster based variety rather than a digital one. If a printer is involved an imprint such as "Printed by [insert printer details]. Promoted by Scotland Matters, PO Box..." would be compliant. If the billboard is of the digital variety i.e. nothing is printed, then "Promoted by Scotland Matters, PO Box..." would be fine. The key is that promoter behind the material is identified and a means on contacting

provided. The holder of the PO Box is not our concern – just that the promoter can be contacted.

[redacted]

[redacted]

The Electoral Commission
Tel. [redacted]

electoralcommission.org.uk

From: Allan Sutherland [redacted]
Sent: 28 January 2021 16:53
To: [redacted]
Cc: Mark [redacted]
Subject: Po Box

[redacted] I just left you a voicemail.

Am I right in thinking that if we have a billboard, the imprint requirement would be Scotland Matters and a PO Box and the actual holder of the PO Box would not be held by the EC and does not have to be the same person as the "responsible person"

Best regards

Allan Sutherland

[redacted]

Hi Allan

That is fine. I have an hour today but we can have follow ups as required.

[redacted]

From: Allan Sutherland [redacted]
Sent: 25 January 2021 14:20
To: [redacted]
Subject: Re: Monday

How about seeing how fare we get today and if required have a follow up.
How long do you have today?
Allan

On Mon, Jan 25, 2021 at 12:46 PM [redacted] wrote:

Allan

I have been in meetings most of the day so not much time to consider this in any detail. Anything not covered I can follow up on or alternatively we can re-arrange to later in the week to give me time to read through.

[redacted]

From: Allan Sutherland [redacted]
Sent: 25 January 2021 11:00
To: [redacted]
Subject: Fwd: Monday

Dear [redacted]

As prep for today's call I have attached and updated list of questions. Mark Openshaw will lead from our side, and we will be joined by John Michie. John and I may have additional questions that arise out of the main discussion.

With best regards

Allan Sutherland

[redacted]

---------- Forwarded message ---------
From: **Allan Sutherland** [redacted]
Date: Thu, Jan 21, 2021 at 10:14 AM
Subject: Re: Monday
To: [redacted] Mark Openshaw
[redacted]

Mark will send you a Zoom invite.

Basically we'd like to

- clarify your answers to our questions
    - establish the roles, liabilities and level of confidentiality of named people - given the nature of Scottish politics not everyone is prepared to make their name public
        - we are rookies!
    - discuss a few scenarios and establish how they impact on the rules.
    - our main objective is to get information to people who typically don't hear it from TV or newspapers , ie by social media and potentally Billboards, leafleting, etc
    - this means working with other groups and campaigns and potentially funding their efforts
        - and what impact this has on their activities

To summarise we want to be compliant and limit our efforts based on the rules.

Does that help?

With best regards

[redacted]Allan
Before we go any further on this.

On studying the EC guidance I believe that Registering UKUV would be necessary only if they were going to be spending money on regulated activities other than what they are doing for us and therefore risked going over the 10k limit. By setting thing's up as previously described to [redacted] so that UKUV and David Bone and their associated Facebook pages were in essence 'contractors' being paid to do work and disseminate output on behalf - not spending anything on their own. kept it simple so that all spending on any of these platforms would be attributable to Scotland Matters and recorded and reported to EC accordingly. Nice and simple - no worries about £10k limit.

Registering of UKUV would means that we would come under a separate set of EC guidance where we would have to decide between three options :

- Informal Joint campaigning - seperate accounting and reporting but requiring to report each others joint spending.
- Having a more formal 'Lead Campaigner' and recording the spending of each group plus the totals
- Forming a 'Complex Joint Campaign' group with different accounting and reporting requirements.

[redacted]**If you can confirm that our previously described approach** of using UKUV and David Bone to provide services and dissemination of our material via UKUV and David Bone and attributing all the spend on these to Scotland Matters, meets the requirements of the EC, then we can advise UKUV with a view to him withdrawing his application.

On a related matter. We have had more funding come our way than we had ever imagined. Somehow the figure of £75k was in our heads as the maximum that a NPC could spend. I have trawled the guidance but cannot find this, only a reference to requirements for professionally audited accounts if the spend goes over £250k - which is way out of our league.

Is there a limit and if so what is it.

Yours Sincerely

Mark Openshaw

----- Original Message -----
From [redacted]
To: "'Allan Sutherland' [redacted] Mark Openshaw" [redacted]
Cc: [redacted]
Sent: Thursday, 22 Apr, 21 At 09:42
Subject: RE: UK Union Voice

Allan

If he is emailing in his application he can do so then. I will let Registration Team know in any case

[redacted]

From: Allan Sutherland [redacted]
Sent: 22 April 2021 07:17
To: [redacted] Mark Openshaw [redacted]
Subject: UK Union Voice

[redacted]

Phil Doherty of UK Union Voice has now applied to the Electoral Commission.

As discussed he is getting close to his £10k limit. How should he communicate that to the EC?

best regards

Allan

[redacted]

[redacted]

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 20 April 2021 22:50
To: 'Allan Sutherland' [redacted]
Cc: Mark Openshaw [redacted]
Subject: Correction Scotland Matters /SNP Exposed reply

HI [redacted]

Hi [redacted]
I'm afraid my reply to you earlier today is misleading in that the name of the Facebook page that I referred to throughout as 'SNP Exposed' is in fact 'Exposing the SNP'. Neither Allan and I had picked up on the difference when reading your email and assumed it was 'Exposing the SNP' you were referring to - as this was very current. In my reply, which I had pasted in from another email, I changed the references to the page from the 'name of the person who had contacted us' page to SNP Exposed for clarity and to avoid using their name without their permission - still not recognising the mistake. Earlier this evening I had a look at the 'Exposing the SNP page to see what they had been using of ours and did not find anything.

Puzzled, I double checked and realised that there were two different pages with similar names.

[redacted]

Does any of this cause a problem and aare we correct in the premise that so long as we include any expenditure on these pages and the people who run them in our returns, and that any of our material that appears on them has our imprint, we are within the rules.

If not please advise - and my apologies for the confusion.

Mark

------ Original Message ------
From: [redacted]
To: "'Allan Sutherland"' [redacted] "MARK OPENSHAW" [redacted]
Cc: "MARK OPENSHAW" [redacted]
Sent: Tuesday, 20 Apr, 21 At 14:36
Subject: Re: Scotland Matters /SNP Exposed reply

Thanks Mark.

Get Outlook for Android

From: MARK OPENSHAW [redacted]
Sent: Tuesday, April 20, 2021 2:35:05 PM
To: 'Allan Sutherland' [redacted]
Cc: Mark Openshaw [redacted]
Subject: Scotland Matters /SNP Exposed reply

We had no link with SNP exposed and I had not heard of them until about a week and a half ago when one of our supporters got in touch with us about them. [redacted]

We decided not to take it over as we did not have the manpower to administer it but suggested by email to the that they consider handing it and the funds on to UK Union Voice who already have a similar Facebook page. It looks as if this is going ahead but we were conscious of the fact that because we do a lot of with the owner of UKUV (We pay him for his time and the cost of creating memes, boosting our output etc) there could be a problem with joint campaigning and spending and the administration that requires. UKUV itself operates with voluntary support and it's own output costs are minimal so there has not been a joints pending/campaigning issue thus far, but with the addition of SNP Exposed to their activity and the fact that we have had funding that allows us to undertake more activity than we had envisaged, we considered how best to set this up.
I can only assume that SNP Exposed are showing some of our output because they like it and because we helped them out
Scotland Matters had a Zoom meeting yesterday with key players and came up with a plan - the applicable bits which I have pasted in below with a few names and figures removed, which just this morning I emailed to Hugh Pennington our Responsible Person for agreement. Your email was a happy coincidence as I would appreciate your views on whether this plan meets its intended purpose of keeping us above board with the EC .

Please note that following 'The Majority' applying for Registration we stopped any activities with them that could remotely be considered joint campaigning as it was becoming complicated to co-ordinate with paid work they were doing on our behalf and account for spending while keeping below their £10k limit.

.The Plan

We agreed that in order to make most effective use of available funds during the election period, comply with EC rules on joint campaigning,, accounting for spend, avoid 10k headroom issues for non registered entities or individuals and general ease of administration, we do the following: The general Idea is that UKUV and David Bone (who manages our website but also does stuff of his own) essentially become individuals being paid to carry out activities on behalf of SM - in the same way as we pay a printing company or a billboard company.

- UKUV takes over the SNP Exposed Facebook page and associated funds. This allows him to use that page and the funds to maintain the original intent of the donors ie Exposing SNP failures and mismanagement.
- UKUV will not use that money on anything to do with Scotland Matters (SM) boosting etc. but keep it separate to continue administering and operating the page after the election period. Any boosting of this Facebook page during the election period would need to come out of SM funds. (see next bullet)

- UKUV and the SNP exposed page activities during the election period would be seen as wanting to influence the election outcome and therefore classed as joint campaigning - unless SM have commissioned him to do it on our behalf and are paying for their time and costs of boosting etc. So all UKUV expenditure, with the exception of his normal UKUV voluntary activities) during this period will be invoiced and paid for by SM and recorded as part of our election spending.
- Anything of SM material that UKUV uses will have the SM imprint and SM will review and approve before use.
- We also propose to also donate a sum - say £Xk to 'the Majority' as a goodwill gesture. They would be free to use it as they see fit and would not be classed as joint campaigning/spending.

- SM funds funds and future donations will be used to maximise dissemination of election influencing material - with the SM imprint and all of this will be added to SM election spending.

  Part of that will be the funding of David Bones 'boost' activities and his time and expenditure (other than his normal SM admin time which SM pays for anyway) which would also be classed as joint campaigning/spending and therefore need to be invoiced and paid and reported by Scotland Matters.

- We will also use some of it to gather data/market research if deemed appropriate for informing future activities such as a referendum campaign.
- We keep £5k in reserve for post election activity.

Yours Sincerely

[redacted]

------ Original Message ------
From: [redacted]
To: "'MARK OPENSHAW" [redacted] "Allan Sutherland"'
[redacted]
Sent: Tuesday, 20 Apr, 21 At 12:47
Subject: Imprints on digital materials

[redacted]
Do you happen to know who is behind the SNP Exposed pages on Facebook. They seem to link out to a lot of Scotland Matters content. Are they connected to you in any way?
[redacted]
Senior Elections and Campaigners Adviser
The Electoral Commission
Tel. [redacted]

Sorry, I did not make it clear that **we are likely to register as an NPC** (because this donation will allow us to exceed the 10k threshold if we wish).

Once we have registered, will the donation in question, made after the start of the election period , but before registration, have to be retrospectively treated as a regulated donation under the rules if it is used for regulated activity?

Mark

----- Original Message -----
From: [redacted]
To: "'MARK OPENSHAW" [redacted]
Cc: "Allan Sutherland" [redacted]
Sent: Thursday, 11 Feb, 21 At 15:42
Subject: RE: Clarifications of Points raised in Zoom meeting. [redacted]

[redacted]

The rules around donations only apply to registered NPCs. You are not a registered NPC currently so the rules do not currently apply to you. The rules on reporting donations will apply if you register. And it is only donations for regulated activities that have to be reported.

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 11 February 2021 15:40
To: [redacted]
Cc: Allan Sutherland [redacted]
Subject: RE: Clarifications of Points raised in Zoom meeting. [redacted]

Thanks for the reply [redacted]

I think that clarifies everything we wanted to know - with one exception - which although your answer is clear it just seems counter intuitive.
As Murphy's Law would have it, the only large (ie greater than than both the £500 lower threshold and the £7500 aggregate) donation we have had, arrived in our bank account just after the start of the election period. Your response to the question about donation made prior to the election says that " pre-registration donations do not count". Does this mean we do not have to register this donation and that we are free to utilise that money on campaign related spending throughout the campaign period?
I hope (but don't guarantee) this will be our last question/clarification and then we can quit bothering you.
Thanks
Mark

----- Original Message -----
From: [redacted]
To: "'MARK OPENSHAW" [redacted]
Cc: "Allan Sutherland" [redacted]
Sent: Wednesday, 10 Feb, 21 At 16:02
Subject: RE: Clarifications of Points raised in Zoom meeting. [redacted]

Mark

Apologies for the delay in responding. In answer to your specific questions:-

1. **You were going to verify whether or not the responsible person could be personally liable for any penalties or transgressions - over and above the responsibility of the group as Unincorporated Association.**

There may be some offences in PPERA that fall specifically on the responsible person (e.g. related to imprints where the responsible person is also the promoter of election material). We have the ability to take enforcement action against individuals or the organisations in most cases. We would decide this based on the nature of the offence and the facts in any given case and in line with our enforcement policy. The aim of our enforcement activity is to ensure that the PPERA rules on party and election finance are complied with, and that people throughout the UK are confident in the integrity and transparency of party and election finance. Our approach to our enforcement activity is that we will:

- Regulate in a way that is effective, proportionate and fair.
- Use advice and guidance proactively in order secure compliance and to give those we regulate a clear understanding of their regulatory requirements.
- Undertake supervisory work to ensure that regulated organisations and individuals meet their legal requirements.
- Take enforcement action, including using investigatory powers and sanctions, where it is necessary and proportionate to do so in order to meet our enforcement aim and objectives.
- Take the facts of each situation into account.

2. **Verify that the individual members of any unincorporated Association Registered were not personally liable for any penalties over and above the assets of the group.**

Our governing statute, PPERA 2000 (Schedule 19C, para 24) specifically requires any fine imposed on unincorporated associations to be paid out of the funds of the Association.

3. You were going to check if the person registering/responsible person needs to put their own address or can the use the PO Box.

Each registered NPC is required to provide a contact address (and other contact details) which can be a PO Box - so long as we can actually use it for making contact. We do not publish the addresses of individual officers.

4. You were going to verify that if our group donates funds to another group with similar aims to do with as they please and without stipulating what it is used for, this would not be classed as spending on joint campaigning.

As advised at the meeting, if you are simply giving the money to another body but do not control how it is used, then this will not count towards your spending. It isn't on the list of five categories of spending (see p9 of guidance). It could however fall under the donations rules, if e.g. the other campaigner is a registered NPC or a political party.

5.You were going to check if multiple donations of under £500 from the same source would be counted as a donation over £500 and if his would be just over the election period or prior.

PPERA defines 'donation' as only being an amount over £500. For donations individually over £500, there are two ways that some adding up can happen:

- Aggregation – if a series of donations each of over £500 from the same donor adds up to over £7,500, then they are reported as though they are one reportable donation (same as party rules)
- Smaller donations – NPCs also have to report a total of all of the donations they're received of between £500 and £7,500 (and that weren't reported as aggregations). This is just a total, and doesn't include donor details or individual amounts. (this one is for NPCs only, there's no equivalent for parties)

The donations requirements only apply to registered campaigners. So pre-registration donations do not count.

Again sorry for the delay in getting back to you

[redacted]

[redacted]

The Electoral Commission
electoralcommission.org.uk

From: MARK OPENSHAW [redacted]
Sent: 05 February 2021 15:20
To: [redacted]
Cc: Allan Sutherland [redacted]
Subject: RE: Clarifications of Points raised in Zoom meeting.

Hi [redacted]

The main questions were around satisfying whoever is going to be the responsible person that they are not personally on the hook for any penalties or liabilities .
From my notes (you may have more).
1. You were going to verify whether or not the responsible person could be personally liable for any penalties or transgressions - over and above the responsibility of the group as Unincorporated Association.
2. Verify that the individual members of any unincorporated Association Registered were not personally liable for any penalties over and above the assets of the group.
3. You were going to check if the person registering/responsible person needs to put their own address or can the use the PO Box.
4. You were going to verify that if our group donates funds to another group with similar aims to do with as they please and without stipulating what it is used for, this would not be classed as spending on joint campaigning.
5.YOu were going to check if multiple donations of under £500 from the same source would be counted as a donation over £500 and if his would be just over the election period or prior.
Would appreciate a response today if possible as we will be discussing with proposed responsible person over the weekend
Mark

----- Original Message -----
From: [redacted]
To: "'MARK OPENSHAW'" [redacted]
Sent: Friday, 5 Feb, 21 At 11:40
Subject: RE: Clarifications of Points raised in Zoom meeting.

Mark

Apologies I am in a meeting at the moment. Can't find my notes (sure they are about somewhere). Can you recall the points I said I would follow up on, or the specific points you want clarity on? Apologies for delay in coming back to you.

[redacted]

From: MARK OPENSHAW [redacted]
Sent: 04 February 2021 10:45
To: 'Allan Sutherland' [redacted]

[redacted]
Subject: Clarifications of Points raised in Zoom meeting.

Hi [redacted]

During our Zoom meeting the other day, you took notes of a number of issues which you said you would double check some of your advice or interpretation with colleagues. We would greatly appreciate any feedback you have been able to get - before we get too far along the road with setting up our campaign.
Thanks
Mark Openshaw

----- Original Message -----
From: [redacted]
To: "'Allan Sutherland'" [redacted]
Cc: "Mark" [redacted]
Sent: Thursday, 28 Jan, 21 At 17:50
Subject: RE: Po Box

[redacted]

So we are assuming the billboard is the poster based variety rather than a digital one. If a printer is involved an imprint such as "Printed by [insert printer details]. Promoted by Scotland Matters, PO Box..." would be compliant. If the billboard is of the digital variety i.e. nothing is printed, then "Promoted by Scotland Matters, PO Box..." would be fine. The key is that promoter behind the material is identified and a means on contacting provided. The holder of the PO Box is not our concern – just that the promoter can be contacted.

[redacted]

[redacted]

The Electoral Commission
Tel. [redacted]

electoralcommission.org.uk

From: Allan Sutherland [redacted]
Sent: 28 January 2021 16:53
To: [redacted]
Cc: Mark [redacted]
Subject: Po Box

[redacted] I just left you a voicemail.

Am I right in thinking that if we have a billboard, the imprint requirement would be Scotland Matters and a PO Box and the actual holder of the PO Box would not be held by the EC and does not have to be the same person as the "responsible person"

Best regards

Allan Sutherland

[redacted]

Dear Mr Openshaw,

I confirm receipt of the documents attached to the email below. The information provided will be considered as part of the notification.

We aim to process a notification as quickly as possible after receipt of a complete and compliant notification. We may write to you again during the assessment process seeking further information. Otherwise, we will contact you again once we have made a decision.

Yours sincerely,

[redacted]

The Electoral Commission
electoralcommission.org.uk

From: MARK OPENSHAW [redacted]
Sent: 01 March 2021 15:56
To: Partyreg [redacted]
Cc: [redacted] John Michie
[redacted] Hugh Pennington [redacted] David Bone
[redacted]
Subject: RE: Scotland Matters - further information required [redacted]

Good Afternoon [redacted]

Please find below answers (In bold) to the clarifications you requested.
I trust you will find them satisfactory, but please revert if you have any more questions.

Also can you please reply to confirm receipt and let me know if you require me to make the changes on the EC registration site or if you will be doing it based on the information supplied.

Can you also let me know approximately how long it will be before we can either be registered or have the registration declined,

Yours sincerely
Mark Openshaw

Answers

Our Registration Address is

[redacted]

Relevant Participators

The Steering committee names mentioned on our website are not a fixed group of people - they are people who have and still do express their opinions of the direction and activities of the group on an informal basis. We do not have a formal membership or committee but rather a network of people who have registered with our website to receive our weekly newsletter and other communications. When we have decisions to make which the active core group (Those people named in our registration application) feel need for input from a wider group we email a meeting invitation (physical meeting pre Covid, Zoom since) to around 20-25 of those who have previously expressed an interest in participating and discuss and agree the options with them.

I attach a copy of our Constitution (I don't have the signed version due to Covid restrictions) which will assist you in understanding how we have operated thus far.

With Regard to those people named on our application we have agreed to the following responsibilities to ensure we comply with EC requirements.

Professor, Hugh Pennington, Responsible Person - will ensure we comply with the EC rules, delegate regulated campaign spending authority, and recieve the necessary information on expenditure and donations.

Mr John Michie, Treasurer will ensure that accurate records are kept of income and expenditure in a manner that will allow us to separate regulated and non regulated spending for reporting at the end of the campaign.

These records will down as required by the and identify regfulated spending and donations in a way that allows us to report it accurately.

Allan Sutherland, as the campaign director will identify the appropriated methods for campaigning, select content and medium, then with others ensure that it complies with our checklist for approving campaign material which includes ensuring it has our 'imprint' before releasing it for display publication or posting. He will also ensure that any invoices differentiate between regulated and not regulated spending and any instances of joint campaigning costs to be included. This to be done in such a way as to facilitate accurate record keeping

Mark Openshaw - I will carry out the function of secretary - keeping records of meetings and agreements.

David Bone - Will manage our website and send out the newsletter and other information to those who have registered to receive it
Good Afternoon

Dear Mr Openshaw,

Thank you for your notification to register as a non-party campaigner, which we received on 18 February 2021. **Scotland Matters** is not registered until we confirm this in writing.

We have conducted an initial check of the notification and have identified matters that require your attention. We will put your notification on hold until 02 March so that you can address the matters raised below.

Matters for consideration

It is your responsibility to determine the details of your notification and to ensure that it complies with the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA).

The following matters were identified on an initial check of your notification. You now have an opportunity to address them before the application is assessed in full.

Should the notification proceed to a full assessment against the PPERA requirements, further matters may be identified. Until a final decision is taken on your notification, we cannot confirm whether or not it will be successful.

Unless these issues are resolved, the notification may be refused.

Registered address

A notification to register an unincorporated association as a non-party campaigner must specify the unincorporated association's main office in the United Kingdom.

The notification provided states that Scotland Matters main office is a PO Box. Having an office address in the UK is important for the purposes of ensuring that a recognised campaigner is subject to UK electoral law. A PO Box does not achieve this. It is also important that we are able to send official communications to registered campaigners and be certain that those communications will be received promptly.

If you do not have an office as in a dedicated business space from which you operate, then we advise that you provide us with an address from which the association's activity is primarily conducted.

An unincorporated association, when delivering a notification to be registered, must provide "the address of its main office in the United Kingdom" in the notification. This is stipulated under section 88(c)(i) and paragraph 2(10)(b) of Schedule 6 of the Political Parties, Elections and Referendums Act 2000 (PPERA).

Relevant Participators

A notification to register an unincorporated association as a non-party campaigner must include the names of the body's relevant participators.

For an unincorporated association, where the association has more than 15 members and has officers or a governing body, the relevant participators are those officers or the members of that governing body. Otherwise, the relevant participators are the members of the association.

The Scotland Matters website states that the organisation has a Steering Committee comprising of, [redacted] Professor Hugh Pennington, [redacted] and Mark Openshaw and Allan Sutherland". However, the relevant participators named on the notification are – John Michie, Allan Sutherland and David Bone.

Could you please, therefore, provide some further information about how the individuals named in the notification fulfil the role of relevant participators for your organisation?

Next steps

If you intend to amend your notification please do so as soon as possible and no later than 02 March 2021. **Please let us know if you would like to amend your notification online.**

After that date we will review any amendments or additional information you provide to us. The Registration Team will check your notification to make sure that it meets the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). The Director of Regulation will then take the final decision whether or not to approve your registration.

We aim to process a notification as quickly as possible after receipt of a complete and compliant notification.

You can find guidance in relation to registering a non-party campaigner, as well as the non-party campaigner spending rules for specific elections on our website.

Rules for non-party campaigners (NPCs)

If a non-party campaigner does not register, then it cannot spend more than £20,000 in England and £10,000 in Scotland, Wales and Northern Ireland on regulated campaign activity. The spending limits for registered non-party campaigners are set out in our guidance for non-party campaigners on our website.

A non-party campaigner cannot spend above the relevant threshold until it submits a registration notification to us that contains all of the information required by PPERA, and it should not spend above the threshold until we have confirmed its registration in writing. If you have already exceeded the registration threshold, you should not undertake any more regulated campaign spending until we have confirmed your registration in writing.

You can find the rules on imprints here.

Please note there are strict legal restrictions apply on the use of the electoral register accessed by a registered NPC. It can only be used by registered NPCs for electoral purposes and the control of donations.

Yours sincerely,

[redacted]

[redacted]

The Electoral Commission

electoralcommission.org.uk

------ Original Message ------
From: "Partyreg" [redacted]
To: "'MARK OPENSHAW'" [redacted]
Cc [redacted]
Sent: Friday, 26 Feb, 21 At 16:29
Subject: RE: Scotland Matters - further information required [redacted]

Dear [redacted]

Thank you for your email. [redacted] is on leave today so I am responding in her absence.

In order for an unincorporated association to register as a non-party campaigner, they must provide the address of its main address in the UK. If registered as an non-party campaigner, the address will be published on our register.

Where an unincorporated association doesn't have a physical office, it should provide the address at which most of its administrative activity is conducted.

The main office address cannot be a PO box.

If you have any further questions about this, please contact us.

Kind regards

[redacted]

[redacted]

The Electoral Commission

electoralcommission.org.uk

From: MARK OPENSHAW [redacted]
Sent: 25 February 2021 20:27
To: Partyreg [redacted]
Cc: [redacted]
Subject: Re: Scotland Matters - further information required [redacted]

Dear Sir or madam,

Thanks for your response to our notification.
We will get back to you as soon as we can with all the clarifications, but one thing that will make this easier is to know if the main office address we supply will be visible to the public.
Our early communications with the EC lead us to believe that we could use a PO Box and so we set one up that notifies us by email if there is any mail received. We can then see a scan of the envelope and request that the contents be scanned and made visible to us to read- we can then decide whether it actually needs to forwarded to us physically.
We preferred this because we do not have a business address and unfortunately previous experience with Constitutional political matters in Scotland makes us reluctant to use a private address. If the private address we give is not visible to the public, that concern will be eliminated.

Yours Sincerely

[redacted]

[redacted]

From: Allan Sutherland[redacted]
Sent: 14 March 2021 17:25
To: [redacted]
Cc: Mark Openshaw [redacted]
Subject: Re: Quick chat

I noticed a typo. I meant:
Any time Tuesday 16th or pm Thursday 17th is good for us.
Allan

On Wed, 10 Mar 2021, 17:14 Allan Sutherland, [redacted] wrote:

[redacted]any time Tuesday 16th or pm Thursday 1th is good for us.
Good news re registration!
Best regards
Allan Sutherland

On Wed, 10 Mar 2021, 15:34 [redacted] wrote:

> Allan
>
> Following on from our telephone conversation, I am happy to set up a meeting although it will be next week unfortunately. My calendar is full at the moment.
>
> You will have received your registration confirmation so hopefully that is all in Order. For your information, the NPC spending and donations return forms for the Scottish Parliament elections have now been published. These resources are available on the 2021 non-party campaigner page.

We will be happy to answer your queries in relation to what is regulated activity and as discussed, we have some queries around the interaction between Scotland Matters and other NPC activity we are monitoring. So it would be good to catch up. Let me know your availability next week and I will try and set something up.

[redacted]

[redacted]

The Electoral Commission
Tel. [redacted]

electoralcommission.org.uk

From: Allan Sutherland [redacted]
Sent: 09 March 2021 10:23
To [redacted] Mark Openshaw [redacted]
Subject: Quick chat

[redacted] could mark and I have a quick call with you tomorrow, 10th, any time after 10am?

We have spent around £8k since the start if the election campaign, and we could hit the £10k limit before we get registered

Not all the £8k is campaign spend, however but we are unclear as to the exact amount.

We understand this isn't your main area of expertise but if we could get some advice on the obvious campaign/non campaign items that would be very useful.

With best regards

Allan Sutherland

[redacted]

Dear Professor Pennington,

Registration of Scotland Matters

I write to inform you that we have processed and approved your notification to register **Scotland Matters** as a non-party campaigner which was submitted on 18 February 2021 and considered complete on 01 March 2021. Your registration is in effect from 01 March 2021.

You have been allocated reference [redacted] which should be quoted on all communications and returns sent to us. The reference is a safeguard so that we can be certain that any correspondence, returns etc. received in your NPC's name are genuine. We advise you not to publicise this number.

Non-party campaigner (NPC) contact details

We confirm the following details for your non-party campaigner registration. Please contact us if any of these details are incorrect or change.

The NPC's address, name, the names of the responsible person and secretary, and relevant participators will appear on the register. Other details such as addresses of individuals will not appear on the register.

Your entry on the register is:
http://search.electoralcommission.org.uk/English/Registrations/TP12795
(please allow a day for the entry to appear on the register)

	Post/Home address	Email	Telephone
Campaigner Headquarters	[redacted]		[redacted]
Responsible person: [Hugh Pennington]	-	[redacted]	[redacted]
Secretary: [Mark Openshaw]	-	[redacted]	[redacted]
Names of relevant participators:	• Mr John Michie • Mr Allan Sutherland • Mr David Bone		

Guidance

You can find our general guidance for NPCs here and our guidance for the 2021 elections here.

NPC renewal deadline

To remain registered you must submit a renewal notification each year. This must be delivered between one month before and up to three months after, the anniversary of when the original notification was provided to us.

Your renewal deadline is 01 June 2022. You should set a reminder for this deadline if you intend to renew your registration. If your NPC is not renewed, it will be removed from the register. This can be completed either online or by using a TP3 form.

Electoral register

Legal restrictions apply on the use of the electoral register accessed by NPCs. It can only be used for electoral purposes and the control of donations. Breaching the restrictions on the use of the electoral register can result in an unlimited fine in England and Wales or a fine of up to £5,000 in Scotland.

Please contact us if you have any further questions.

Yours sincerely,

[redacted]

The Electoral Commission
electoralcommission.org.uk

Dear Mr Openshaw,

Thank you for your notification to register as a non-party campaigner, which we received on 18 February 2021.

Next steps

The Registration Team will check your notification to make sure that it meets the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). The Director of Regulation will then take the final decision whether or not to approve your registration.

We aim to process a notification as quickly as possible after receipt of a complete and compliant notification.

We may write to you during the assessment process seeking further information from you about the notification.

Otherwise, we will contact you again once we have made a decision.

Rules for non-party campaigners (NPCs)

If a non-party campaigner does not register, then it cannot spend more than £20,000 in England and £10,000 in Scotland, Wales and Northern Ireland on regulated campaign activity. The spending limits for registered non-party campaigners are set out in our guidance for non-party campaigners on our website.

A non-party campaigner cannot spend above the relevant threshold until it submits a registration notification to us that contains all of the information required by PPERA, and it should not spend above the threshold until we have confirmed its registration in writing. If you have already exceeded the registration threshold, you should not undertake any more regulated campaign spending until we have confirmed your registration in writing.

You can find the rules on imprints here.

Please note there are strict legal restrictions apply on the use of the electoral register accessed by a registered NPC. It can only be used by registered NPCs for electoral purposes and the control of donations.

Yours sincerely,

[redacted]

The Electoral Commission
electoralcommission.org.uk

Hi all

These are the paper versions of the NPC reporting forms for information (in blue box under Scottish Parliament election). It will be better to use PEFOnline once available.

non-party campaigner page.

[redacted]

From: Allan Sutherland [redacted]
Sent: 16 March 2021 13:52
To: [redacted]
Cc: John [redacted] Mark Openshaw [redacted]
Subject: Zoom Call Thursday 18 March - Electoral Commission Questions -

Dear [redacted]
Thank you for your email, we confirm we can do Thursday at 11am.

We will be joined by our Treasurer, John Michie and [redacted] his colleague who helps with our book-keeping.

Mark has set out a list of questions below, and our suggestion is as follows

- We give a short intro on what we have done and are planning, including financial activities to date.
- We'd like to end the meeting with a clear idea of
    - types of activity we engage in and their compliance
    - types of transaction, ie donations in and out, campaign costs, payments for services, and how they are accounted for
    - How we can record transactions in a way that means we can press a button on 7 May and our report to the EC will be complete.

Will you set up a Zoom r will we?
With best regards
Allan Sutherland
[redacted]

1 Can you confirm that only the spending on specific activities that are the result of collaboration with other registered groups will be considered joint spending which both groups must report each others spending on that activity?

2. Following on from that, can you confirm that having collaborated on one or more activities does not mean that everything any of the groups does independently is classified as joint spending?

3.. What do we do if we have a donation of more than £500 via PayPal and do not have an address for the donor.

4. Do we have to record all donations of more than £500 we make to non regulated (unregistered) groups.

5. If we collaborate with an unregistered group and share the cost of an activity, does their contribution have to be added to our regulated spending?

7. In the case above, does our contribution to a jointly funded or collaborated activity with an unregistered group mean that they have to include our portion of the spending when checking their £10k headroom for registration

8. Do we have to record donations >£500 that we make to unregistered groups?

9. From what we have done so far, do you have any concerns as to where we might run into problems or infringements?

Reporting of Spending.

10 We have had some difficulty with the PEF website and have been unable to initiate a spending report in order to see the final reporting format *(Error 502 bad gateway)*- should we be able to do that at this stage?

11 We wish to set up our accounting system to suit the requirements of the recording format. Is it possible to do all our spending recording on PEF as we go along so that it is virtually ready to send after the election?

12 Are we correct in our understanding that the PEF reporting area allows you to pre populate it with the both donors, donees and people who we are paying for performing activities that are regulated spending

13 Are we correct in our understanding that a separate set of accounts has to be sent along with the online or hardcopy submission and is there a particular format for this.

[redacted]

On Wed, 10 Mar 2021, 15:34 [redacted] wrote:

> Allan
>
> Following on from our telephone conversation, I am happy to set up a meeting although it will be next week unfortunately. My calendar is full at the moment.
>
> You will have received your registration confirmation so hopefully that is all in Order. For your information, the NPC spending and donations return forms for the Scottish Parliament elections have now been published. These resources are available on the 2021 non-party campaigner page.
>
> We will be happy to answer your queries in relation to what is regulated activity and as discussed, we have some queries around the interaction between Scotland Matters

and other NPC activity we are monitoring. So it would be good to catch up. Let me know your availability next week and I will try and set something up.

[redacted]

[redacted]

The Electoral Commission
Tel. [redacted]

electoralcommission.org.uk

From: Allan Sutherland [redacted]
Sent: 09 March 2021 10:23
To: [redacted] Mark Openshaw [redacted]
Subject: Quick chat

[redacted] could mark and I have a quick call with you tomorrow, 10th, any time after 10am?

We have spent around £8k since the start if the election campaign, and we could hit the £10k limit before we get registered

Not all the £8k is campaign spend, however but we are unclear as to the exact amount.

We understand this isn't your main area of expertise but if we could get some advice on the obvious campaign/non campaign items that would be very useful.

With best regards

Allan Sutherland

[redacted]