

[REDACTED]

From: FOI
Sent: 12 September 2023 10:41
To: [REDACTED]
Subject: FOI 122-23 - Response

Dear [REDACTED],

Our Ref: FOI-122-23

Thank you for your email to the Electoral Commission dated 11 August 2023.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

Please confirm:

1. How many referrals the Electoral Commission has made to the Metropolitan Police since 2010. We note that similar information was provided in response to a question to the Mayor of London in July 2021 (ref 2021/3158).

2. How many investigations the Electoral Commission has (a) carried out since 2010 into possible offences under sections 54(7) and section 61(1) of the Political Parties, Elections and Referendums Act 2000; and (b) the enforcement outcomes.

On 14 August 2023 we wrote to you acknowledging receipt of your request and asking for clarification of the focus to part 1, above. Your reply on 18 August was as follows:

I am interested in referrals to the police about donations / political finance.

On 24 August we wrote to you again asking for more information about the Freedom of Information (FOI) request you had referred to in your original email. You provided the following response later the same day:

The question was asked by Unmesh Desai of the Mayor of London during Mayor's Question Time on 15 July 2021 (published here).

Apologies for any confusion. The reference was included in the FOI request to demonstrate that this category of information has in the past been gathered and published, not that it was provided by the Electoral Commission.

Our response is as follows:

We hold some of the information you have requested.

1. *How many referrals the Electoral Commission has made to the Metropolitan Police since 2010. We note that similar information was provided in response to a question to the Mayor of London in July 2021 (ref 2021/3158).*

We have made no further referrals to the Metropolitan Police since the response given to the Mayor of London and we therefore have no further information to disclose in response to that question.

2. *How many investigations the Electoral Commission has (a) carried out since 2010 into possible offences under sections 54(7) and section 61(1) of the Political Parties, Elections and Referendums Act 2000; and (b) the enforcement outcomes.*

Section 54(7) PPERA relates to an agent and/or a principal donor failing to provide information to a registered treasurer of a party about the principal donor. This offence is prescribed for civil sanctions and if the Commission had reasonable grounds to suspect such an offence had occurred, we would investigate. To date however the Commission has not carried out any investigations relating to this potential offence.

Section 61(1) PPERA relates to offences concerned with evasion of restrictions on donations; knowingly entering into or furthering an arrangement to facilitate making an impermissible donation.

This offence is not prescribed for the Commission's civil sanctioning regime and in the event of such an alleged offence arising, only criminal proceedings are available in order to pursue it. On that basis the Commission would not conduct an investigation, but would instead bring the matter to the attention of the police in order that they can consider whether to conduct a criminal investigation and/or prosecution. The Commission has therefore not carried out any such investigation.

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

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The Electoral Commission
[electoralcommission.org.uk](https://www.electoralcommission.org.uk)