| | |
|---|---|
| **From:** | FOI |
| **To:** | [redacted] |
| **Subject:** | RE: FOI 169/18 - Legal proceedings and disputes - response |
| **Date:** | 15 February 2019 10:22:33 |
| **Attachments:** | (Staff upload 1) RE_ A064412 - Best for Britain - impermissible donation and missing invoices CCM_0389722_Redacted.pdf<br>(Staff upload 2) RE_ FW_ Did you receive our registration details_ CCM_0324807_Redacted.pdf<br>(Staff upload 3) RE_ FW_ Did you receive our registration details_ CCM_0324807_Redacted.pdf<br>(Staff upload 4) RE_ A064412 - Best for Britain - impermissible donation and missing invoices CCM_0389781_Redacted.pdf<br>(Staff upload 5) RE_ A064412 - Best for Britain - impermissible donation and missing invoices CCM_0389781_Redacted.pdf<br>(Staff upload 6) FW_ Best for Britain_Redacted.pdf |

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Dear [redacted],

**Our Ref: FOI 169/18**

Thank you for your email to the Electoral Commission dated **05 November 2018.**

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

Your request is in bold below followed by our response.

1. **A list of all the legal proceedings in which the Electoral Commission is currently a party, including, for each relevant legal case, the case name, a summary of the case, and the names of the other parties involved;**
2. **Copies of all communications in any form between UK-EU Open Policy Ltd (also known as the 'Best for Britain' campaign) and the Electoral Commission from 1 June 2018 to date;**
3. **Details of all investigations and fines involving the regulated spending during the 2017 parliamentary general election of UK-EU Open Policy Ltd (also known as the 'Best for Britain' campaign).**

Our response is as follows:

**A list of all the legal proceedings in which the Electoral Commission is currently a party, including, for each relevant legal case, the case name, a summary of the case, and the names of the other parties involved;**

We hold the information you have requested.

We have identified seven cases that meet the criteria for your request. We have provided the details you requested below. Please note that this reflects the situation as at the date of your request.

*Christian Peoples Alliance v The Electoral Commission* In the County Court at Central London

Summary of the case:

Statutory Appeal against the Electoral Commission's decision to impose discretionary penalties for breaches of the Political Parties Elections and Referendums Act 2000 (PPERA).

Parties involved:

Christian Peoples Alliance and The Electoral Commission.

*Electoral Commission v Good Law Project Limited* Court of Appeal

Summary of case:
Application to the Court of Appeal regarding the interpretation of the definition of "referendum expenses" in section 111(2) of PPERA.

Parties involved:

The Electoral Commission and Good Law Project Limited. Plus interested parties: 1. Vote Leave Limited 2. Darren Grimes

3. *Leave.EU Limited v The Electoral Commission*

Summary of case:
Statutory appeal against the Electoral Commission's findings that offences had been committed and decision to impose penalties for breaches of the European Union Referendum Act 2015 and Political Parties, Elections and Referendums Act 2000.

Parties involved:
The Electoral Commission and Leave.EU Limited.

4. *(The Queen, on the application of) Vote Leave Limited v The Electoral Commission*

Summary of case:
Application for judicial review and a statutory appeal in relation to the Electoral Commission's findings that offences had been committed and decision to impose penalties for breaches of the European Union Referendum Act 2015 and Political Parties, Elections and Referendums Act 2000.
Parties involved:
The Electoral Commission and Vote Leave.

5. *Darren Grimes v The Electoral Commission* Appeal in the County Court at Central London, Appeal

Summary of case:
Statutory appeal in relation to the Electoral Commission's findings that offences had been committed and decision to impose penalties for breaches of the European Union Referendum Act 2015 and Political Parties, Elections and Referendums Act 2000.
Parties involved:
The Electoral Commission and Darren Grimes.

*6. The Good Law Project v Electoral Commission* in the High Court

Summary of case:
Judicial review brought by the Good Law Project.

Parties involved:
The Electoral Commission and Good Law Project

7.*The Queen (On The Application Of The English Democrats Party) v The*

*Electoral Commission* In The High Court of Justice Queen's Bench Division Administrative Court and Court of Appeal.

Summary of case:

Application for leave to appeal by the English Democrats Party against the High Court's judgment in a judicial review brought by the party against the Commission.

Parties involved:

The Electoral Commission and English Democrats Party.

2. **Copies of all communications in any form between UK-EU Open Policy Ltd (also known as the 'Best for Britain' campaign) and the Electoral Commission from 1 June 2018 to date**

   The Commission holds, and we are disclosing email communications with Best for Britain. The emails have been redacted to remove personal data, and information relating to the investigation noted in our response to question 3 below.

   Documents attached.

3. **Details of all investigations and fines involving the regulated spending during the 2017 parliamentary general election of UK-EU Open Policy Ltd (also known as the 'Best for Britain' campaign).**

You have not specified what precisely you mean by details but the Commission publishes brief details of all its investigations and fines imposed on its website. You can find that information here:

https://www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/sanctions

You will see that the Commission conducted an investigation into Best for Britain in 2018 and imposed penalties in relation to non-compliance. If you are seeking more information than isn't published, you should make a more specific request for any particular information, but the Commission generally considers information held as part of any investigation as exempt from disclosure under sections 30 and 31 of the FOI Act.

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,
[redacted]

[redacted]
Access to Information Officer (FOI and DPA)

**The Electoral Commission**
FOI@electoralcommission.org.uk
electoralcommission.org.uk

| | |
|---|---|
| **From:** | Partyreg |
| **To:** | "Eloise Todd" |
| **Cc:** | Naomi Smith; [redacted] |
| **Subject:** | RE: A064412 - Best for Britain - impermissible donation and missing invoices CCM:0389722 |
| **Date:** | 20 June 2018 16:37:28 |
| **Attachments:** | image003.png |

Dear Eloise Todd

I understand that you need to amend the registered details for Best for Britain. Ordinarily, this can be done by completing and returning a TP2 form. However, you can also amend your registered details at the point where you renew your annual registration. As Best for Britain's renewal notification is due shortly (**28 July 2018**) I shall provide you with some information about how to do this.

In order to remain registered as a non-party campaigner, each year you must submit a renewal notification to us. For your organisation this must be signed by the body's secretary or a person who acts in a similar capacity (the position held should also be stated). As such, I have copied in [redacted] into this email as the most recent signatory for Best for Britain.

**If we do not receive a complete notification that complies with the requirements outlined in the Political Parties, Elections and Referendums Act 2000 (PPERA) by the deadline, the Commission is required in law to remove the campaigner from the register. This is not a discretionary decision by the Commission.**

Before submitting a renewal, you should consider whether you need to remain registered at this time. Non-party campaigners are only required to register with the Commission if they spend, or plan to spend, more than £20,000 in England or £10,000 in any of Scotland, Wales or Northern Ireland on 'regulated campaign activity' during a regulated period. You do not need to be registered if you are campaigning outside a regulated period. There is no regulated period in operation in 2018. Please note that should a campaigner's registration lapse and they need to be registered in future, a fresh notification to register can be submitted to the Commission at that time.

**What you need to do to remain registered**

The easiest way is to respond is on **PEF online**.

Should you prefer to submit the notification **by post**, you can find the relevant **TP3 form** on our website:
https://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/169457/form-tp3-ukpge.pdf

You can submit the forms by post or send a scanned copy by email.

Please ensure you read the instructions carefully to ensure the notification of renewal is completed correctly. In particular, if any of the campaigner's registered details have changed then you must amend these.

We aim to tell you about the outcome of your application within 30 working days. If we don't receive a complete application that complies with the Political Parties, Elections and Referendums Act 2000 by the deadline, we are required by law to remove a campaigner from the register.

If you need more information view our guidance on non-party campaigns or contact us using the details below.
Yours sincerely,

[redacted]
**Senior Registration Adviser**
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk
**Twitter** | **Facebook** | **Blog**

[redacted]

**From:** Partyreg
**To:** "Naomi Smith"
**Subject:** RE: FW: Did you receive our registration details? CCM:0324807
**Date:** 17 July 2018 11:30:17

---

Dear Naomi
I confirm receipt of your notification on 11 July to renew your registration and amend your registered details. I apologise for the delayed response.
Before the Commission can process the application, we must check that it complies with the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). Should we require any further information from you as part of those checks, we will be in contact with you.
The Commission aims to advise a campaigner of the outcome of their application within 30 working days of receiving a complete and compliant application.
Yours sincerely,
[redacted]

**From:** Naomi Smith
**Sent:** 17 July 2018 10:40
**To:** [redacted]
**Cc:** Partyreg
**Subject:** Re: FW: Did you receive our registration details? CCM:0324807

Thanks [redacted]

**Naomi Smith**
Chief Operating Officer
**Best for Britain**

On Tue, Jul 17, 2018 at 10:12 AM, [redacted] wrote:

> Hi Naomi,
> I have copied in our registration team who should be able to confirm receipt.
> Regards,
> [redacted]
> **Senior Financial Reporting Adviser**
> Political Finance and Regulation
> The Electoral Commission
> 3 Bunhill Row
> London
> EC1Y 8YZ
> www.electoralcommission.org.uk
> www.aboutmyvote.co.uk
>
> **From:** Naomi Smith [redacted]
> **Sent:** 17 July 2018 09:00
> **To:** [redacted]
> **Subject:** Did you receive our registration details?
>
> Hi [redacted]
> Just checking that you received those in the post last week ok?
> Naomi.
>
> **Naomi Smith**
> Chief Operating Officer

## Best for Britain

**From:** Partyreg
**To:** "Naomi Smith"
**Cc:** [redacted]
**Subject:** RE: FW: Did you receive our registration details? CCM:0324807
**Date:** 20 July 2018 11:19:56

---

Dear Naomi,
A non-party campaigner's renewal notification involves making a declaration that the campaigner's registered details remain accurate.
These details, for a registered company, include details about the company's 'relevant participators' i.e. the company's directors. For Best for Britain, these are listed on our register as:

- Ms Eloise Todd

[redacted]

However, these details do not match the details on the company's entry on Companies House.
The entry on Company's House also states that [redacted] is Best for Britain's secretary (I assume that this is the same person as [redacted]). Whilst I understand that you will become registered as Best for Britain's responsible person in place of Eloise Todd, it is the company's secretary (or a person who acts in a similar capacity) who must sign these notifications.
**If, however, you are now also the company's secretary (or person who acts in a similar capacity), and therefore authorised to sign the notification, then please confirm this. Please also confirm the correct details for the body's relevant participators (i.e. the company directors).**
**I have copied Sara into this email. If she remains the company's secretary then please could Sara respond by confirming:**

- **The names of the body's relevant participators (i.e. the company directors)**
- **That Naomi will become Best for Britain's responsible person**
- **That your address is now "UK-EU Open Policy Limited, International House, 24 Holborn Viaduct, LONDON, EC1A 2BN"**

If Best for Britain wishes to remain registered then these matters must be resolved by 28 July which is when the current notification expires. I apologise for the tight deadline and this was not addressed sooner, but you will appreciate that we must ensure that the details on the register remain accurate and complaint with the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA).
Please also note that should a campaigner's registration lapse and they need to be registered in future, a fresh notification to register can be submitted to the Commission at that time.
If you have any questions then please get in touch.
Regards
[redacted]

**From:** Naomi Smith
**Sent:** 17 July 2018 11:32

**To:** Partyreg
**Subject:** Re: FW: Did you receive our registration details? CCM:0324807
Dear [redacted]
Thanks so much for this.
Very best,
Naomi.

**Naomi Smith**
Chief Operating Officer
**Best for Britain**
On Tue, Jul 17, 2018 at 11:30 AM, Partyreg <Partyreg@electoralcommission.org.uk> wrote:

> Dear Naomi
> I confirm receipt of your notification on 11 July to renew your registration and amend your registered details. I apologise for the delayed response.
> Before the Commission can process the application, we must check that it complies with the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). Should we require any further information from you as part of those checks, we will be in contact with you.
> The Commission aims to advise a campaigner of the outcome of their application within 30 working days of receiving a complete and compliant application.
> Yours sincerely,
> [redacted]
> **From:** Naomi Smith [redacted]
> **Sent:** 17 July 2018 10:40
> **To:** [redacted]
> **Cc:** Partyreg <Partyreg@electoralcommission.org.uk>
> **Subject:** Re: FW: Did you receive our registration details? CCM:0324807
> Thanks [redacted]
>
> **Naomi Smith**
> Chief Operating Officer
> **Best for Britain**
> On Tue, Jul 17, 2018 at 10:12 AM, [redacted] wrote:
>
> > Hi Naomi,
> > I have copied in our registration team who should be able to confirm receipt.
> > Regards,
> > [redacted]
> > **Senior Financial Reporting Adviser**
> > Political Finance and Regulation
> > The Electoral Commission
> > 3 Bunhill Row
> > London
> > EC1Y 8YZ
> > www.electoralcommission.org.uk
> > www.aboutmyvote.co.uk
> > **From:** Naomi Smith [redacted]
> > **Sent:** 17 July 2018 09:00

**To:** [redacted]
**Subject:** Did you receive our registration details?
Hi [redacted]
Just checking that you received those in the post last week ok?
Naomi.

**Naomi Smith**
Chief Operating Officer
**Best for Britain**

-

**From:** Partyreg
**To:** "Naomi Smith"
**Subject:** RE: A064412 - Best for Britain - impermissible donation and missing invoices CCM:0389781
**Date:** 11 July 2018 10:16:24
**Attachments:** image002.png
image003.jpg

---

Dear Naomi Smith
The reference number for Best for Britain will have been issued at the time when it was first registered with us. Don't worry if you cannot find it – it is more important that the correct details and signatures are included on the form.
Regards
[redacted]

**From:** Naomi Smith
**Sent:** 09 July 2018 16:10
**To:** Partyreg
**Subject:** Re: A064412 - Best for Britain - impermissible donation and missing invoices CCM:0389781

Thanks [redacted] - what is our reference number?

**Naomi Smith**
Chief Operating Officer
**Best for Britain**

On Fri, Jul 6, 2018 at 9:52 AM, Partyreg <Partyreg@electoralcommission.org.uk> wrote:

> Dear Naomi
> Thank you for your email to the Electoral Commission.
> Please see below my email of 20 June sent to Eloise Todd for information about how to amend your organisation's registered address as well as how to complete your annual renewal. If you have any further questions then please get in touch.
> Regards
> [redacted]
> **Senior Registration Adviser**
> The Electoral Commission
> 3 Bunhill Row
> London EC1Y 8YZ
>
> electoralcommission.org.uk
> yourvotematters.co.uk
> **Twitter** | **Facebook** | **Blog**
>
> ---
>
> **From:** Naomi Smith [redacted]
> **Sent:** 05 July 2018 10:32
> **To:** Partyreg <Partyreg@electoralcommission.org.uk>
> **Cc:** Eloise Todd [redacted]
> **Subject:** Re: A064412 - Best for Britain - impermissible donation and missing invoices
>
> Dear Registration team,
> Please let us know how we can change our registered address with you, as we have now moved offices.
> Very best,
> Naomi.
>
> **Naomi Smith**
> Chief Operating Officer
> **Best for Britain**
>
> ---

**From:** Partyreg
**Sent:** 20 June 2018 16:37
**To:** 'Eloise Todd' [redacted]
**Cc:** Naomi Smith [redacted]
[redacted]
**Subject:** RE: A064412 - Best for Britain - impermissible donation and missing invoices
CCM:0389722

Dear Eloise Todd

I understand that you need to amend the registered details for Best for Britain. Ordinarily, this can be done by completing and returning a TP2 form. However, you can also amend your registered details at the point where you renew your annual registration. As Best for Britain's renewal notification is due shortly (**28 July 2018**) I shall provide you with some information about how to do this.

In order to remain registered as a non-party campaigner, each year you must submit a renewal notification to us. For your organisation this must be signed by the body's secretary or a person who acts in a similar capacity (the position held should also be stated). As such, I have copied in [redacted] into this email as the most recent signatory for Best for Britain.

**If we do not receive a complete notification that complies with the requirements outlined in the Political Parties, Elections and Referendums Act 2000 (PPERA) by the deadline, the Commission is required in law to remove the campaigner from the register. This is not a discretionary decision by the Commission.**

Before submitting a renewal, you should consider whether you need to remain registered at this time. Non-party campaigners are only required to register with the Commission if they spend, or plan to spend, more than £20,000 in England or £10,000 in any of Scotland, Wales or Northern Ireland on 'regulated campaign activity' during a regulated period. You do not need to be registered if you are campaigning outside a regulated period. There is no regulated period in operation in 2018. Please note that should a campaigner's registration lapse and they need to be registered in future, a fresh notification to register can be submitted to the Commission at that time.

**What you need to do to remain registered**

The easiest way is to respond is on **PEF online**.

Should you prefer to submit the notification **by post**, you can find the relevant **TP3 form** on our website:

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/169457/form-tp3-ukpge.pdf

You can submit the forms by post or send a scanned copy by email.

Please ensure you read the instructions carefully to ensure the notification of renewal is completed correctly. In particular, if any of the campaigner's registered details have changed then you must amend these.

We aim to tell you about the outcome of your application within 30 working days. If we don't receive a complete application that complies with the Political Parties, Elections and Referendums Act 2000 by the deadline, we are required by law to remove a campaigner from the register.

If you need more information view our guidance on non-party campaigns or contact us using the details below.

Yours sincerely,

[redacted]
**Senior Registration Adviser**
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk
**Twitter** | **Facebook** | **Blog**

[redacted]

**From:** Partyreg
**To:** "Naomi Smith"
**Subject:** RE: A064412 - Best for Britain - impermissible donation and missing invoices CCM:0389781
**Date:** 06 July 2018 09:52:26
**Attachments:** image002.png
image001.jpg

---

Dear Naomi
Thank you for your email to the Electoral Commission.
Please see below my email of 20 June sent to Eloise Todd for information about how to amend your organisation's registered address as well as how to complete your annual renewal. If you have any further questions then please get in touch.
Regards

[redacted]
**Senior Registration Adviser**
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

electoralcommission.org.uk
yourvotematters.co.uk
**Twitter** | **Facebook** | **Blog**

---

**From:** Naomi Smith
**Sent:** 05 July 2018 10:32
**To:** Partyreg
**Cc:** Eloise Todd
**Subject:** Re: A064412 - Best for Britain - impermissible donation and missing invoices

Dear Registration team,
Please let us know how we can change our registered address with you, as we have now moved offices.
Very best,
Naomi.

**Naomi Smith**
Chief Operating Officer
**Best for Britain**

---

**From:** Partyreg
**Sent:** 20 June 2018 16:37
**To:** 'Eloise Todd'
**Cc:** Naomi Smith ; [redacted]
**Subject:** RE: A064412 - Best for Britain - impermissible donation and missing invoices CCM:0389722

Dear Eloise Todd
I understand that you need to amend the registered details for Best for Britain. Ordinarily, this can be done by completing and returning a TP2 form. However, you can also amend your registered details at the point where you renew your annual registration. As Best for Britain's renewal notification is due shortly (**28 July 2018**) I shall provide you with some information about how to do this.
In order to remain registered as a non-party campaigner, each year you must submit a renewal notification to us. For your organisation this must be signed by the body's secretary or a person who acts in a similar capacity (the position held should also be

stated). As such, I have copied in [redacted] into this email as the most recent signatory for Best for Britain.

**If we do not receive a complete notification that complies with the requirements outlined in the Political Parties, Elections and Referendums Act 2000 (PPERA) by the deadline, the Commission is required in law to remove the campaigner from the register. This is not a discretionary decision by the Commission.**

Before submitting a renewal, you should consider whether you need to remain registered at this time. Non-party campaigners are only required to register with the Commission if they spend, or plan to spend, more than £20,000 in England or £10,000 in any of Scotland, Wales or Northern Ireland on 'regulated campaign activity' during a regulated period. You do not need to be registered if you are campaigning outside a regulated period. There is no regulated period in operation in 2018. Please note that should a campaigner's registration lapse and they need to be registered in future, a fresh notification to register can be submitted to the Commission at that time.

**What you need to do to remain registered**

The easiest way is to respond is on **PEF online**.

[redacted]

Should you prefer to submit the notification **by post**, you can find the relevant **TP3 form** on our website:

https://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/169457/form-tp3-ukpge.pdf

You can submit the forms by post or send a scanned copy by email.

Please ensure you read the instructions carefully to ensure the notification of renewal is completed correctly. In particular, if any of the campaigner's registered details have changed then you must amend these.

We aim to tell you about the outcome of your application within 30 working days. If we don't receive a complete application that complies with the Political Parties, Elections and Referendums Act 2000 by the deadline, we are required by law to remove a campaigner from the register.

If you need more information view our guidance on non-party campaigns or contact us using the details below.

Yours sincerely,

[redacted]
**Senior Registration Adviser**
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
electoralcommission.org.uk
yourvotematters.co.uk
**Twitter** | **Facebook** | **Blog**

[redacted]

**From:** [redacted]
**To:** Niki Nixon
**Subject:** FW: Best for Britain
**Date:** 08 June 2018 10:13:08

---

Hi Niki
As per below,
are in the latter stages of the investigation, and that we have sent an initial notice as to the proposed outcome. We are currently awaiting a response to that notice. The deadline for representations is **19 June 2018**.
Externally however our line is still that we are currently investigating, as we are still waiting for a response as per above.
Thanks
[redacted]

---

**From:** [redacted]
**Sent:** 07 June 2018 10:22
**To:** John Holmes
**Cc:** Bob Posner
**Subject:** RE: Best for Britain

Dear John
If it helps, the deadline for representations is 19 June 2018.
Thanks
[redacted]

---

**From:** John Holmes
**Sent:** 06 June 2018 12:37
**To:** [redacted]
**Cc:** Bob Posner [redacted]
**Subject:** RE: Best for Britain

Many thanks. Useful presentationally that we have been doing that, quite apart from anything else. When might the result become public? Do we need to think about how to make sure there is not an inappropriate clash with their big second referendum launch which is supposed to be forthcoming soon?
John

---

**From:** [redacted]
**Sent:** 06 June 2018 11:19
**To:** John Holmes [redacted]
**Cc:** Bob Posner [redacted]
**Subject:** Best for Britain

Dear John
Bob has asked me to confirm the position as to Best for Britain.
As per our press release on 19 March 2018, we are indeed investigating Best for Britain for submitting a spending return that was missing invoices and for not returning a £25,000 donation from an impermissible donor within 30 days as required by PPERA.
https://www.electoralcommission.org.uk/i-am-a/journalist/electoral-commission-media-centre/news-releases-donations/general-election-spending-returns-for-larger-parties-published
I am happy to say that we are in the latter stages of the investigation, and that we have sent an initial notice as to the proposed outcome. We are currently awaiting a response to that notice.

Externally however our line is still that we are currently investigating, as we are still waiting for a response as per above.
I hope that helps.
Many thanks

[redacted]
**Enforcement Manager**
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
Tel: [redacted]
electoralcommission.org.uk
yourvotematters.co.uk
**Twitter** | **Facebook** | **Blog**