

Guidance on Regulated Activity

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Status of Paper	Final
Action Required	Note
Draft Resolution	64/1. The Council notes the guidance produced.

Summary of Content

Subject and Aims	To inform the Council of the guidance produced in relation to the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (2014)
Main Points	<ul style="list-style-type: none"> • Legal criteria for regulated activity • Instructions about logging activity
Background Context and Relevant Documents (with function)	The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (2014)
Consultations	Senior Leadership Group

Summary of Impact

Legal	Criminal offence if registration threshold exceeded
External (eg ecumenical)	Regulated activity includes work undertaken jointly with partners

Guidance on Regulated Activity

1. The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (hereafter 'the Act') regulates campaigning and financial regulation for non-party campaigners and charities. Guidance has been produced to ensure that members of the Connexional Team and those who speak on behalf of the Methodist Church act in accordance with the legislation.

*****RESOLUTIONS**

64/1. The Council notes the guidance produced.

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act (2014)- Guidance for the Connexional Team and those who speak on behalf of the Methodist Church.

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (hereafter 'the Act') regulates campaigning and financial regulation for non-party campaigners and charities. This guidance seeks to ensure that members of Connexional Team and those who speak on behalf of the Methodist Church act in accordance with the legislation.

The legislation prescribes that:

An organisation will be required to register with the Electoral Commission if:

- it carries out certain defined types of activity which satisfy the *purpose test* and the *public test* (see further details below), during a 'regulated period'.
- its expenditure on regulated activity exceeds £20,000 in England, or £10,000 in any of Scotland, Wales or Northern Ireland (which includes combined spending for joint campaigns).

It is a criminal offence to exceed the registration threshold before registering. Currently the regulated period is from 19 September 2014 to 7 May 2015.

The Methodist Church has decided not to register with the Electoral Commission as the majority of work is not thought to meet the criteria for 'regulated activity' (see below). It is not expected that the amount spent on regulated activity will get anywhere near the £20,000 threshold, and most parts of the Team will not be expected to carry out activities that are anywhere near regulation. However, in a number of cases, there is a fine line as to whether the criteria might be met.

Members of the Connexional Team and any person speaking on behalf of the Methodist Church should consider if activity undertaken during the regulation period could meet the criteria for 'regulated activity', and take appropriate action as outlined in this guidance. Team members are reminded that as a registered charity we cannot promote any particular political party.

Team members and any person speaking on behalf of the Methodist Church should also familiarise themselves with the Methodist Council policy *Speaking for the Methodist Church*, available in the Communications section of the intranet - <http://intranet.methodist.org.uk/comms>

Criteria for regulated activity

"Regulated activity" is an activity which passes two tests:

- 1) The public test – broadly speaking, is the campaign intended to be seen by the general public? (*Material produced by the Connexional Team and comments by those authorised to speak on behalf of the Church are often aimed at the general public, so this part of the overall criteria is likely to be met.*)
- 2) The purpose test - whether a reasonable person would think that the activity in question is intended to influence voter behaviour. This test is sensitive to context and timing, and may also depend on how information is disseminated, as well as its content.

The following list contains a number of questions that must be considered as to whether specific articles/pieces of work may be regarded as 'regulated activity':

Questions to ask	More likely to be regulated...
Is it already in the workplan?	if not in workplan...
Has it been changed from what was originally on the workplan	if changed from workplan...
Is this something we have a track record of working on?	if don't have track record...
Have we changed/altered/promoted our line in response to political events?	if altered/promoted in response....
Do we identify parties or candidates who support or don't support campaign aims?	if identify parties...
Are the policies we support or oppose so closely and publicly associated with party or candidates?	if publicly associated....
Is the tone of the campaign negative or positive towards a party?	if tone is strong towards party...
Is the tone of the campaign negative or positive towards a policy?	if tone is not "factual, neutral and unbiased" towards policy
Is the issue prominent in public debate at the moment?	if issue is prominent...
Does it represent an area of difference between political parties?	if area of difference...
Are we campaigning in reaction to political parties?	if campaigning in reaction...
Are we campaigning close to the date of the election?	if campaigning close to election...
Are we asking people explicitly or implicitly to vote for a candidate or party at the election?	if implying should vote for party...
Are we comparing policies between parties having made it clear where our support lies?	if comparing policies....
Is campaign aimed at current legislation rather than at proposed policies to be taken into the legislation?	if focus is on election policies...
Is the aim of the campaign to stop a Bill by lobbying MPs?	if encouraging people to vote against party supporting a Bill.

What should I do if I think my work meets the 'regulated activity' criteria?

If you think that anything to be written, produced (including verbal productions) or an event being planned may constitute 'regulated activity' you must (in addition to notifying your line manager):

- 1) Contact either the Conference Officer for Legal and Constitutional Practice or the Connexional Secretary as soon as possible for further direction, and
- 2) Complete the Regulated Activity log (available on the intranet) to record the time/cost spent on such pieces of work.

Even if activity is judged not to be regulated, and if it a borderline decision, the details of the work must be recorded alongside the reasoned arguments why it isn't believed to be regulated (reflecting the public and purpose tests, and the list of questions above).

The period for regulated activity runs from 19 September 2014 to 7 May 2015.

24 March 2015

Lobbying Act - Log for Connexional Team and those authorised to speak on behalf of the Church

When stating if activity is deemed to be regulated or not (Column G), Team members must include a reasoned argument based on the tests and questions in the Guidance document. Even if activity is judged not to be regulated, if it is a borderline decision, all details must be logged.

Date	Staff Member	Topic of work	Time spent (days)	Material cost	Activity Description	Why do you think this might/might not be regulated?	Regulated?
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Staff member	Daily Rate	Subcluster
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