

**CONFRONTING THE RACIST  
ACTIVITIES OF POLITICAL  
PARTIES**

[A GUIDE FOR LOCAL AUTHORITIES]

**Waterhouse Consulting Group  
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## CONFRONTING THE RACIST ACTIVITIES OF POLITICAL PARTIES

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Waterhouse Consulting Group is a multi disciplinary management consultancy that brings together the UK's leading experts to deliver services in equalities & diversity, counter-extremism training, research and executive search.

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# CONFRONTING THE RACIST ACTIVITIES OF POLITICAL PARTIES

**A guide for local authorities and elected members**

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## About the guide

There is a duty on local authorities to promote equality of opportunity and good relations between persons of different racial groups. Political activity, which leads to mistrust between different racial groups, racial hatred and a blatant misrepresentation of what is happening on race equality issues, generally can, and always has the potential to, damage race relations in an area. It can be described as racist political activity.

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It is the damage to race relations and cohesion between communities arising from racist political activity which will be of concern to local authorities. Within the legal framework under which local authorities operate, they can take steps to minimise the actual or potential damage to race relations arising from racist political activity. This guide provides assistance to local authorities on how they can go about doing this.

Political parties and other campaigning groups opposed to political parties/groups engaged in racist activities have a more direct political campaigning role to play. This is clearly outside the remit of local authorities. Controls exist to prevent local authorities from directly engaging in, or being seen to be engaged in, activities that affect support for any political party.

The guide sets out what local authorities can do to address the consequences arising from racist political activity. More detailed information on relevant legislation and good practice is also provided. Some examples drawn from actual cases on how public authorities have taken action to address racist political activity is contained in the guide.

Racist political activity can arise from a variety of different political parties/groups and the guide applies to all of these situations. In recent years, however, some parts of the UK have seen the rise of political parties whose core beliefs and agendas are based on racism. They are commonly known as far right political parties of which the most prominent is the British National Party (BNP). The last section of the guide is devoted to setting out the nature and scale of the problem presented by the BNP and other far right political groups. For local authorities, this section of the guide provides background information. For elected members, it provides information they can use in their wider political roles including party political campaigns against far-right political parties.

Reference is made in this guide to legislation. Great care has been taken to ensure that the legislation and law quoted is accurate and the advice given is sound. The guide should not, however be regarded as an authoritative statement of the law and local authorities, when dealing with this legislation, should seek their own legal advice.

## **Statement of support from the Commission for Racial Equality (CRE)**

The Commission for Racial Equality warmly welcomes the reissue of Race Equality West Midland's publication – *Confronting the Racist Activities of Political Parties*. The publication is a testament to REWM's continuing commitment in this area, and the importance of this work is reflected by the CRE citing it as a good practice case study in its forthcoming information pack for local authorities and community groups, *Defeating Organised Racial Hatred*.

This update is particularly timely given the local elections taking place across the country in May. At such times, it is vitally important that political leaders exercise their positions of influence in a responsible way. They must be mindful of their duty to promote good race relations, and avoid racist or inflammatory language or campaigning that could increase community tensions. We hope that local authorities and others will make good use of this guide, and hold to account those who breach the law, and who bring hatred and division – along racial and religious lines -to our communities.

Trevor Phillips  
Chair, CRE



## **Addressing racist political activity**

### **Key recommendations for local authorities**

- Create a positive climate for race equality and a multi-cultural society to minimise the likelihood of racist political activity gaining public support.
- Address legitimate public concerns about shortcomings in local authority and other public services to ensure that these situations are not exploited by groups with racist agendas.
- Monitor the nature of and, in particular, the actual or potential damage to race relations from racist political activity.
- Promote good news stories on race equality issues to help provide confidence in all communities that relations between different racial groups are good and that race equality is a positive benefit.
- Ensure that false claims and misunderstanding on race equality issues arising from racist political activity are publicly rebutted so that they do not gain public support.
- Ensure that racist political activity does not lead to mistrust and violence between communities on the basis of race and that all communities continue to feel they live in a calm and safe environment.
- Where there is clear evidence that marches/meetings of groups/parties with racist agenda could lead to public disorder and damaged race relations, ensure that any action which is legally permissible is taken to minimise the possibility of this occurring.
- Ensure that voluntary bodies and schools are aware that their governing bodies could be subject to infiltration from groups with racist agendas and that they know what safeguards they can take to minimise any damage that could arise from this.
- Ensure that all employees practise and promote race equality when delivering local authority services.

## **Chapter One What can local authorities do?**

### **Setting the climate for race equality**

#### ***Show leadership***

1.1 Local authorities as pivotal bodies in their communities have a key lead role to play to promote race equality and a multicultural society. Where a local authority does this over a sustained period of time in conjunction with other leading institutions in its locality, it will be much more difficult for racist political activity to take place and gain any credibility with the public.

1.2 The legal frame work for local authorities to do this is provided for by the statutory requirement on local authorities to promote good relations between persons of different racial groups. It is known as the race equality duty and was introduced in the amended Race Relations Act in the year 2000. Most other public bodies that local authorities deal with have a similar duty placed upon them.

1.3 The arrangements (known as the race equality scheme) that a local authority is required to have in place to implement the race equality duty provide for a strategic and systematic approach to identifying race equality needs and issues, for appropriate action to be taken to address such issues, and for this to be done in a transparent and open way, involving both the public and own employees.

#### ***Deal with legitimate concerns about services***

1.4 Racist political activity is frequently aimed at persuading white communities that the shortcoming in their public services are due to resources going unfairly to minority ethnic communities. Where local authorities identify that racist political activity is seeking to do this, they need to be particularly alert to legitimate public anxieties about public services. Local authorities need to ensure they are addressed and, if remedial action cannot be taken in the short term, to explain to the communities concerned the reasons for this.

#### ***Councillors must comply with their duty to promote race equality***

1.5 There is an expectation on local authority councillors that they will uphold the principle of good race relations and the duty on local authorities to promote race equality. It forms part of the statutory standards of conduct that they are required to comply with. The position was set out in a decision of the Adjudication Panel of the Standards Board for England in January 2004.<sup>1</sup> In the case of Thompson and Restormel Borough Council, the Adjudication Panel ruled that a councillor who openly and publicly admitted that he held racist views, and was prejudiced and did

<sup>1</sup> A statutory body that looks into and adjudicates on potential breaches of the code of conduct councillors are required to comply with.

not subscribe to the principles behind the race equality duty that his Authority was required to introduce, was 'bringing his office and the Council into disrepute'. The Panel added 'by his conduct he undermined confidence in:

- the council's stated aim of tackling all forms of racial discrimination and promoting equality of opportunity and good race relations.
- his commitment as a member to tackling all forms of racial discrimination and promoting equality of opportunity and good race relations.'

The councillor concerned was disqualified from office for three years.

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1.6 In September 2005 the Epping Forest District Council's Standards Adjudication Sub-Committee banned a BNP councillor from office for three months following his refusal to attend training to make him aware of the standards of conduct on race equality that were required. The case arose following a letter that the BNP councillor had written to the chair of the Commission for Racial Equality saying 'one solution for racial harmony is for ethnic minorities to stay in their self-created sweat shops and allow the rest of us to enjoy the English countryside'. In a further letter to the Deputy Prime Minister on the Government's house building plans the BNP Cllr wrote 'Build (these houses) in your own constituency. If they are not for native Britons we do not want them in the South East'. The Adjudication Panel ruled that such actions by the BNP councillor brought his office and that of the council into disrepute.

### **Specific action that can be taken**

#### ***Monitoring racist political activity***

1.7 The nature and seriousness of racist political activity or campaigning that is taking place in a local authority's area should be identified. The information needs to be properly quantified (see chart in Section 4 for more detailed guidance). Besides providing an informed base for determining future action, it will also ensure that the local authority is complying with its race equality duty and other legislative frameworks. In turn, it reduces the risk of any legal action being taken against the local authority over its actions.

1.8 Local authorities should do this work in conjunction with other key public bodies (they, also, have to comply with the race equality duty) in their area. Voluntary sector and faith groups should also be involved in the monitoring, as their respective roles and closeness to the communities they serve means that they can have crucial information about racist political activity and its impact.

1.9 The kind of information required is:

- The form of racist political activity (leafletting, meetings, door to door canvassing of people, marches, etc.) and the issues that are being campaigned on.
- ⑩ The geographical area and racial make-up of the population which is being targeted by racist political activity.

⑩ Actual and/or potential instances of public disorder, the occurrence of race hate crime and what kinds of rumour and misinformation on race equality matters are circulating.

⑩ The damage and/or potential damage to good race relations in the areas affected.

1.10 In considering the impact of racist political activity on an area, it is necessary to guard against taking the view that, because there has been no history of such activity, and race relations in the area have generally be viewed as being good, the risk can be dismissed. Experience shows that racist political campaigns that are well organised, with persuasive publicity, can create a climate in communities where racist attitudes and/or behaviour becomes more acceptable. It will also lead to more support being given to the political party behind the racist political campaigning.

### ***Promoting Good News Stories on Race Equality***

1.11 Local authorities are entitled to run publicity campaigns to influence public behaviour on issues that form part of their functions. The code of conduct on local government publicity says that local authorities can run publicity campaigns to influence public behaviour and attitudes in a number of areas. It includes equal opportunities of which race equality forms part. Familiar themes in racist political campaigning are those of unfounded attacks on particular racial groups and of multicultural societies not working. They create a climate where myths and rumours on race equality issues can more easily circulate and influence public attitudes. To counter this kind of propaganda, local authorities should, over a sustained period, initiate positive stories about minority ethnic communities, or stories on how well race relations is working.

1.12 Local authorities will be well aware of the range of ways that this can be done. Whilst including the local media, it will extend to other forms of publicity. A local authority, for example, can:

- Publish accurate information about minority ethnic communities in the area including the true number of asylum seekers.
- Publicly explain what public resources are going to what communities and, if there are differences, the reasons for this.
- Publicly explain what it is doing to meet its race equality duty.
- Publicise initiatives that have brought all sections of the community together and benefited them equally.
- Publicise achievements by groups/individuals in minority ethnic communities.

1.13 In using publicity to address racist political activities, local authorities have to comply with restrictions placed upon them by local government legislation<sup>2</sup>. The main consideration is that local authorities must not publish any material which in

<sup>2</sup> Local Government Act 1986 Section 2 as amended by Local Government Act 1988 Section 27.

whole, or in part, appears to be designed to affect support for a political party.<sup>3</sup> It includes political parties that can be expected in their campaigning to engage in racist political activities.

1.14 Local authorities, in using publicity to promote race equality, need to ensure that it is accurate, as objective as possible, factual, explanatory, and free from any unreasonable bias (particularly against a political party). To meet these requirements local authorities must also ensure that the style and content of the publicity is appropriate and take into account the timing and circumstances of the publicity, as well the likely effect of the publicity on those to whom it is directed. Local authorities can say that the publicity is part of their entitlement to:

- Increase public awareness of the services provided by the authority and the functions it performs so that electors are better informed about the reasons for the authority's particular policies and priorities and can have a better say about the issues that affect them. ( To do this, a local authority must have clear policies on race equality as set out in the race equality duty.)
- Use of the power of 'well-being' to improve and promote the economic, social and environmental well-being of their area, as set out in the Local Government Act 2000. This power allows local authorities to be innovative and think more positively about publicity. Racist political propaganda that damages relations, or even creates hatred, between persons of different racial groups can be said to be contrary to the promotion of well-being in communities and has to be addressed. (To do this, a local authority will have to have quantifiable information about the damage being done and thus be in a position to make an informed publicity response.) This power of well-being does not override other legal constraints on local authority publicity.

### ***Having a rebuttal news strategy in place***

1.15 Racist political activities and associated campaign literature can be expected to make false claims about issues concerning particular racial groups, as well as to accuse them of receiving preferential treatment in the services provided by local authorities and other public bodies. Where such false claims are constantly repeated, they can gain public credibility and be damaging to race relations, if they are not effectively refuted. Exactly what action a local authority will take to deal with these kinds of circumstances will depend on the particular situation it is faced with. It is recommended that local authorities should:

- Publish the rebuttal information themselves where the false claims relate to their services.
- Where the false claims are directed at, for example, the police or health trusts, encourage them to respond as they are often best placed to do so.

More detailed information on how myths perpetrated by racist political activity can be addressed is given in the next chapter.

1.16 Even during an election period, local authorities are entitled to publish information rebutting false claims on race equality matters where it is damaging relations between different racial groups. Local authorities need however, to be particularly careful to ensure that any publicity is factual and not party-political. In practice, it is about the local authority giving informed factual information to the electorate on what is happening on race related issues in their area, so that they are in a better position to make judgements on what is happening.

### ***Ensuring public safety***

1.17 Racist political activity always has the potential to cause public anxieties and concerns both within, and between, communities along ethnic lines. Where this develops, racial attacks, as well as more general violence and public disturbances, can occur. Local authorities should in these circumstances, in conjunction with the police and voluntary/community bodies/leaders, use their networks and other powers to appeal for calm and provide reassurances to all communities worried about what could happen to them.

### ***Dealing with marches of racist groups***

1.18 Where a local authority becomes aware of a proposed march(s) by groups in pursuance of racist political campaigns and it has sound evidence for believing there could be public unrest and/or damage to race relations, it is entitled to ask the police for restrictions to be placed upon them. The police have powers to impose restrictions on marches where they may result in serious public disorder, or the purpose of the persons organising them is to intimidate others. Marches can also be banned by the Home Secretary for up to three months in an area where this is requested by both the local authority and the police. This is all provided for under public order legislation. Local authorities, in asking for restrictions and bans to be placed on marches by groups engaged in racist activities, are not in breach of the Human Rights Act, providing their actions are soundly based and carried out in a proportionate and reasonable way.

### ***Dealing with meetings in public places***

1.19 Many local authorities let suitable rooms and buildings they own to political parties and groups for meetings. Where a request to hire a room is received from parties/groups involved in racist political activities, the local authority is entitled to refuse to hire premises to them under its race equality duty where it has sound evidence that to do so will damage race relations. It cannot, however, refuse to hire a room to them simply because it disagrees with their views. During the period of an election, at local or national level, the position changes. There is a statutory

requirement on local authorities to let suitable buildings, including schools, to all candidates standing in elections. This requirement overrides the local authority's race equality duty. The only situation where a local authority may refuse to hire premises to an election candidate engaged in racist activity will be if there is advice and evidence from the police and others of a real risk of public disorder. However, even in these circumstances, the local authority might have to offer alternative premises where there is less risk of disorder.

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1.20 Candidates in elections wishing to use public premises for meetings have to comply with certain conditions. One of them is that the meeting must be open to the public and not restricted to party members and their sympathisers. Experience shows that, for example, far-right political parties/groups rarely hold genuine public meetings. Therefore, if a local authority is approached by a far-right party candidate for a meeting place during an election, it needs to check if it will be a genuine public meeting. If not, the request can be refused.

### ***Reporting incitement to racial hatred***

1.21 Where a local authority has information that groups involved in racist political campaigning are publishing material or engaging in any other forms of activity that could constitute an offence of incitement to racial hatred, it should report the information to the police for inquiries to be made. A local authority should monitor what happens to such cases it passes to the police for investigation and, if a prosecution cannot take place, ascertain the reasons for this.

### ***Encouraging schools to resist racist political activity***

1.22 Schools are covered by the race equality duty in a similar way to local authorities and are required to have policies and practices in place to promote race equality. This provides the basis for schools to take action to prevent racist political activity from taking place both within the school and its immediate environment. Local Education Authorities (LEAs) should be ensuring that schools know what action they can take when confronted with racist political activity.

### ***School governors***

1.23 Local authorities will have concerns where persons with known racist views seek to become school governors, or are appointed as school governors. It could have an adverse impact on a school's ability to promote and practise race equality. There have been instances, for example, where groups involved in racist political campaigns have sought to have their members/supporters placed as governors in LEA. community or maintained schools.

1.24 LEAs/schools are entitled to reject persons with known racist views seeking to be appointed as LEA or community (co-opted) governors, as well as to remove appointees who exercise such views who are already governors. It forms part of their race equality duty. Where persons with known racist views have been elected by the parents of children at a school to be governors (parent governors) they cannot be

removed because of their promotion of a racist agenda. They should however, be expected to adhere to the school's race equality duty and can be suspended for a period if they are in breach of that duty (see next chapter for more information).

### ***Addressing racist activity in funded voluntary bodies***

1.25 Local authorities provide grants to a range of voluntary sector and community groups in the geographical areas they are responsible for. Experience shows that groups involved in racist political campaigns will seek to place their activists/sympathisers in local voluntary and community groups. This is to show that they are engaged in mainstream activities that look after community interests and thus enhance their credibility within the local community. To deal with these situations, local authorities need to:

- Offer advice and support to voluntary organisation seeking to deal with infiltration by persons with racist agendas<sup>4</sup>.
- Have a clear policy that, should voluntary organisations they fund pursue policies and /or actions contrary to the local authority's race equality duty, funding can be withdrawn.

### ***Ensuring employees practise and promote race equality***

1.26 Local authorities should:

- Expect their employees to adhere to their policies on race equality in carrying out their duties and take disciplinary action if an employee is in breach of these policies. (They are required to have such arrangements in place under the race equality duty.)
- Ensure that relevant officers have the knowledge and skills properly to monitor racist political activity and to know what action can or cannot be taken when such activities take place.

### ***Employees who are members of racist political parties/groups***

1.27 Instances have arisen where employees of local authorities, or employees of organisations contracted to run their services, are known members of racist political groupings and thus supportive of a racist agenda. No definitive case law exists on what an employer can do in these situations, although employment case law and good practice does provide some guidelines. They can be summarised as follows:

- Any action which is taken should be in accordance with the employer's disciplinary procedures.
- A lot will depend on the nature of the job being carried out by the employee concerned. If, for example, it is a job that involves public

<sup>4</sup> See REWM guidance to voluntary and community groups on addressing racist political activity for more detailed information in this area (RED 11 January 2005).

confidence and trust, a great deal of public contact, and where the safety and well being of other employees and/or clients could be compromised, there may be grounds for terminating employment, or transferring the employee to a less sensitive position.

- The employee's level of involvement and activity in the racist political party/group. For example, a well-known and active member of such a group/party is likely to be less suitable for continued employment in certain jobs than an employee who is simply a passive member. (See next chapter for more information.)

## **Chapter Two More detailed notes on action and legislation**

### **The Race Equality Duty**

2.1 The Race Relations Act 1976 ( as amended) places a general duty on local authorities to promote race equality. It says that local authorities, in carrying out their functions, shall have due regard to the need to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity and good relations between persons of different racial groups.

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2.2 It is commonly known as the 'Race Equality Duty'. Local authorities have to have certain specified arrangements in place (known as the race equality scheme) to comply with this duty<sup>5</sup>. The race equality duty applies to that very wide area of a local authority's functions or work, where it has discretion over how it achieves its objectives. It covers all aspects of a local authority's functions apart from those functions where what a local authority is required to do is specifically set out in other legislation.

2.3 All parts of the race equality duty are complimentary. This means that, for a local authority to comply with the duty, it must implement all three parts, namely, the promotion of good race relations, as well as the elimination of racial discrimination and the promotion of equality of opportunity.

### ***Commentary***

2.4 Racist political activity is contrary to the promotion of good race relations which is founded on such concepts as:

- Equality of rights/opportunities between persons of different racial groups.
- Respect for the cultural diversity of different racial groups.
- An environment that is free from the threat of racism.
- Shared values and responsibilities by all communities.
- Co-operation between communities to achieve common aims and resolve conflict.

2.5 The race equality duty and the arrangements that are tied to it provide a basis for a local authority to act against racist political activity where it is damaging race relations or has the potential to do so. Exactly how a local authority responds will depend upon the particular circumstances with which it is faced. Any action that the local authority does take will be as a corporate body and quite separate from any action that political parties may wish to take. What a local authority cannot do is to ignore the race equality duty where racist political activity is taking place and

<sup>5</sup> See Commission for Racial Equality Statutory Code of Practice on the Duty to Promote Race Equality.

damaging race relations, by saying it is solely a matter for councillors to deal with in their party political capacities. To do so could open a local authority to a legal challenge.

2.6 Any person or group of persons with an interest in race equality can bring a judicial review claim where they believe a local authority is not meeting its general duty to promote race equality. The Commission for Racial Equality can also bring such a claim, as well as use the legal powers available to it, to ensure that local authorities have the required policies and practices in place to help them meet the race equality duty.

2.7 Local authorities are involved in a range of joint working groups and partnerships with other public bodies, the voluntary and community sector, and the private company sector. Local authorities in these arrangements are still required to meet the race equality duty, although the requirement does not apply to the private and voluntary sectors. Where local authorities are involved in such partnerships, their representatives (officers and/or councillors) have to comply with the duty and also seek to ensure that the partnership does too. Representatives of other public bodies who are covered by the race equality duty and involved in the partnership have the same responsibilities. The local authority representatives should be aware of these responsibilities. Thus, for example, where a partnership's remit covers areas which are subject to racist political activity, the local authority's representatives have a duty to ensure that relevant action is taken to promote good race relations.

2.8 Local authorities are involved in contracting out some of their functions to the private and voluntary sectors. In these situations, the local authority remains responsible for meeting its requirements under the race equality duty. Where, for example, a local authority has contracted out some of its services to a voluntary organisation and racist political activity could have an impact on the delivery of these services, the local authority will need to have arrangements in place to ensure that its obligations under the race equality duty are adhered to.

### **Quantifying the damage to good race relations**

2.9 The chart sets out how information can be collected and quantified when monitoring racist political activity.

<b>Information required</b>	<b>Possible sources</b>
Levels of race hate crime (up-to-date figures by local area).	Police. Community advice groups. Media.
Ethnic origins of households by local area.	Census Electoral 2001. registers.

Number of asylum seekers in area, where housed, and how funded.	Research opinion surveys. National Asylum Support Service (NASS). Local knowledge (councillors, community groups, police, etc.). Social housing tenant data. Asylum/refugee support groups.
Schools: Ethnic composition of school catchment areas for pupils. Levels of racist incidents.	LEA data. School monitoring data.
Social/economic status of disadvantaged communities (white and BME) and how these communities respond to bodies (local authorities, police, community groups) working with them.	Local authorities. Police. Community groups/leaders. Census/local survey data. Local councillors. Regeneration projects.
Level of far-right political activity, its format, and potential impact on race relations.	Mainstream political parties. Far-right political material. Media coverage of far-right activity. Community groups. Local resident leaders/ opinion formers.
General state of race relations.	Local authority citizen panel surveys. Research/opinion surveys. Levels of interaction between different ethnic groups. Local police tension indicators. Knowledge of local political leaders. Knowledge of community groups. Local media reporting on race.

2.10 The list of information required and the sources quoted are not exhaustive. It is a guide to what can be collected but it will vary depending on local circumstances. Its advantages are:

- “Real” as opposed to “supposed” problems about race relations in an area are more likely to be properly identified and addressed.
- Action to address race equality issues can be more easily presented and justified to the public as a whole.
- It is using a local authority’s race equality duty to address issues arising from racist political activity appropriately.

## **The Human Rights Act 1998**

2.11 Local Authorities have to comply with the Human Rights Act in all their activities apart from certain specified exceptions. The rights which are particularly relevant to political campaigning activity and the protection of persons from activities which are racist are:

- *Article 8, Respect for family and private life.* It includes an individual's right to physical integrity and the right to respect for the home.
- *Article 9, The right to freedom of thought, conscience and religion.* It covers sets of beliefs such as atheism and pacifism, as well as how persons express their religious beliefs through worship and dress, etc.
- *Article 10, The right to freedom of expression.* It is viewed as an essential foundation for a democratic society and extends to the expression of ideas that are favourably received as well as those that offend, or shock, or disturb.
- *Article 11, The right to freedom of association and assembly.* It protects peaceful gatherings and meetings in public and private. Gatherings that are likely to lead to violence or public disorder are not protected.

2.12 In the case of all of these rights, public authorities (which include local authorities) are entitled to impose limits on them where it is necessary for reasons of national security and public safety, for protection from public disorder and crime, and for the protection of the rights and freedoms of others. Also, the way in which these rights are exercised must be done in a way which is free from discrimination (which includes race, colour, place of birth, and national origin) (Article 14).

### ***Commentary***

2.13 Questions about how the Human Rights Act applies to racist political activity usually arise when a far-right political party or group actively campaigns in an area. The far-right groups will claim they are entitled in a democracy to engage in campaigning activities and any attempt to curb their activities is an infringement of their human rights. Others, however, particularly the racial groups being publicly singled out for criticism in far-right campaigns, will want to know what protection against such racist activity is afforded to them under human rights legislation.

2.14 The rights to freedom of expressions and assembly, for example, are not absolute. Persons, in exercising their rights to freedom of expression and assembly, cannot discriminate, create public disorder and crime, or interfere with the rights and freedoms of others. Where a local authority believes this is happening, or is likely to happen, it is entitled to, and should, intervene. In doing so, it will also be acting in accordance with its duty to promote race equality and good relations between persons of different racial groups.



The fact that it is possible that acts of racial hatred may take place does not amount to an offence. The hatred has to be directed against racial groups which are defined in the same way as in the Race Relations Act. It means the hatred has to be against a group of persons<sup>6</sup> defined by reference to colour, race, ethnic, nationality or national origins.

2.19 Responsibility for investigating cases of potential incitement to racial hatred rests with the police. Decisions on whether there should be a criminal prosecution rest with the Attorney General based on recommendations from the Crown Prosecution Service.

### *Commentary*

2.20 Where a local authority has information that an offence of racial hatred has taken place, it should refer it to the police for inquiries to be made. In doing this, the local authority will be acting in accordance with its race equality duty. Also, the police, as part of the race equality duty that is placed upon them, have to treat such cases seriously. A local authority should always monitor what happens to cases of incitement to racial hatred that it passes to the police.

### *Discriminatory advertisements*

2.21 Under the Race Relations Act (Sec 29) it is unlawful to publish, or cause to be published, an advertisement which indicates, or might be reasonably understood as indicating, an intention to discriminate. An advertisement includes any form of notice displayed or circulated in any way. For an offence to be committed, the publicity from a political party in a local council election will have to show a clear intention to discriminate. An example might be that a party would refuse all planning applications for mosques, or the party would not employ persons from a particular racial group. Publicity simply urging people to vote for a particular political party generally associated with racist views is unlikely to be a discriminatory advertisement.

2.22 Legal action concerning unlawful advertisements can only be taken by the Commission for Racial Equality (CRE). Any local authority that believes publicity material is potentially in breach of the Race Relations Act should pass it to the CRE.

## **Marches and public meetings by groups involved in racist political activity**

### *Marches and processions*

2.23 Under public order legislation the police can impose conditions on a public procession/march if they believe it may result in serious public disorder, or the purpose of the organisers is to intimidate others. The types of conditions which the police can impose include changes to routes, timing of marches and exclusion from

<sup>6</sup> Legislation to outlaw hatred on the grounds of religion is expected to be passed by Parliament in 2006.

certain areas. Also, local authorities, in conjunction with the police, can ask the Home Secretary for an order prohibiting 'for such periods but not exceeding three months the holding of all public processions in a defined part of a local authority's area'.

2.24 Where a local authority believes that marches/processions by groups involved in racist political activity will be damaging to good race relations in their area, they should seek to curb such activity. It forms part of their race equality duty. In conjunction with the police, they should be seeking to have restrictions placed on marches or for them to be banned entirely. To succeed, a local authority will need to have quantifiable evidence of the damage or potential damage that such activity is doing or will do, to good race relations. The kind of information required is set out in the chart in section 2.9.

### ***Public meetings***

2.25 Political parties/groups involved in racist political activity can seek to hold meetings in buildings owned by a local authority. It will form part of their campaign to gain public support for their views. Local authorities will become concerned when the activities of such parties/groups and their proposals to hold meetings are damaging or have the potential to damage race relations in their area.

2.26 Outside of an election period, whether a local authority hires any of its properties to a political party/group for functions is a matter for it to determine. Some local authorities do hire their buildings to political parties/groups and others do not.

2.27 Where a local authority does permit the hiring of its properties to political parties/groups outside of election periods, and it receives a request from a political party/group engaging in racist political activity for the hire of a room(s) in one of its buildings, the authority is not automatically obliged to agree to such a hiring. Under its race equality duty, it will need to consider any damage that might be done to good race relations and balance this against what its policy says on the letting of rooms and the entitlement of persons in political groups to meet and associate under human rights legislation. If a local authority has good grounds for believing that race relations will be damaged, it could refuse the letting. It cannot, however, refuse to hire a building to a political group engaging in racist political activity simply because it disagrees with their views.

2.28 In an election period for national and local elections, the position of a local authority on the hiring of its properties for political meetings changes. Under the Representation of the People Act 1983, all candidates (they can be standing as an individual, or as a representative of a political party) have the right to use schools or publicly-funded premises to hold meetings in support of their election campaign. A local authority's race equality duty does not override this entitlement.

2.29 Local authorities are required to have a list of properties suitable for election meetings and the list must be open to inspection. They do have some discretion in determining what properties are listed as being suitable for political party meetings during elections. In determining that a particular facility is not suitable for such

meetings, a local authority could take into account race relations considerations. However, this would have to be done at the time that the list was being drawn up or revised (not during an election period), and would have to apply to all political parties or candidates. .

2.30 There are certain conditions that must be complied with by an election candidate wishing to hire public premises in an election period, namely:

- The meeting must be open to the public and not be restricted to a political party's members and/or sympathisers.
- The room that is hired must be used at reasonable times and not disrupt the activities it is normally used for. This is particularly important in the case of schools.
- 
- Candidates must pay for the running costs associated with the hiring of a room and for any damage that may be caused (they could be asked to provide insurance cover).
  - Candidates must give reasonable notice that they wish to use a room.

#### ***Commentary***

2.31 If a political party/group involved in racist political activity in an election period asks to hire a room from a local authority then, providing it meets the necessary conditions, the room has to be let to it. The only situation where a local authority can have grounds for not doing so will be if, in consultation with the police, it is advised that there is a real risk of public disorder. Amongst the range of public order offences is incitement to racial hatred. In taking such action, a local authority could also seek to rely on human rights legislation. However, in doing so, a reasoned and proportionate response might be to offer alternative and more suitable premises for a meeting, rather than to offer no premises at all.

2.32 Local authorities should be aware that experience shows that far right political parties/ groups rarely hold meetings that are genuinely open to the public even in election periods. Instead, they hold meetings to which only their members and sympathisers are invited. They are also likely to be the only people who will know precisely where a meeting is taking place. The meetings will not be publicly advertised and any member of the public will not automatically be admitted. If far-right political parties /candidates under the Representation of the Peoples Act 1983 are organising meetings in this way in public buildings during election periods, then the conditions of hire are not being complied with. If a local authority is approached by a far-right political candidate/ party for the hire of one of its buildings for an election meeting during an election period, it is obliged to check whether the statutory conditions of hire will be complied with.

### ***Meetings in public houses***

2.33 Far-right political parties/groups frequently meet in public houses or in other establishments where alcohol is consumed. All of these places are required to have licences to sell alcohol and, if they provide entertainment, a licence for this as well. Local authorities are responsible for the granting of entertainment and the selling of alcohol licences.

2.34 Under the Licensing Act 2003, local authorities, in determining the granting of licences to sell alcohol, must have a licensing policy in place. It must include such matters as the prevention of crime and disorder, public safety, and the prevention of public nuisance. Exactly how these objectives can be set against a local authority's race equality duty and the requirements of human rights legislation will probably have to wait for test cases to be brought before the courts.

2.35 It is possible to say that how a local authority frames its licensing policy on the selling of alcohol and entertainment is, subject to the parameters set by the relevant legislation, within its discretion and, therefore, its race equality duty applies. Thus, for example, a local authority could reject or revoke alcoholic and entertainment licences to public houses that host meetings promoting racist political activity in areas where this will be unnecessarily provocative and damaging to good race relations.

### **School governors**

2.36 The appointment and removal of school governors is dependent upon the status of the school and the applicable statutory regulations and guidance. They will govern how local authorities can deal with persons who are, or are seeking to become, school governors with racist views.

2.37 The majority of schools are Local Education Authority (LEA) community or maintained schools. It is these schools which are most vulnerable to attempts by parties/groups engaged in racist political activity to put their supporters on to governing bodies. These schools have three types of governor:

- Parent governors elected by parents of school pupils.
- LEA governors appointed by a local authority.
- Community or co-opted governors appointed by the school governing body.

2.38 In seeking to become a school governor, persons are not required to disclose their political affiliations. This means, for example, that a person standing for election as a parent governor in a school does not have to disclose that he/she supports and/or is actively involved in promoting a political party with a racist agenda. Involvement in, or support for such a political party does not automatically bar someone from being a school governor.

2.39 Schools are covered by the race equality duty and are required to have certain race equality policies and procedures in place to help them meet that duty. A school's race equality policy forms part of its ethos. School governors who act in a way

contrary to a school's ethos and policies on race equality bring, or are likely to bring, the school into disrepute.

### **Action that can be taken to curb racist political influence on governing bodies**

#### ***Local Authority (Local Education Authority) school governor appointments***



2.40 Historically, local authorities have made school governor appointments on the basis of the party political composition of the authority's members. Whilst it may be argued that nominations for school governorships should be done on this basis, local authorities are not required to do so. This is because government guidelines recommend that local authorities appoint high calibre candidates to school governing bodies irrespective of political affiliations. Local authorities can implement this recommendation by setting up an independent panel to assess the suitability of persons wishing to become LEA appointed governors. Part of the criteria for persons wishing to become school governors is that they should comply with the local authority's duty to promote race equality. Persons who cannot comply with this should be rejected.

2.41 Where LEA appointed school governors act in a way contrary to a school's race equality duty, the governing body may suspend them (this can be for up to 6 months), or ask the LEA to remove them. Where such a request is received, the LEA should accept it providing they are satisfied that:

- The required procedures have been complied with:
- Suitable evidence exists to show that the governor concerned has acted contrary to the school's race equality duty.

#### ***Co-opted (community) governor appointments***

2.42 Where a school governor has been co-opted on to a school governing body by other governors, the governing body may remove those governors or suspend them for up to six months, where they act in a way that is contrary to the school's race equality duty.

#### ***Parent governor appointments***

2.43 Where school governors have been appointed as parent governors following an election process (irrespective of whether an election actually took place as there was only one candidate), the action that a school governing body can take against such governors who act in a way contrary to the school's race equality duty is more limited. It cannot remove a parent governor in these circumstances. All it can do is to suspend them for a period of up to six months.

2.44 In order to minimise the possibility of persons with racist political views being appointed to school governing bodies, or subsequently acting on such views if they are able to gain appointment, LEAs should:

- Have policies in place to ensure that persons making school governor appointments are aware of the requirements on both LEAs and schools to act in accordance with the race equality duty that is placed upon them.
- Ensure that school governing bodies are aware of the action they can take (including how they should proceed), where school governors act in a way contrary to the school's race equality duty.

### **Employees and membership of groups involved in racist political activity**

2.45 Local authorities can find themselves dealing with situations where employees or prospective employees are known members of parties/groups involved in racist political activities. Alternatively, public, private or voluntary organisations that a local authority has contracted out their services to, can be faced with this situation. The concern of local authorities and other relevant employers in these situations is that it may call into question the employees' ability to function in a nondiscriminatory way and without regard to the racial origins of other employees and members of the public that they may have to deal with.

2.46 In English law, there is no general prohibition preventing employees from joining and being active in political parties. Local authorities will be aware that there are statutory regulations which restrict political activity by senior officers and/or those involved closely in giving advice and guidance to council members. In the case of *Ahmed v UK* 1998, the European Court of Human Rights accepted that such regulations interfered with a person's human rights to freedom of expressions and association. However, it ruled that such an interference in a person's human rights was justified in order to strengthen the role of a permanent corps of politically-neutral advisers, managers and arbitrators, above factional politics, and loyal to a local authority as a whole. Thus, there is in existence an authoritative basis for constraints on the political activities of certain employees in local authorities. This will include employees in such positions who are members of political parties engaged in racist political activities.

2.47 Local authorities are entitled to expect all of their employees to adhere to their policies and practices on race equality, which are now underpinned by the statutory race equality duty that is placed upon them. This means their policies will not be limited to taking action to prevent unlawful discrimination but also action to promote equality of opportunity and good relations between persons of different racial groups. Employees should be expected to adhere to policies in all of these three areas. Local authorities can include adherence to their race equality policy in an employee's contract.

2.48 Employees should be made aware that disciplinary action can be taken against them should they breach the local authority's race equality policy and that, in serious cases, it could result in dismissal. The setting out of what is expected from employees

on race equality and the action that can be taken against them if the required standards are not met should help to deter employees who are members of parties/groups with racist agendas from engaging in racist activity when they are at work.

2.49 In 2003, the meaning of unlawful discrimination in the form of racial harassment in the workplace was made clearer.<sup>7</sup> It will occur where persons because of their racial origins, are subjected to forms of conduct by someone else that violates their dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. In the case of racist political activity in the workplace, this could, for example, result in an aggrieved employee bringing a successful case under the Race Relations Act for racial harassment against an employer who allowed another employee to wear insignia or distribute leaflets or notices associated with a party promoting a known racist agenda.

2.50 At the time of writing this guide, no cases providing a definitive legal position have been concluded in the courts that deal with employees who have had disciplinary action taken against them by their employer because of their involvement in a party/group with a racist agenda.<sup>8</sup> Employment law and good practice do, however, provide guidelines on how employers could effectively deal with these kinds of situations in a way that prevents or limits the possibility of a successful legal challenge. Guidelines are as follows:

- Employers need to ensure that their policies and practices on race equality are known to their employees.
- Prospective employees should be aware of the local employer's stance on race equality and what is expected of them should they be appointed.
- Any disciplinary action taken against employees on account of racist political activity should be in accordance with the employer's disciplinary procedures.
- Whether an employer can take action against an employee who belongs to a political party/group engaged in racist political activity is likely to depend on the nature of the job. It will be more difficult to do so where the job has little direct contact with the public or the employee works alone. It will be easier to justify where:

-the job involves public trust and confidence. -the job has considerable direct contact with the public. -the health and safety of clients or other employees could be jeopardised.

<sup>7</sup> 2003 statutory regulations implementing the European Directive on equal treatment.

<sup>8</sup> Redfearn v Serco Ltd (West Yorkshire Transport) Mr Redfearn was sacked by the respondent's from his job as the driver of a bus for children and adults with special needs shortly after being elected as a BNP councillor in Bradford in June 2004. Many of the passengers and employees were Asian. Mr Redfearn was dismissed because the health and safety of passengers and other employees would be jeopardised by his political activities and the employer would not be able to fulfil its duty of care. Mr Redfearn brought a claim that he had been racially discriminated against because of his BNP membership. The original tribunal dismissed his claim. He appealed and the Employment Appeal Tribunal ruled that, within the meaning of racial discrimination, Mr Redfearn could have been dismissed on racial grounds. The EAT remitted the case to a new tribunal for consideration. The respondents have now appealed to the Court of Appeal for the decision to be overturned.

-the job involves contact with, and providing services to, racial groups subject to critical attacks from the party/group that the employee belongs to.

□ It is possible that the action an employer can take will vary depending on whether the employee concerned is active and publicly known to be active within parties/groups engaged in racist political activities, rather than just being a passive member. If the employee is a passive member, it is unlikely that any action can be taken.<sup>9</sup> Guidance has been provided in the European case of *Van Der Heljden v Netherlands* (1985) ( App no 11002/84), where it was ruled that an employee's dismissal from an organisation promoting the 'integration of immigrants' because of his active involvement in a political party hostile to the presence of foreign workers in the Netherlands, was justified. It was accepted that the dismissal was an interference with the employee's human rights of freedom of expression and association. However, it was justified because of the adverse effects which the employee's political activities could have on his employer's reputation amongst the persons it served.

### **Attacks on the racist agenda of far-right political parties by political opponents.**

2.51 It is recognised that local authorities do not involve themselves in arguments of a political nature between political parties. Nevertheless, given the duties placed on local authorities to promote race equality, they should be aware of what can be legitimate criticism of the racist agenda of parties like the BNP by their political opponents.

2.52 There has been a ruling under the arrangements for determining complaints about councillors' standards of conduct that when a councillor from a mainstream political party referred to the BNP as 'we don't want Nazis in our town' he was entitled to do so as he 'expressed his views on a rival political party within the normal and acceptable limits of public debate'.

2.53 In a council by election in the London Borough of Lewisham in November 2002, the winning mainstream political party, in an election leaflet under the heading 'Don't be fooled by the BNP', highlighted the violent and racist criminal convictions of certain leading members of the BNP, and asked voters if they really wanted to vote for someone representing such a party. It is a form of attack which is often used by opponents of the BNP. The BNP candidate subsequently brought a libel action against the mainstream party candidate and his agent for libel over the article. In November 2005, the case was heard before a jury in the High Court. The jury found that, whilst the article was a defamatory comment on the BNP candidate, it was an

<sup>9</sup> For trade unions dealing with members who are also members of parties /groups engaged in racist political activities, there is a distinction between the actions they can take depending on the member's level of involvement in such activities. They can discipline or expel a member who actively engages in racist political activity contrary to a trade union's policies and rules on race equality. They cannot, however, remove a member who simply belongs to a party/group engaged in racist political activities.

honest comment on a matter of public interest. In losing the case, costs were awarded against the BNP candidate.<sup>10</sup>

### **Addressing the most common myths arising from racist political activity**

#### ***Instant rebuttal of false claims on levels of crime in ethnic minority communities***

2.54 The BNP delivered a leaflet claiming that the levels of crime in an area inhabited by minority ethnic communities were rising and being ignored by the police. The local police division quickly issued information to the media showing that levels of crime in the area were in fact falling, and with a supporting statement from the local police commander. It received prominent coverage in the widely-read local newspaper.

#### ***Accurate information to the public on levels of racial violence***

2.55 Partnership bodies concerned with racial violence (they will include the police and local authorities) should be putting into the public domain accurate information about local levels of racial violence, where it is occurring, the ethnic origins of the perpetrators and victims, and whether there has been sufficient evidence for the reported crimes to be investigated and criminal prosecutions brought. Outcomes of convictions for racist violence should be publicised. To enhance acceptance of the information by the public, the information should be proactively released and not always be seen to be responding to false claims arising from racist political activity.

#### ***Make public the opposition of minority ethnic communities to racial violence on white people.***

2.56 Where significant acts of racial violence on white people take place, public bodies should ensure that the opposition of minority ethnic communities to such crimes is well publicised. In a town where a violent and unprovoked racist attack on white youths took place, great emphasis was placed in the local media on a local Asian family coming to the rescue of the white youths and preventing further injury to them. The police and local authority played key roles in this in order to help prevent groups with racist agendas from exploiting the issue for their own political purposes.

#### ***Make public the information on local areas and voluntary groups benefiting from regeneration funding and public grants***

2.57 Public funding of regeneration schemes and grants to voluntary bodies comes from a range of different public bodies. As the lead body in a local area, the local authority should be collecting information on all of this funding so that it can publicise the levels of funding, the areas/groups which are receiving it, the benefits that the funding will produce and the reasons for the provision of funding. The information should be publicised on council websites, in council publications, and in

<sup>10</sup> At the time of writing this guide the BNP are seeking leave to appeal against the decision.

the local media. For it to gain acceptance from the public, the information should be proactively released and not always be seen to be in response to claims that particular racial groups receive more favourable funding than other racial groups. It is also information which, once made public, can be developed and used by political parties and other pressure groups campaigning against racist political activity.

***Make public accurate information on asylum seekers and the support they receive***

2.58 Political parties/groups engaged in racist political activity will seek to exaggerate the numbers of asylum seekers living in a local authority area and make false claims over the support they receive from public funds. In one town, a local authority displayed leaflets in its libraries, setting out the number of asylum seekers living in the town, the reasons for this, and the kind of support they received from public funds. It was done in order to pre-empt and counter campaigns in the run-up to local elections, spreading misinformation about asylum seekers in the town. No reference was made to any political party in the leaflets. In another town, the local authority always sought to ensure that public agencies involved in the placing of asylum seekers in new areas consulted and briefed local councillors and community leaders before doing so, in order to reduce any anxieties from local residents and prevent exploitation of the situation from groups with racist agendas.

***Rebut false claims that schools are ignoring religious festivals***

2.59 Political parties/groups with racist agendas can seek to exploit cases where they believe schools are ignoring Christian festivals in order to appease minority ethnic communities. In one area, a school was accused of removing 'hot cross' buns from its food menus in order to appease a 'politically correct' lobby. The LEA /school invited the local media to the school, where they explained that that 'hot cross' buns had been removed from the menu in February as it was too early to celebrate the Easter festival, but that they would be on the menu at the time of the festival.

***Rebut false claims about local authority actions /services***

2.60 There are numerous examples of false claims being made over the removal or absence of traditional symbols in a town to appease minority ethnic groups and downgrade British culture. Explanations can range from St. George's flags being removed from roundabouts (as they represented a traffic hazard) to a town's traditional owl being omitted from street furniture (due to an administrative oversight). Where these situations arise, the local authority should provide a public explanation and, to gain public acceptance, this should be done, if possible, before those with racist agendas exploit such situations for their own political purposes.

## **Chapter Three The nature and the scale of the problem presented by the BNP and other far-right political parties**

### **The racist nature of far-right political parties**

WATERHOUSE

3.1 There are a number of relatively small political parties operating in the UK which, in pursuance of their core beliefs about preserving the independence and separateness of Britain as a nation state, advocate preserving Britain's racial and cultural heritage. Heritage is usually defined in terms of Britain's white population. These parties are more commonly referred to as extreme nationalist or far-right, and their origins can be traced back to the fascist political movements of the 1920s and 1930s.

3.2 The most well known and largest of these parties is the British National Party (BNP). It is the far-right party which most frequently contests elections at a local and national level. Other far-right parties that occasionally contest elections are the National Front (NF), the England First Party, and the Freedom Party. Each of these parties has its own distinctive views and approaches. But they also have links with one another and try to avoid competing in elections, although this can happen.

3.3 There are other far-right groups which do not view themselves as political parties established to contest elections. For example, there is Combat 18 ('18' stands for the position in the alphabet of Adolf Hitler's initials) which, since its formation in 1992, has had a history of racial violence and hooliganism. Although not the force it once was due to criminal prosecutions being brought against some of its key members, its activities, as well as those of similar groups, can still be immensely damaging to race relations and have to be addressed.

3.4 To contest national and local elections in the United Kingdom (UK), political parties are required under the Political Parties Elections and Referendums Act 2000 (PPERA) to be registered with the Electoral Commission. They have to meet certain administrative and financial requirements. A political party's application to be registered cannot be rejected on the grounds of the party's ideology, constitution, or policies. The BNP, National Front, England First Party, and the Freedom party have all been registered by the Electoral Commission and can contest elections<sup>11</sup>.

3.5 The Electoral Commission can refuse to register a party's name or emblem and ask for it to be changed where it is obscene or offensive and where it would be likely to amount to the commission of an offence. This occurred in 2004 when the 'White Nationalist' party was refused registration by the Electoral Commission because its name was considered contrary to the principles of public policy as set out in the Race Relations Act. The party now stands in elections as the England First Party.

<sup>11</sup> For a complete list of registered political parties see Electoral Commission website

3.6 The ideology of far right parties means that they are opposed to the UK entering into close economic, social and defence arrangements with other countries such as the Common Market and NATO. They also dislike multi-national companies and international finance. However, what makes far-right political parties particularly distinctive from other political groups is their belief in the racial and cultural purity of Britain which, to them, means a Britain with a white population. It also inevitably means that they are opposed to multi racial societies which, in their view, cannot work. It is this racist agenda which they consistently campaign on and with which they are publicly identified. The language they frequently use in their campaign literature to put across this agenda is captured in slogans such as putting 'Britain and the British people first'.

3.7 The BNP in its own internal literature says that when it talks about being British, it means 'the native peoples who have lived in these islands since before the Stone Age and the relatively small numbers of peoples of almost identical stock, such as the Saxons, Vikings, and Normans, and the Irish who have come and assimilated'. Given the history of migration into the UK, under this definition many British people who classify themselves as white would not meet the BNP's test for being British. In the same literature, the BNP also makes it clear that it is opposed to mixed race relationships. It says 'When whites take partners from other ethnic groups, a white family line that stretches back into deep history is destroyed. And, of course, the same is true of the non-white side'.

3.8 These views on what racial groups should reside in the UK are reflected by the BNP advocating in their publicity material and leaflets:

- An end to immigration, as it is undermining the national identity and values of Britain and making the native population become aliens or a minority in their own country. Phrases such as 'Britain is being destroyed by a liberal/communist elite or dictatorship' frequently punctuate BNP publications, along with claims that, in future years, some white communities face extinction, to be replaced by immigrants.
- Stopping entry immediately into the United Kingdom of asylum seekers. They are usually described as 'bogus', or as people who could find a safe haven nearer their home countries. This will always be accompanied by exaggerated or misleading claims about the public cost of asylum seekers and refugees, with the suggestion that the money could better be spent on pensions and the health service, etc.
- A programme of voluntary resettlement for legal immigrants (those who are not by the BNP's definition 'British') by giving them generous financial settlements to return to their country of ethnic origin. How much this would be and what it would cost is never or rarely mentioned.
- Deportation of criminal and illegal immigrants.
- Policies at a local level that are designed to keep racial groups in their own separate residential areas. They will, for example, oppose any school reorganisation plans that result in more multi-racial schools as, in their view, this is forced integration.

- That a multi-cultural society has been forced onto the British people against their wishes in many urban areas and it has brought no benefits.

3.9 Such standpoints inevitably mean that the BNP is opposed to legislation that makes racial discrimination unlawful and want to see the abolition of the Race Relations Act.

3.10 Publicly, the BNP does not consider that it is overtly racist, and party members can, in theory, be disciplined if they make overtly racist views in public. (What BNP activists will say within party meetings and in conversations with electors will be very different and reflect their racist agenda.) The BNP, however, does accept that issues like immigration are part of their central focus. The BNP says it is entitled to raise these issues as part of its strategy of being the only true representative of the indigenous white population, whose culture, standards and decency it is seeking to protect from being taken over by foreign cultures alien to the UK.

3.11 Membership of the BNP is open to those of 'British or kindred European descent'. This limitation of membership to persons who are white is similar for most far-right political groupings and parties. The BNP does offer a more limited associated membership to persons who cannot comply with its white-only criteria. The BNP says 'whilst we welcome contact and co-operation with nationalist and patriots of other races.....we ask them to respect our right to an organisation of our own, for our own, as we respect... their measures to organise themselves in like fashion'. The BNP has been concerned that its membership criteria could open them to a legal challenge under the Race Relations Act but, to date, have not changed it.

### **What to look out for when the BNP contests an election**

3.12 The BNP is still a relatively small party (it is estimated it could have a national membership of around 8000) and does not have the resources to effectively contest or put up candidates for seats in many council elections or for all parliamentary seats at a general election. It is, however, able to contest all seats for some elections such as those to the European Parliament. This is because it only has to find 75 candidates, and the proportional representation system of counting votes means that the BNP can win a seat in a regional constituency with around just 12% of the share of the total votes cast.

3.13 In elections for local councils, the BNP is contesting elections in areas where one or more of the following factors are present:

- Some level of organisation or activity already exists.
- The local council is unpopular and no other political party is effectively exploiting this situation.
- A significant proportion of the electorate might be persuaded to support it. This usually means concentrating on council seats located in areas with a largely white population but close enough to multi-racial areas, so that fears can be exploited about what this could mean for the white communities if ethnic minorities were to move into their areas.

- Local and/or national issues around their core agenda of race that can be effectively exploited with the electorate concerned.

3.14 When the BNP contest seats in local council elections, it increasingly runs campaigns to win. Experience has shown that the BNP is capable of running well-organised election campaigns with high-quality election leaflets and a lot of door-to-door contact with electors. Its candidates and key helpers will adopt a 'smart and disciplined image' for the electors and will campaign vigorously on local issues of concern that any mainstream political party could legitimately take up. The BNP wants the electorate to see it as a responsible mainstream political party in touch with them and effectively acting on local issues.

3.15 As part of the campaign to be seen by the public as a responsible mainstream political party, the BNP can seek to become involved in resident and community groups as well as become school governors. It will also seek, occasionally, to exercise its entitlement to hold campaign meetings in public buildings to demonstrate its right to be treated in the same way as any other political party.

3.16 When the BNP decides to contest an election for a vacancy in a local council seat that has arisen outside of a normal election period (namely a by-election) with a view to winning it, the level of campaigning can be very high. There have been examples in council by-elections of the BNP canvassing the vast majority of houses in the electoral ward. This is because it is able to attract party helpers to the area from across the UK, as no other elections are taking place.

3.17 Whilst the BNP in its campaigning in local council elections will seek to put across to the electorate an aura of responsibility, it will continue in both its campaign leaflets and in its canvassing of the electorate to communicate its racist agenda. It will seek to stir up any concerns that people may have about race at either a local or national level, and to create concern, fear and even animosity amongst the white electorate about minority ethnic communities. The material it uses around race can be expected to exaggerate or distort issues and even to be false or untrue.

3.18 Experience has shown that the most commonly used campaign themes by the BNP in local council elections on race issues include:

- Misleading and often false claims about the numbers of asylum seekers and economic migrants in the area, and the impact of this on local public services and the area generally. There have been examples of the BNP in council elections falsely claiming that asylum seekers or certain ethnic groups are getting preferential treatment in the local health service, with white people being pushed to the bottom of waiting lists. In a council by-election in the London Borough of Barking and Dagenham in 2004, the BNP falsely claimed that the local authority had entered into an arrangement with an Inner London authority to change the ethnic make-up of the local population by making grants available of up to £50,000 to buy houses under a scheme known as 'Africans for Essex'.

- Linking Muslim communities to terrorism and the maltreatment of both Muslim and white women. There have also been examples of BNP campaigning leaflets saying it will oppose planning applications for mosques and the granting of further taxi licences to Muslims.
- Misleading and often false claims that black and minority ethnic communities are heavily involved in local crime and that the police ignore it in order to satisfy a politically-correct lobby. As a consequence, areas with minority ethnic communities acquire the reputation of no-go areas for the white population.
- Misleading and often false claims that the police and other public institutions ignore racial attacks on white persons by persons from minority ethnic groups. There are plenty of examples of the BNP seeking to exploit for electoral purposes a physical attack on a white person by someone who is black or Asian, regardless of whether the attack is racial or not.
  
- Attacks on arrangements in schools which embrace a range of different cultures. These will include opposition to Halal meat in schools, the publication of notices, etc., in Asian languages by schools, the teaching in schools of Asian languages, and the teaching of religions other than the Christian religion.
  
- Misleading or false claims that areas with black, Asian and minority ethnic communities are unfairly favoured in the allocation of public funds for regeneration schemes, or in grants to voluntary bodies, to the detriment of white communities. The BNP will produce campaign leaflets showing a picture of a street in an area known to be inhabited by minority ethnic communities that has been improved under a regeneration scheme. Along side it, it will put a picture of a derelict street in a known white area in the ward it is contesting. This will be accompanied by a slogan such as 'we want equal funding in our ward'.
  
- Opposition to Travellers and Gypsies. It will usually be directed at opposition to unauthorised encampments (unofficial sites) and proposals by local authorities for official sites for caravans/homes of Gypsies and Travellers.

### **Intimidation of political opponents**

3.19 Persons who are publicly known as opponents of the BNP and other far-right political groupings (this is not restricted to party politicians) can find photographs being taken of them and their home addresses, telephone numbers, and car registration numbers, placed on far-right political websites so that they can be directly contacted by persons opposed to them. Where this happens, it is usually done in an intimidating, hostile, or violent way.

3.20 The most well known website is 'Redwatch'. Redwatch is believed to be run by a small group of persons associated with the National Front and the White Nationalist party. The BNP usually seeks to officially distance itself from Redwatch but it is known that material collected by BNP activists has appeared on the site. To try and

prevent action against the site by the police in the UK, it is based abroad. Police inquiries and the potential for a criminal prosecution are still being explored.

3.21 A local authority faced with far-right political activity should monitor the Redwatch site. If personal details of individuals related to the local authority appear on the site, the local authority should pass the information to the police to see what action can be taken

### **Who votes for the BNP?**

3.22 Research<sup>12</sup> has been conducted into the characteristics of persons who vote, or are likely to vote, for the BNP. Information is also available from mainstream political parties that have had experience of contesting elections that are actively fought by the BNP. In summary, voters likely to be attracted to the BNP or far-right political parties will:

- Be particularly concerned about what they perceive to be high and unsustainable levels of immigration into the UK and about issues around asylum seekers. They believe the three mainstream political parties have failed them on this issue.
- Be particularly concerned about what they perceive as high levels of crime and inadequate responses from the police and the courts to address this situation.
- Have a poor perception of public services generally in their area. This will extend beyond the services provided by their local authority.
- Have little experience or daily contact with minority ethnic communities in their area and will view the state of local race relations as poor.
- Believe that minority ethnic communities and asylum seekers are being more favourably treated by public institutions.
- Be most likely to be drawn from the class C2 economic social group (self-employed and semi skilled) and to a certain extent from the class D semi-skilled and unskilled manual workers group. They are also more likely to have no educational qualifications. They can often be owner occupiers living in terraced or smallish semi-detached housing who believe that what they possess is under threat. The poorest groups are less likely to support the BNP.
- Have previously voted for the dominant mainstream political party in their area or, equally, not voted at all. The perception that, if BNP voters have previously voted for a mainstream political party, it is for the Conservatives is not always the case.
- View the BNP and the United Kingdom Independence Party (UKIP) as similar.
- Be susceptible to BNP propaganda that their areas/communities are being or could be, taken over by immigrants with alien cultures and standards.

### **The level of votes cast for the BNP and far-right political parties**

3.23 In recent years, public attention was first drawn to the BNP's capability of attracting significant numbers of votes in the 2001 General Election. Whilst fielding only a small number of candidates (33 in total), it received over 16% of the votes cast in the Oldham West constituency, and over 11% in the constituencies of Oldham East and Burnley. It also obtained over 6% of the vote in its more traditional area of support in the East London constituency of Barking.

3.24 In the May 2002 local council elections, the BNP fielded 67 candidates for seats in 26 different local authorities. It obtained 31,000 votes and its average share of the vote in the constituencies it contested was 16%. For the first time, the BNP won council seats. They were all in Burnley, where 3 BNP councillors were elected. Elsewhere, the BNP's best results were in Oldham, where it received over 27% of the votes in the seats it contested (it narrowly failed to win a number of seats), and in the London boroughs of Bexley, Hillingdon, and Redbridge, where it received over 20% of the votes in the seats it contested.

3.25 In council by-elections in November 2002 and January 2003, the BNP succeeded in having a councillor elected in Blackburn and another councillor in Halifax (Calderdale) West Yorkshire.

3.26 In the May 2003 local council elections, the BNP fielded 217 candidates for seats in 76 different local authorities. It obtained in total around 120,000 votes, averaging 17% of the votes cast in the seats it contested: 13 BNP candidates were elected as councillors. This included 5 candidates in Burnley, where it became the second largest party on the council with 8 seats. The BNP also made a breakthrough in the West Midlands for the first time where they won 2 seats in Stoke, 2 seats in Sandwell, and 1 seat in Dudley. Elsewhere, the BNP contested all 25 council seats in Sunderland but failed to win any seats, and did less well in Oldham than in the 2002 elections.

3.27 In council by-elections in August and September 2003, the BNP succeeded in having a councillor elected in Thurrock (Essex) and another councillor in Kirklees, West Yorkshire.

3.28 In the June 2004 local council elections taking place outside of London, the BNP fielded 309 candidates for seats in 59 different local authorities. It received, in total, over 189,000 votes, averaging 16% of the votes cast in the seats it contested: 14 BNP candidates were elected. The BNP's best results were in Bradford, where it won 4 seats for the first time, and in Epping Forest (Essex), where it won 3 seats. The BNP did less well in Burnley, Oldham and Sunderland. In the elections for the Greater London Assembly, the BNP received just over 90,000 votes and narrowly failed to have a councillor elected.

3.29 In the June 2004 elections for the European Parliament, the BNP fielded a full list of 75 candidates for seats in England, Wales and Scotland. It received a total of 808,200 votes, which represented 4.9% of the votes cast. No BNP candidates were elected. Its best results were in the Yorkshire and West Midlands regional constituencies, where it received around 8.0% of the votes cast. Under the proportional voting system for electing members to the European Parliament, it is widely accepted that the reason the BNP did not have any candidates elected (it needed at least 12% of the votes cast in a regional constituency to do so) was due to the strong showing of the United Kingdom Independence Party (UKIP) whose right-wing nationalistic agenda took votes away from the more overtly racist BNP.

3.30 In September 2004, the BNP won a council seat in Greater London for the first time in 11 years. It was in a council by-election in the London borough of Barking and Dagenham. The BNP councillor elected resigned nine months later and the BNP lost the seat in the subsequent by-election. The BNP however, still came second. The results reflected a bed rock of support for the party in this area of London.

3.31 In the May 2005 general election, the BNP contested 119 seats. It received a total of 192,750 votes, which represented an average of 4.2% of the votes cast in the seats it contested. Its best results were in the constituencies of Barking, where it obtained 16.9% of the vote, and in Dewsbury (West Yorkshire) where it received 13.1% of the votes cast. The BNP also attracted significant levels of votes in constituencies in Burnley, Dudley, and Sandwell, but did less well in Oldham, compared with the 2001 general election.

3.32 In the May 2005 County Council elections held on the same day, the BNP fielded just 44 candidates, won no seats and was last in 70% of the seats it contested. It reflected the BNP's weakness in more rural areas where most of the County Council elections took place. However, in a mayoral election in the urban conurbation of Stoke, the BNP received 19% of the votes cast. It was double the numbers of votes it obtained in Stoke in the general election held on the same day. It showed the BNP's capacity to do significantly better in local council, in contrast to national parliamentary elections.

3.33 Other far-right parties like the National Front (NF), the Freedom Party, and the England First Party since 2001, have contested a much smaller number of seats than the BNP. In the 2005 General Election the NF fielded just 13 candidates. These parties have generally attracted lower numbers of votes than the BNP and have not, apart from rare occasions, come close to winning any election they have contested.

3.34 The BNP's record in contesting elections since 2001 shows a solid base of support for it in certain urban areas. Whilst it has not come close to winning any parliamentary seat, it has levels of support which it can build on to win council seats. Whether it is able to maintain or even increase its support in elections to local authorities will depend not only on its own organisational skills and capacity, but on the action that is taken to address the threat that it poses.

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REWM was established by local Race Equality Councils to provide a strategic approach to race equality policies and issues in the West Midlands. Its work ranges from providing management information, support and training to the race equality voluntary sector, needs analysis of race relations issues and research. In response to the growth of the BNP it has established a range of documents on developments and what can be done to address the threat they pose. Most of these publications are available on its website.

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## Race Equality West Midlands Publications

Most Race Equality Digests and research reports are available in hard copy from the REWM office or on the REWM website at [www.rewm.org](http://www.rewm.org).

### Race Equality Digests (RED)



- RED 1 *Community cohesion, Bradford, Burnley and Oldham: four significant reports* (January 2003).
- RED 2 *The draft statutory code of practice on the duty to promote race equality* (February 2002).
- RED 3 *Ethnicity and religious affiliation in the West Midlands region: information from the 2001 Census* (Spring 2003).
- RED 4 *The success of the British National Party and other extreme right-wing parties in the local elections on 1 May 2003* (May 2003). RED Supplement: *From BUF to BNP: a concise chronology of extreme right-wing activity in Britain and of the responses to it* (May 2003).
- RED 5 *How should local race equality work be organised? Developing and positioning race equality organisation in the context of Neighbourhood Renewal and the statutory duty of public authorities to promote race equality* (October 2003).
- RED 6 *Race equality councils and partnerships: their strengths, needs and aspirations. The 2003 audit of resources of West Midlands race equality councils and partnerships* (February 2004).
- RED 7 *Gypsy and Traveller Communities in the West Midlands Region with information from the last five ODPM counts* (July 2004).
- RED 8 *Modelling the delivery of local equality services in rapidly changing circumstances. Exploring the feasibility of local equality and human rights facilities in a world of Race Equality Councils and other single equality strand agencies* (July 2004).
- RED 9 *The 2004 national audit of race equality councils and partnerships* (September 2004).
- RED 10 *Assessing the impact on local race equality work of the Commission for Racial Equality's policy for funding organisations under Section 44 of the Race Relations Act (Getting Results 2004-05)* (October 2004).

RED 11 *Confronting the racist activities of political parties. A guide for voluntary and community organisations* (January 2005).

RED 12 *Confronting the racist activities of political parties. A guide for local authorities* (February 2005).

RED 13 *What happened to far-right political parties in the West Midlands. An analysis of the 2005 General Election results* (June 2005).

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RED 14 *Planning for multi-strand equality work. The implications for race equality councils of the Commission for Equality and Human Rights* (July 2005).

RED 15 *Gypsies and Travellers: disadvantage and discrimination. How race equality councils and other voluntary bodies can help* (August 2005).

RED 16 *How to make the Government's strategy on community cohesion SMARTER (specific, measurable, agreed, realistic, targeted ethnically and reciprocal).* (September 2005).

RED 17 *British urban ethnic group conflict and violence. Instruments for conflict management and resolution: initial REWM scoping exercise.* Working paper 1 (February 2006).

RED18 *Confronting the racist activities of political parties. A guide for local authorities and elected members* (fully revised edition, March 2006).

### **Research reports**

1 *Race equality: the significance of working with local communities. A strategic review of West Midland racial equality councils and partnerships* (August 2001, revised November 2001).

2 *West Midland Race Equality councils' development project. End-of-project report* (August 2002).

3 *Promoting race equality and community cohesion through local strategic partnerships. Report and recommendations based on research into local strategic partnerships in West Midland NRF and local management pilot areas* (Race Equality West Midlands in association with Government Office for the West Midlands and the Commission for Racial Equality, Birmingham office) (November 2002).

4 *Local authority race equality schemes 2002 and their preparation. How local authorities in the West Midlands have responded to their duties under the Race Relations (Amendment) Act 2000* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission

for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (December 2002).

5. *Community cohesion: concept, policy, implementation and theory. An introduction to recent community cohesion initiatives, with reference to West Midlands pathfinder programmes* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (October 2003).
6. *Impact assessment as a means of improving race equality schemes, eliminating institutional racism and promoting race equality. Scoping the tasks involved with a view to undertaking further analysis of method and providing guidance* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (December 2003).
7. *A new approach to race equality in Warwickshire* (research report undertaken for Warwickshire County Council and other partners as a joint report by TMP Worldwide and Race Equality West Midlands) (May 2004).
8. *Walsall racial equality and diversity audit, review and plan* (research and development report undertaken for Walsall Borough Strategic Partnership) (August 2004).
9. *Jigsaw Mentoring Partnership. Project Review and Recommendations*, prepared for East Staffordshire Race Equality Council (May 2004, finalised September 2004).
10. *Young people for race equality. A compendium of local youth projects promoting race equality and community cohesion in the West Midlands* (March 2005).
11. *Jigsaw Mentoring Partnership, Project Evaluation with Recommendations*, prepared for East Staffordshire Race Equality Council (February 2006).

### **Conference reports**

*Combating racism through the ballot box: meeting the challenges of the racist far-right*, conference organised jointly by the Commission for Racial Equality, Trades Union Congress Midlands Region and Race Equality West Midlands, 15 March 2004, at the Bescott Stadium, Walsall.

*Defeating racial hatred, producing safe communities*, conference organised jointly by the Commission for Racial Equality, the Home Office, the Midlands Monitoring and Networking Group and Race Equality West Midlands, 14 March 2005, at Villa Park, Aston, Birmingham.

*Sexual orientation and religion or belief in the workplace and training -new regulations*, conference organised by Race Equality West Midlands, funded by the Department for Trade and Industry in partnership with the British Federation of Race Equality Councils, 23 March 2005, at the Lakeside conference centre, Aston University, Birmingham (conference training materials by the London Discrimination Unit and conference evaluation report available).

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*Improving opportunity, strengthening society. The Governments' strategy to increase race equality and community cohesion.* Report of the launch event organised by the Community Cohesion Team at the Government Office for the West Midlands, 14 July 2005, at Shimla Pinks restaurant, 214, Broad Street, Birmingham B15 1AY.

*The local race equality roadmap: the way ahead*, conference organised by Race Equality West Midlands, 22 October 2004, at the Hawthorns, West Bromwich, Birmingham.

### **Annual Report**

Race Equality West Midlands *Annual Report and Audited Accounts, 2004-05*, presented to the REWM board, 29 June 2005.

