

From: Ros Baston  
Sent: 29 October 2009 10:53  
To: Selen Guneser  
Cc: Nadia Huq  
Subject: FW: Thanks / clarification RE: Candidate expenditure guidance

Follow Up Flag: Follow up  
Flag Status: Red

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

From: chrisrose [mailto:chrisrose]  
Sent: 28 October 2009 20:27  
To: Ros Baston  
Subject: Thanks / clarification RE: Candidate expenditure guidance

Dear Ros,

Thanks very much for your prompt reply last week.

For the avoidance of doubt, can I just raise this point again ....

You said :-

>  
> Where staff carry out work for candidates in specific constituencies, this  
> should be treated as seconded time. Where staff are doing general co-ordination activities across the region (eg VIP visits), this can be treated as 'party' time. In terms of employer contributions, the guidance  
> means exactly that - the contributions for which the employer, rather than  
> the employee, is liable. Therefore, it includes the employer element  
> of  
National Insurance, but not the employee element.

This appears to mean that we only need to declare what the employer is liable for and don't need to declare employees NI and income tax, just their net income and employers NI contributions.

It has been put to me that from an accountancy point of view in the commercial world, all of the costs associated with employing someone are charged against the work they are doing. Both Income Tax and Employee's NI are liabilities personal to the employee who pays them out of their gross wages. The gross wage in its entirety is a business expense that is charged against any project they are working on, or in our case a candidate's expenses. Then in addition the Employer's NI contribution is a further "business expense" which has to be included in candidates expenses.

We therefore have concerns that the Commission's advice wouldn't stack up in the event of a legal challenge. Have we misinterpreted the advice, or can the Commission elaborate on the robustness of its position?

On the subject of

> VOLUNTEER TRAVEL COSTS

The Commission's guidance says

> 4.11 Most transport in the regulated period will be by people's  
> personal cars. This is exempt from election expenses if it is given free of charge.  
> In our view, the exemption includes fuel costs.  
> 4.12 You must include in your election expenses public transport  
> costs,  
and any means of transport that was not acquired mainly for personal use by its owner. This includes hire cars.

to which I said

> \*\* QUESTION: Will the Commission look at this 'ruling' again and  
> change  
it, because it appears to be inconsistent, and then to discriminate against  
parties whose volunteers may prefer to use public transport.

and you said

> In my opinion, the cost of petrol used in the course of travel to and  
from  
> and within constituencies for the purposes of promoting a candidate's  
election prospects should be counted as an election expense.

Can you confirm that the guidance document will be amended accordingly?

Yours sincerely, Chris Rose. National Election Agent, Green Party of England and  
Wales.