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SOUTH EAST REGION

The Chief Constable
Hampshire Police Force
Alpha Park
Electron Way
School Way Industrial Estate
Chandlers Ford
Eastleigh
Hants
SO53 4ZR

7th June, 2011

Dear Mr Marshall

Suspected infringements of the Representation of the People Act 1983

I attach a copy of a leaflet which has been widely distributed throughout the Southampton area by the Conservative Party, bearing the name of the council leader Royston Smith.

Unite is concerned that this leaflet is designed to cause division between the service users of the city and the workforce, who are presently engaged in industrial action to defend their jobs, but moreover, its production and distribution are illegal under election law.

It is our view that this leaflet violates Section 110 of the Representation of the People Act 1983 (<http://www.legislation.gov.uk/ukpga/1983/2/section/110>) and Section 143 of the Political Parties, Elections and Referendums Act 2000 as amended by the Electoral Administration Act 2007 (<http://www.legislation.gov.uk/ukpga/2000/41/section/143>).

In our view, this leaflet fails to meet a basic requirement of election law that all printed materials, including websites and emails, used during the campaign bear an imprint of the organisation producing the material. This means that the public is able to know who is responsible for the content as well as which organisation incurred the expense of production.

It makes no difference that we are not presently in an election period; at all times party-produced literature is required to be clearly marked. The requirements clearly state that they must contain the following information:

Printed by [name and address of printer].

Promoted by [name and address of party officer], on behalf of [name and address of party organisation].

Or

Printed by [name and address of printer].

Promoted by and on behalf of [name and address of political party].

This leaflet does not carry any of the above information and so fails to comply with election law.

Further, under the legislation this leaflet would be regarded as "election material" even outside an election period because the law applies to "**any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election (whether or not it can be so regarded as intended to achieve any other purpose as well).**"

This is generally held to include material that promotes any registered political party even outside a specific election which leads Unite to conclude that the promoter, any other publisher, and even the printer of the material all seem to have committed an offence.

The dispute between our members and their employers must be resolved by peaceful, lawful means. We are extremely concerned that such interventions from third parties, made for party political gain, will only damage prospects of a peaceful resolution.

We ask now that you give full consideration to the infringements we believe have been committed and take all appropriate and urgent steps to sanction those responsible.

With many thanks.

Yours sincerely,

JOHN ROWSE
Unite Regional Secretary