

Confirmed on 11 March 2004.

MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD ON 12 FEBRUARY 2004 IN LONDON.

Present: Sam Younger (SY) (Chair)
Pamela Gordon (PG)
Glyn Mathias (GM)
Karamjit Singh (KS)
Sir Neil McIntosh (NM)

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Archie Gall (AG)
Roger Gough (RG)
Anne Hinds (AH)
Nicole Smith (NS)
Chris Welford (CW)
Rael Zackon (RZ)
Ann Devine (AD)
Martine Padwell (MP)
Anja Beukes (AB)
Stephen Judson (SJ)
Simon Kirby (SK)
Graham Turner (GT)
Richard Jordan (RJ)
Tony Bellringer (TB)

1. Minutes of the meeting of 22 January 2004

1.1 The minutes of the meeting held on 22 January 2004 were agreed subject to typographic amendments and:

Paragraph 3.2: amendments to the ward references.

Paragraph 4.2: the name of the MP is David Clelland

Paragraph 12.1: third bullet point should read as follows:

Reference to reviews of electoral arrangements for Regional Assembly areas and new unitary authorities, and further possible directed work for the Boundary Committee.

Paragraph 14.1: replace 'press' in last sentence with 'raise'.

1.2 The report on the review of Local Government Election Cycles was published on 28 January 2004. There was a great deal of coverage in the local government press. The Government appeared to be fairly receptive to the recommendations.

- 1.3 SY referred to the reply from Nick Raynsford to his letter concerning the consultations on draft orders. The response was not satisfactory. The Commissioners asked RC to advise on further action could be taken.
- 1.4 AD advised that the boundary issue in the PER for the Borough of Sunderland had been resolved to the satisfaction of the Implementation Team, the Boundary Committee and the Ordnance Survey.

2. Electoral Change Orders

- 2.1 JD and AD presented the following Electoral Change Orders for approval:

- Borough of Bolton
- Borough of Bury
- Borough of Gateshead
- City of Manchester
- City of Newcastle upon Tyne
- Borough of North Tyneside
- Borough of South Tyneside
- Borough of Stockport
- City of Sunderland
- Borough of Wigan

- 2.2 **The Commissioners agreed the Electoral Change Orders and authorised the affixation of the Commission's seal to the orders for;**

- **Borough of Bolton**
- **Borough of Bury**
- **Borough of Gateshead**
- **City of Manchester**
- **City of Newcastle upon Tyne**
- **Borough of North Tyneside**
- **Borough of South Tyneside**
- **Borough of Stockport**
- **City of Sunderland**
- **Borough of Wigan**

3. Boundary Committee for England: work programme

- 3.1 PG and AG presented the report, and highlighted the four main areas of review work undertaken by the Boundary Committee, including the work which would be required in respect of new unitary authorities in the north of England, and the constituencies for the Regional Assemblies, subject to the outcome of the referendums. The number of authorities concerned, and the consequent amount of work, would be known by October. Further electoral reviews could be fitted in around this work. In addition, the review of the PER process needed to be completed in 2004/5, and work should start on preparing for the transfer of Parliamentary boundary work.
- 3.2 There was a need for a core team of trained and experienced staff in the Boundary Committee and the Implementation Team to take on whatever work was required. It was recognised that there should be a long-term work

programme to give some certainty to staff, but the situation would be clearer after October. The staffing and resource requirement would be reviewed in November 2004, once the outcome of the regional referendums and ODPM's timetable for reviews of Assembly electoral arrangements was known.

- 3.3 SY referred to the need to assess the maximum and minimum staffing levels, and requested PG to provide information on this. The Commissioners agreed that the present level of resourcing for the Boundary Committee should be retained, subject to natural wastage until the referendums were held in October 2004 and future work demands become clearer AG and RC would advise the staff accordingly.
- 3.4 **The Commissioners agreed to maintain the current staffing levels, and review requirements after the referendums in October 2004.**

4. Further Electoral Reviews

- 4.1 AG presented the report, which indicated significant electoral imbalances arising in a number of local authorities where PERs had been undertaken in 1996/7, and proposing a further electoral review (FER). It was understood that some local authorities would welcome a further review, whilst others would not.
- 4.2 The Commissioners considered the principles according to which, and the circumstances in which, an FER ought to be undertaken. They acknowledged the need for a consistent approach and that a balance had to be struck between electoral equality and stability. They did not consider that FERs should be undertaken at the request of local authorities which wanted to revisit electoral change orders simply because they did not agree with them. Not all reviews might need a four-stage process; each review would need to be scoped, and timescales and resources assessed for each one.
- 4.3 AG stated that this could not be a one-off process; the intention would be to report to the Commissioners on an annual basis. PG thought, as a matter of policy, that the Commission would want interim arrangements in place to address the worst of the electoral imbalances, pending the next PER cycle. All cases where there were electoral imbalances of over 30% in one or more wards should be considered for the purpose of deciding whether to advise the Commission to direct an FER. The Committee would seek the views of the local authority concerned before making its decision. An FER would not always be considered necessary where the imbalances were over the threshold; it would depend on the particular facts in each case. RC advised that it would be necessary for the Commission to direct the Boundary Committee in each case in which a review was required.
- 4.4 Work was required on two aspects of a FER programme:
- Preliminary assessment by the Boundary Committee of the need for a review in the fourteen cases listed in the paper against a threshold of 30%, including making contact with the relevant local authorities.
 - The production by JD of a draft procedure for the giving of a direction, with legal advice requested and given as necessary.

- 4.5 **The Commissioners agreed that the Boundary Committee should undertake a preliminary assessment of cases where the electoral imbalance was more than 30% in one or more wards, including making contact with the local authorities, and that a draft procedure for giving a direction should be provided for Commissioners to consider.**

5. Parish reviews

- 5.1 JD presented the report, and drew particular attention to the orders which had been made incorrectly on the advice of Commission staff, after legal advice had been received to the contrary. JD advised the Commissioners of the view of the ODPM that they would be taking no action to rectify, by legislation or otherwise, any orders incorrectly made by local authorities.
- 5.2 The Commissioners considered that the Commission should take a proportionate approach to this matter; where, subject to the final legal view which the Commission might take, it was known that the Commission had made an error, this should be corrected and the local authority advised of the situation. Discussion should continue with ODPM to agree a joint approach to Counsel, or failing agreement, to seek Counsel's opinion unilaterally.
- 5.3 RZ referred to the draft ODPM guidance note, with which the Commission could not agree. If the Commission and ODPM could not agree on the guidance, it was essential that this is made clear to local authorities.
- 5.4 **The Commissioners endorsed the approach to the effect that the Commission should continue to seek a joint approach to Counsel with ODPM, and failing that, to obtain Counsel's opinion itself. Subject to the receipt of Counsel's opinion, the local authorities which had made incorrect orders on the advice of Commission staff, should be advised, and steps taken to rectify the situation.**

6. Publications: access protocols

- 6.1 AH and GT presented the report. AH advised that the Commission's branding agents had proposed the use of Arial 11 point, but it was necessary to take account of access requirements and RNIB guidelines. NM made the point that the Commission was in the position of encouraging other bodies to improve access to information and services.
- 6.2 The need for other languages needed to be defined more clearly. AH outlined the current policy of producing leaflets in fifteen languages and in alternative formats. Reports had not been produced in the same way on grounds of cost of printing and translation, and the timescale for publications. However it was considered that a commitment to produce documents in other languages and formats on request could be too wide. If there was a legitimate demand, the Commission would seek to meet it. What was important was to produce information in an accessible formats for different communities and interest groups; Votes at 16 was an example of how this should be done.
- 6.3 The Commissioners welcomed the report, and thanked staff for the quality of documents published.

- 6.4 **The Commissioners agreed the recommendations, subject to an amendment to paragraph 2 in relation to the production of documents in different formats and languages.**

7. Welsh Language Scheme

- 7.1 BL and GM presented the report. It was confirmed that the scheme applies to the Commission's activities in Wales. In response to a question about simultaneous translation, this is not available in Trevelyan House, except with notice. GM confirmed that it was usual to receive notice if translation was required. RC added that translation would normally be provided in the Cardiff office.
- 7.2 AH advised that the advertisements for cinema and television had voice-overs in Welsh; in the press, bilingual advertisements would be published side-by-side.
- 7.3 **The Commissioners endorsed the Welsh Language Scheme.**

8. Referendums Campaign Strategy

- 8.1 In introducing this item, NS explained the role of the Implementation Managers. SY referred to the establishment of a new top-level advisory group including the Regional Returning Officers, whom would act as regional Counting Officers for the three regions.
- 8.2 SK outlined the approach set out in the report. The next stage would be a detailed specification. The advertising agency was considering whether there was a place for referendum branding in the campaign. SY welcomed the report, and highlighted the continuing concern about the role of the Government in providing information. SY stated that he had not yet received a response from Nick Raynsford on this matter.
- 8.3 PG referred to the difficulties experienced in the delivery of LGR leaflets to the correct areas. It was noted that there was a need for a decision on whether the Commission would use its powers to provide information explaining the local government options. NS advised that the budget for referendums did not allow for a door-step drop of leaflets on local options. KS referred to the need to maximise participation by non-English speakers and to target specific media at local and regional level.
- 8.4 **The Commissioners endorsed the recommendations, subject to amendments to paragraph 2 of the recommendations in relation to creating the conditions for maximum participation.**

9. Referendums: responses to ODPM consultation on legislation

- 9.1 SJ presented the report which recommended responses to ODPM consultations on the following:
- Combination and local referendum rules
 - Registration and spending limits

- Counting officers' fees and charges

The Referendums Advisory Panel will meet on 16 February; the response should take account of the views of the Panel.

9.2 **Combination and local referendum rules**

The Commissioners discussed the following issues in relation to the combination and local referendum rules:

- The exclusion of one-piece mailers
- Delivery points limited to one per local authority area, although discretion needed to be used in rural areas taking account of transport and geography
- The piloting of offences in June 2004 elections
- Electronic counting
- Recounts at local level, and the ability/appropriateness of the CCO to restrict the discretion of the RROs

9.3 **Registration and spending limits**

The Commissioners agreed that an alternative description rather than 'neutral' participant, for those who wish to engage only on the local questions, needed to be found.

9.4 **Counting officers' fees and charges**

The Commissioners discussed the following issues:

- The differences between the estimated costs submitted by local authorities, and the need for some consistency of approach
- The inability of the Commission to draw on the Consolidated Fund; this has been highlighted by the NAO

9.5 The Commissioners thanked SJ for his work on producing the report.

9.6 **The Commissioners agreed the responses to the ODPM consultations, subject to the amendments discussed, and authorised SY to sign off the response after the meeting of the Referendums Advisory Panel on 16 February 2004.**

10. Statutory consultation: disqualification of MEPs

10.1 SJ presented the report, which explained the need for separate legislation for Gibraltar.

10.2 **The Commissioners agreed the recommendation.**

11. Statutory consultation: number of MEPs

- 11.1 SJ presented the report, which dealt with the draft order to give effect to the changes in the number of UK MEPs.
- 11.2 **The Commissioners agreed the recommendation.**

12. Code of Conduct: postal voting

- 12.1 NS and RJ presented the report. She stated that it would be helpful to pilot the proposals in June 2004, and that the views of the PPP would be useful. However the PPP met quarterly and the next meeting was on 17 February.
- 12.2 The Commissioners considered that the document should be revised, with the aim of producing a short statement which would be readily understood and assimilated. A draft could be sent to the political parties for comment between PPP meetings, and a revised version provided for use in June 2004. The code would not be finalised until after June.
- 12.3 **The Commissioners requested that the Code of Conduct, and its presentation be revised, according to the discussion, and a draft be provided to the political parties for use in June 2004.**

13. NIF application

- 13.1 TB presented the application, and clarified some issues concerning the involvement of the local authority.
- 13.2 **The Commissioner agreed the recommended grant from the NIF to Blackburn with Darwen LEA in partnership with the Talia Theatre group.**

14. Directors quarterly reports

- 14.1 The Commissioners considered the Directors quarterly reports. The following additional information was provided:
- Positive feedback on The Register
 - Difficulties regarding delivery of LGR leaflets
 - Lease on Trevelyan House completed
 - No response on accommodation from DWP
 - Cross team working on referendums
 - LGA views of Local Election cycles
 - The delay in legislation to implement Voting for Change
 - Deadlines missed by EPE Training Consortium
 - The issue of the CD Rom on requirements for candidates and agents
 - The current position of the investigation relating to the Labour Party
 - The Trafford PER would be considered on 26 February
 - A draft PID for Information Management had now been produced
 - A projected budget underspend of £1m for 2003/4

16. Devolved Offices report for September – December 2003

- 16.1 **The Commissioners noted the Devolved Office reports for the period September to December 2003.**

17. Quarterly financial report.

- 17.1 RG presented the report.

- 17.2 **The Commissioners noted the financial report for the period September to December 2003.**

18. Matters for information

- 18.1 The Commissioners received the following papers for information:

- Policy Development Grants: review reports 2002/3
- Northern Ireland Reimbursement Scheme statistics
- Interim reports on candidates expenses for Scottish Parliament and Welsh Assembly elections 2003
- Research programme and Strategy: update
- Summary of election petitions
- Schedule of meetings and events