

Written evidence from Grace Da Costa¹ (FTP 15)

Public Administration and Constitutional Affairs Committee

Fixed-term Parliaments Act 2011 inquiry

Quakers in Britain and Friends of the Earth joint response to PACAC inquiry into the Fixed-term Parliaments Act 2011

1. Quakers in Britain is a national body working on behalf of 21,575 people who attend 475 Quaker meetings in Britain. Quakers have a testimony to equality, peace, truth, justice and simplicity. Our faith leads us to campaign on issues such as climate breakdown, peace, and migration.
2. Friends of the Earth England, Wales and Northern Ireland is a grassroots campaigning organisation that primarily works on environmental and social justice issues. We aim to create a safer, more healthy and more just society through movement building, supporting our own campaigns as well as an extensive network of local volunteer campaigners.
3. We are submitting evidence to this inquiry because the Fixed-term Parliaments Act 2011 has implications for the implementation of the Political Parties, Elections and Referendums Act 2000 (PPERA) as amended by the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014 (the Lobbying Act), which affects our work significantly.

Question 2: If the Fixed-term Parliaments Act 2011 is amended or repealed, what arrangements should be put in place?

4. If the Fixed-term Parliaments Act is amended, PERA will also need to be amended.
5. Under PERA, there are restrictions on non-party campaigning during the run-up to elections. If charities are campaigning in the 365 days before a Westminster election (the 'regulated period'), they have to:
 - a. Register with the Electoral Commission if they are spending over a certain minimum threshold on 'regulated activity' (political campaigning)
 - b. Keep records of their expenditure and submit these to the Electoral Commission if they are spending over the minimum threshold on regulated activity
 - c. Not spend over a maximum threshold on regulated activity.

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in a regulated period . But with snap elections, the regulated period is enforced retrospectively For example, an election was announced in October 2019 to take place on 12 December 2019. The regulated period then became 13 December 2018 to 12 December 2019.

7. This has a chilling effect on charity and civil society organisation campaigning for three main reasons:
 - a. It is impossible for any organisation to know whether they have crossed the minimum spending threshold for registration, or the upper spending limit for campaigning, during a potential regulated period. Trustees are therefore unable to mitigate the risk of non-compliance with PPERA and the Lobbying Act at any given point. We have raised this issue with the Cabinet Office, the Electoral Commission, and the Equality and Human Rights Commission. It was also raised by Lord Hodgson of Astley Abbots in his [government-commissioned review](#) of the legislation. Trustees and senior managers therefore become risk-averse in their attempts to ensure they comply with the law. They discourage their teams from campaigning at any time because of the risk that it could later be deemed 'regulated activity' during a 'regulated period'. Even if charities know they are in a regulated period, lack of clarity about what is permitted makes them reluctant to campaign.
 - b. Charities are disinclined to carry out joint campaigning because the expenditure on the joint campaign counts towards the individual charities' threshold. This reduces collaboration and creativity in the third sector, and decreases the likelihood that civil society voices will be heard by key decision-makers.
 - c. Monitoring and reporting expenditure places a huge bureaucratic burden on charities, and either makes campaigning not worth the resources required, or reduces the resources charities can spend on campaigning. In 2017, Quakers in Britain spent 21 days of staff time complying with the regulations, costing us thousands of pounds. 14 days of staff time at Friends of the Earth was spent recording potentially regulated work to ensure compliance with retrospective provisions following the announcement of the election.

8. The result is that charities' voices are lost from the political arena. They find it increasingly difficult to advocate on behalf of the groups who they serve and represent, including some of the most marginalised sections of society. More information is available in the Sheila McKechnie Foundation's report, [The Chilling Reality](#), and their annual [campaigner surveys](#).

regulated period was 'unnecessarily restrictive'. It recommended that the government reduce the regulated period to four months and clarify the regulatory position in the event of 'unexpected' general elections.

10. PPERA predates the Fixed Term Parliament Act, but was introduced at a time when there had not been a snap election since 1979, and is therefore based on the presumption that elections will be held every 5 years. The Lobbying Act, introduced after the Fixed Term Parliament Act, is based on the assumption that Westminster elections will be held on a fixed date once every five years. Even with the Fixed-term Parliaments Act, this has proven not to be the case. But if the Fixed-term Parliaments Act is amended or repealed, it will become even more important for PPERA and the Lobbying Act to be revisited.

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