

Confirmed on 9 December 2004

Minutes of the meeting of the Electoral Commission held on 14 October 2004 in London.

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

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Nicole Smith (NS)
Rael Zackon (RZ)
Kate Sullivan (KBS)
Kay Jenkins (KJ)
Steve Evison (SE)
Jennifer Gaughan (JG)
Mark Williams (MW)
Tim Kershaw (TK)
Heather Gentry (HG)
Linda Everett (LE)

1. Minutes of the meeting of 6 September 2004

- 1.1 The minutes of the meeting held on 6 September 2004 were agreed
- 1.2 RC drew attention to the Staff Conference being held on 22 October 2004, which would inform the business planning process in November.

2. Minutes of the meeting of 7 September 2004

- 2.1 The minutes of the meeting held on 7 September 2004 were agreed.

3. Minutes of the meeting of 8 September 2004

- 3.1 The minutes of the meeting held on 8 September 2004 were agreed, subject to the following amendments:

Paragraph 5.3: after 'care' delete remainder of first sentence.

- 3.2 The report on campaign spending at the Northern Ireland election 2003 will be published on 17 November 2004.

4. Minutes of the meeting of 13 September 2004

- 4.1 The minutes of the meeting held on 13 September 2004 were agreed, subject to typographical amendments.
- 4.2 NM raised the issue of the titles of the posts of the current Heads of Devolved Offices.

5. Minutes of the meeting of 30 September 2004

- 5.1 The minutes of the meeting held on 30 September 2004 were agreed, subject to typographical alternations and the following amendments:

In attendance: add KBS to the list.

Paragraph 5.2: the fifth bullet point should read 'The links between the reviews of the PER process and of taking over the parliamentary boundary functions.'

Paragraph 5.3: the second sentence should start 'The reviews of the PER process and of the parliamentary boundary functions'.

Paragraph 5.4: 'SG' should read 'PG'.

Paragraph 7.2: add after 'such a review' in the thirds sentence, 'of the unitary authorities', and add at the end of the paragraph, 'however, the timing of the parliamentary process might not be compatible with conducting the local authority reviews alongside the regional assembly review.'

- 5.2 For clarification, SY stated that he would chair the project board dealing with the transfer of parliamentary boundary functions.
- 5.3 It was confirmed that the response concerning the Constitution for Europe (Referendum) Bill had been sent.

6. Annual Report 2003/4.

- 6.1 JG presented the paper and the draft Annual Report for 2003/4. An executive summary would be produced and distributed to staff. The NAO had been given a draft of the report.
- 6.2 RC stated that Deloittes had given the Commission an unqualified audit report, and the NAO certificate would be available next week.
- 6.3 A number of amendments were put forward, in particular concerning the presentation of the following:

- LGR reviews
- Parish issues
- Devolved offices
- Commissioners and Deputy Commissioners biographies
- Organisational structure

6.4 **The Commissioners approved the Annual Report for 2003/4 subject to the amendments discussed.**

7. Corporate risk register and risk strategy

- 7.1 JG presented the report which set out a revised risk register and risk strategy. The revisions were the outcome of a rigorous challenge process by the risk co-ordination group. SY proposed that the Commissioners should see the register and strategy twice a year.
- 7.2 NS referred to the accommodation issue, which was not referred to in the register, but was stopping recruitment into certain posts in the organisation.
- 7.3 **The Commissioners agreed the risk register and risk strategy.**

8. Report on local elections in Wales

- 8.1 KJ presented the report, and highlighted the issues emerging from the report as follows:
- Staffing levels were still at mid-1990s levels
 - Postal voting on demand reinforced the conclusions of Delivering Democracy?
 - A number of local authorities had introduced innovations
 - The work done with the media in Wales had had some impact
 - Responsibility for registration in Wales
- 8.2 On the matter of running elections, GM stated that the Commission should keep to its recommendation that the Welsh Assembly should take on this role. GM also referred to the capacity of the electoral services to cope with the elections, particularly in small local authorities. The extra components of the foundation model of voting would mean extra work, which should be reflected in fees and charges. It was agreed that the pressure on electoral services should be highlighted in the executive summary.

- 8.3 GM stated that the seminars held did help with an exchange of views between politicians, political parties and the media. SY asked for more information in the report on Outreach.
- 8.4 SY proposed that GM should sign off the final version. The launch date would be 8 December 2004. Commissioners were asked to send textual changes to KJ. SY thanked GM and KJ for an excellent report.
- 8.5 **The Commissioners noted the draft report, and authorised GM to approve the final version for publication.**

9. Party funding

- 9.1 SY congratulated MW on an excellent report. The final version would be e-mailed to Commissioners. RC highlighted the key recommendations:
- PDGs to remain for the foreseeable future
 - The issue of the cap would be returned to at a later date
 - Recognition of the perception of undue influence by large donations
 - Tax relief based on the concept of Gift Aid to encourage smaller donations
 - No more public funding unless there is a cap on donations
- 9.2.1 NM stated that public funding had part to play in funding political parties; however, there should be a realignment of spending limits, with a lower national and higher local limit. PG stated that tax relief may change the context, and it would be necessary to review the impact of all changes. It was necessary to have a mechanism for determining who gets tax relief; there was general agreement that the party concerned should be active.
- 9.3 SY referred to changes in criteria for PDGs, and the possible effect of tax relief and capping on parties with extreme views. Comment on this should be included in the report. It was important not to create artificial barriers.
- 9.4 The publication date would be in third week of November.
- 9.5 **The Commissioners agreed the report, with the amendments discussed, and authorised SY to approve the final version.**

10. LGR post-project evaluation

- 10.1 SE presented the report, which had been considered by the Boundary Committee in August. PG stated that a copy had been sent to ODPM and Nick Raynsford. The report highlighted that the greatest concern

was the lack of time, and the consequent over-dependance on the local authorities. In future more time was needed for independent research by the Commission.

- 10.2 The stakeholder responses were gratifying, and staff had been complimented for their courtesy. SY congratulated the staff for achieving that response.
- 10.3 NS stated that AS would be reviewing the external contracts, particularly the role of COI.
- 10.4 **The Commissioners noted the report.**

11. Draft guidance on elected regional assembly reviews

- 11.1 HG presented the report, and invited comments on the content and issues raised.
- 11.2 PG stated that the Commission might wish to firm up on issues such as the importance of electoral equality, and the size of constituencies. Draft ODPM guidance suggested constituencies which included urban and rural areas, which would inevitably cross different communities. Community identity could not be viewed in the same way as in PERs because the geographic area of each constituency would be too large. There was an advantage to representatives having to deal with a large number of conflicting needs.
- 11.3 NM stated that there could equally be an advantage if some representatives had a clear community as a constituency. The general expectation would be a variance within 10% but there could be justification for taking a different view in some circumstances.
- 11.4 SY advised that the draft recommendations would go out at Stage 3, and the consultation goes back to the Boundary Committee. There will be no further representations as with PERs. The Boundary Committee will make recommendations to the Commission with their final report. The Commission would then make recommendations to the Secretary of State.
- 11.5 HG stated that the final version of the guidance would be considered on 28 October.
- 11.6 **The Commissioners agreed that:**
 - **They were content with the consultation process outlined in the report**
 - **There would be an expectation that electoral equality would be within a 10% variance but could exceed that level if there was justification**

12. Electoral change amendment order: district of Staffordshire Moorlands

- 12.1 JD presented the report, which asked for agreement to technical changes.
- 12.2 **The Commissioners approved the electoral change amendment order for the District of Staffordshire Moorlands, and authorised the affixation of the Commission’s seal to the order.**

13. Electoral change amendment order: district of West Devon

- 13.1 JD presented the report, which asked for agreement to technical changes.
- 13.2 **The Commissioners approved the electoral change amendment order for the District of West Devon and authorised the affixation of the Commission’s seal to the order.**

14. Alleged breach of PPERA: Strathclyde European Partnership

[REDACTED]

[REDACTED]

[REDACTED]

- 14.4 **The Commissioners agreed that no further action should be taken.**

15. Registration of party names

- 15.1 LE presented the report, and provide the Commissioners with a list of similar registered names.

15.2 **Conservative Democratic Alliance**

The Commissioners considered that the name was not likely to cause confusion with an existing registered party. The application should be allowed.

15.3 **None of the Above**

The Commissioners considered that the intention of the application was to confuse voters. The name created the opportunity for a protest vote, and could be seen as potentially undermining the democratic process. However the Commissioners noted the necessity of obtaining an order from the Secretary of State to enable the Commission to reject such applications.

15.4 **Anti-Trimble Unionist Party**

The application was from an existing registered party wishing to change its name. The Commissioners considered that the name indicated opposition to a named politician and his policies, and was not offensive. [REDACTED]

15.5 **The Commissioners agreed to:**

- **Allow the application to register Conservative Democratic Alliance.**
- **Seek an order from the Secretary of State in respect of None of the Above.**
- **Allow registration of Anti-Trimble Unionist Party, and prepare a media statement**

16. **Statutory report on European Parliament Elections 2004**

16.1 NS introduced the report as an opportunity to share experiences from the seminars and to comment on the outline of the report and tentative conclusions. The Commissioners highlighted the following issues arising from the seminars:

- Combination of elections which use different electoral systems, and the timing of decisions on combined elections
- Open/closed lists
- The absence of a pan-European campaign
- Seminars for journalists and politicians, to facilitate understanding
- The Dutch facility which matches voter preferences for policies to parties

- The apparent absence of an equivalent partner organisation to SCOPE in any other country
- The different historic influences on electoral systems in each country

16.2 The Commissioners agreed the broad outline of the report.

17. Directors quarterly reports

17.1 The following additional comments were made:

Secretariat: the next meeting of the Continuity of Functions Sub-group would be held on 16 November. It was understood there was now a move to continue with County Council elections in 2005.

Policy: PG stated that the Deputy Commissioners had raised some concerns about the restructuring in relation to the Planning and Policy team. NS stated that there had to be some reprioritisation in view of the unfilled vacancies in the Policy directorate.

Boundary Committee: SE informed the Commissioners that the last three PERs had been completed.

17.2 The Commissioners noted the reports.

18. Devolved offices quarterly report

18.1 KJ stated that the submission from the RSA for a youth platform project had been accepted.

18.2 The Commissioners noted the report.

19. Items for information

19.1 The Commissioners received the following items for information:

- Schedule of meetings 2004/5

19.2 The meeting to be held on 25 November will commence at 11am.

19.3 SY outlined the arrangements for the meeting in January in Caernarfon. On 19 January there would be a Democracy Day event starting at 10am, with Assembly members attending at 1.45pm. The evening event will commence at 5.30pm.

