

## Agreed

### Minutes of the Commission Meeting held on 23 January 2002

9.30am at Trevelyan House

\*Present: Sam Younger (Chair)  
Pamela Gordon  
Glyn Mathias  
Karamjit Singh CBE (for items 9-18)  
Professor Graham Zellick (for items 1-9 and 16-18)

In attendance: Chris Welford  
Anne Hinds  
Peter Hodgman (for items 1-7 and 10)  
Kay Jenkins (for item 8)  
Richard Jordan (for item 11-12)  
Stephen Judson (for item 16)  
Tom Hawthorne (for item 16)  
Carla Andrewes (for item 7)  
Katie Kerr (Secretary)

\*Although those present changed during the meeting quorum was achieved throughout.

Apologies: Sir Neil McIntosh CBE (provided comments to the Chair in advance of the meeting)  
Roger Creedon  
Nicole Smith  
Rael Zackon

#### 1 Minutes of the last meeting

- 1.1 Seamus Magee attended part of the meeting
- 1.2 5.1.3 Robin Gray's appointment will be for 2 years
- 1.3 6.1 The citizenship programme in England does not extend to Wales so there is a need to consider the matter further as in Scotland and Northern Ireland.
- 1.4 9.1 Typing error

#### 2 Matters arising

- 2.1 3 LGCE transfer/co-location – the Health Development Agency have signed the lease on their new property. The proposed move date of Easter weekend causes operational difficulties for the LGCE so a contingency plan is being compiled for the move to occur in mid-April. ***The Trevelyan House address is to be used on Boundary Committee publications and correspondence from April 1<sup>st</sup> forwarded as necessary.***
- 2.2 5.1.3 Professor Michael Clarke and Robin Gray have accepted appointments as Deputy Electoral Commissioners from 1 April 2002. Kru Desai is yet to reply.
- 2.3 14.1 The letter stating the Commission's position in relation to the Conservative and Unionist Party Superannuation Fund has been sent.

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### 3 Directors' updates

#### 3.1 Policy

- 3.1.1 Alan Beith responded to 2 oral questions in the House on behalf of the Speaker's Committee on the Electoral Commission on January 21<sup>st</sup>. The questions related to the Commission's view on e-voting and reviewing the current system for postal votes. **SY will write to those MPs who participated. The Hansard record will be copied to Commissioners.**

#### 3.2 Strategic Planning and Resources

- 3.2.1 **It was decided that when the Audit Committee has met its minutes will be included as an agenda item at the next Commission meeting. Papers relating to the December Audit Committee meeting will be provided for the February Commission meeting.**
- 3.2.2 Acceptable quote for the building work required for the Wales Office has been received so work can now commence. SY reported that he had visited the proposed office space in Belfast yesterday. The fit out of the Edinburgh Office should be complete by 1 February 2002.
- 3.2.3 HM Treasury have yet to approve the contingency fund bid to cover the costs of the recruitment of the Deputy Commissioners, Implementation Team and Legal Officer and preliminary IT work. The urgent nature of the request had been questioned. The implications of delay to the PER have been explained including the detrimental effect to the work of the Parliamentary Boundary Commission for England. Until approval is received this work cannot commence. The quorum level for the Boundary Committee in April may need to be reduced if the recruitment of Deputy Electoral Commissioners is further delayed. [**Secretary's note:** the bid received approval late on 25 January 2002]

#### 3.3 Registrations and Compliance

- 3.3.1 The Democracy Movement failed to comply with the expenditure requirements associated with registered 3<sup>rd</sup> parties. **The Commissioners agreed that a letter should be sent warning that the organisation and its Treasurer have committed offences. A paper is to be prepared for the Commission meeting in February relating to non-compliance with report requirements by political parties..**

#### 3.4 Media and Public Affairs

- 3.4.1 Enterprise IG have been appointed to undertake the branding exercise. All Commissioners, RC and 2 Directors will be interviewed individually and questionnaires will be sent to all staff. Three key stakeholders will be interviewed and questionnaires will be sent to 20 others. The aim is to be ready to launch the new brand on 2 May. The deadline for the Boundary Committee Reports is 17 March so these will be produced in an interim format. The final design concept will be presented at the end of March.
- 3.4.2 Kazoo has been appointed as the PR agency to work with St Luke's on the voter awareness campaign. The agency is experienced in targeting 16 to 24 year olds. Next month's Director's report will include a note of how the PR agency adds value.

#### 3.5 Legal

- 3.5.1 The Speaker hopes that the advice obtained in relation to paid time off for Councillors can be used to resolve the question about BAA car parking passes. **The Speaker's letter will be circulated to all Commissioners.** Instructions in relation to schedule

## Agreed

7 and MPs will be drafted and Sir Nicolas Bevan, the Speaker's Secretary, has agreed to review the draft.

### 4 Devolved Offices Reports

4.1 Noted

### 5 Commissioner Points

5.1 GM reported that the Devolved Office in Wales was working with the Wales Office on an order relating to election procedures.

### 6 Programme Highlight Report [EC1/02]

6.1 Next month's Commission meeting will include a run through of the progress on all the projects with NS and RC.

### 7 Corporate Plan and Estimate [EC2/02 and EC3/02]

#### 7.1 Corporate Plan

7.1 The Commissioners acknowledged that the draft reflected the discussions at the strategy weekend. The targets will be developed when the Commission's own operational data is available. Comments were made on the detail of the plan including a number of proposed amendments. **SY agreed to draft the preface and circulate it to the Commissioners for comment. The draft plan was agreed subject to the amendments being made.**

#### 7.2 Resource Implications

7.2.1 A letter dated 22 January 2002 from Graeme Brown at the Treasury was distributed.

7.2.2 HM Treasury have confirmed that based on the previous agreement £3 million was available to the Commission for voter awareness. The DTLR have indicated support for an increased budget for voter awareness providing a soundly based programme was available.

7.2.3 **It was agreed that the voter awareness budget would be presented as what could be achieved if the budget was £7.5 million and the consequences of leaving provision at £3 million. A briefing to be prepared for SY to use at the Speaker's Committee meeting on the implications of £5 million..**

7.2.4 The current estimates are higher than those included in previous planning. SY identified Section 13 spend, staffing, design/production/print costs and LGCE costs as areas of significant increase. Some reasons for these additional costs were rehearsed e.g. opt out leaflets, development of website and printing associated with the devolved offices. **It was agreed that a more briefing was required. This should come to a special Commissioners' meeting on 28 January; at which the Estimates would be considered again. [Secretary's note: note of the meeting on 28 January attached]**

### 8 Robertson Judgement [EC7/02]

8.1 The Commissioners welcomed the opportunity to work with the Information Commissioner when providing guidance on this matter. The issues were discussed.

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- 8.2 ***The Commissioners agreed to recommend that that the Government should repeal Section 48 pending the introduction of the opt-out regulations.*** Some doubt about the level of demand for the edited register was expressed.
- 8.3 The Commissioners agreed that further discussion should be held with the Information Commissioner on the issue of how a canvass should be conducted. The Commission's position should align with that of the Information Commissioner.
- 8.4 ***The Commissioner agreed that a slightly amended version of the draft letter should be sent to Stephen Byers stating their position. Once Stephen Byers' reply has been received the Commission will publish the Commission's position and provide public advice to Electoral Registration Officers.***
- 9 **Policy Development Grants**
- 9.1 A copy of the draft order with amendments proposed by PH was distributed.
- 9.2 In drafting the order the scheme has been modified to enable it to operate effectively. The modifications were discussed. ***The Commissioners agreed the modifications and supported a further amendment that would ensure that the Commission will only be required to give out funds when the monies have been voted by Parliament.***
- 9.3 The duration of scheme has not been restricted to a single year. DTLR will discuss the distribution formula with the Commission during 2002/3. The DTLR state that claims can be made retrospective.
- 9.4 The order will not be made until late in the financial year and no provision has been made for funds to roll to the next year. HM Treasury has agreed that claims can be paid in advance on the basis of plans made. Money cannot be paid out until the order has been passed but it will be possible to invite applications in anticipation of the order being made, without prejudice to the making of the order.
- 10 **Response to Government's consultation on a marked postal vote register [4/02]**
- 10.1 KS stated his interest as a member of the Data Protection Tribunal.
- 10.2 The issues raised in the paper were discussed. ***The Commissioners agreed that the response should state that the Commission considered secondary legislation relating to this single issue premature until the Commission had completed its review of absent voting procedures and had had the opportunity to consider the outcome of the election pilots.***
- 11 **Local Election 2002: Pilots Schemes [EC8/02]**
- 11.1 KS stated his interest as a resident of Coventry. Coventry had submitted an all postal scheme relating to just 3 of 18 wards to which objections had been received from one local councillor from an opposition party.
- 11.2 It was noted that Lincoln City had withdrawn its proposals and Wandsworth had submitted a proposal to trial extended hours.
- 11.3 Concerns were raised regarding the Blackburn and Darwin proposal of a prize draw. The proposal did not fall within the categories provided for pilots in the RPA and 'treating' is an issue. In some areas the reason for selecting wards for inclusion in a pilot was a concern and clarification would be sought.

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- 11.4 The e-voting schemes included touch screen voting in polling booths, on-line voting, telephone voting and electronic counting. Eleven partners for the electronic pilots had been selected. Matches between the suppliers and the local authorities were being brokered. Two bidders were rejected including the e-democracy arm of the Electoral Commission for India. They were advised a bid would be welcomed next year if they worked up a partnership with a local authority to gain experience of elections in the UK.
- 11.5 ***The Commissioners agreed to support all the proposals except Blackburn and Darwin's prize draw. The response to DTLR will underline the importance the Commission places on the security of the vote. It will also highlight the need for clarification of the reasons for selecting wards for pilots and information about the level of consultation with the elected representatives. The Commissioners wished the response to acknowledge the range of ambitious pilots and express the hope that efforts to secure cross-party support will be successful.***
- 12 **Annual confirmation of details: registration of parties [EC9/02]**
- 12.1 The Commission will undertake a review of the registration process that will include this point. ***The Commissioners agreed that while sympathetic to the position of small parties it would not be appropriate to ask the DTLR to amend the legislation on this point until the wider review had been concluded and any other amendments could be requested at the same time. Parties will be asked for the fee but informed of the intention to look at this point in the context of a wider review.***
- 13 **Imposition of Financial Schemes [EC11/02]**
- 13.1 The Commission has provided draft schemes to all the parties who have not supplied their own. It was noted that there was not immediate sanction for parties who failed to accept the imposed scheme. Sanctions would be possible when the party fails to submit returns in accordance with the scheme.
- 13.2 ***The Commissioners agreed that financial schemes should now be imposed on the following parties:***
- ***The English National Party***
  - ***Scottish Socialist Party***
  - ***Progressive Unionist Party of Northern Ireland***
  - ***Independent Kidderminster Hospital and Health Concern Party***
  - ***Residents' Association of Cuddington***
  - ***Esher Residents' Association***
  - ***Human Rights Party***
  - ***UK Peoples Party***
  - ***Chaos Party***
- 14 **Providing information on donors to political parties to the Honours Scrutiny Committee [EC10/02]**
- 14.1 KS stated his interest as a member of the Data Protection Tribunal.
- 14.2 Section 3 of Schedule 7 of the Data Protection Act meant that the sharing of information for conferring by the Crown of any honour was exempt from the provisions. ***The Commissioners agreed that the information should be provided to the Honours Scrutiny Committee. They agreed that a letter should be sent to the political parties stating the Commission's intention and that this***

## Agreed

***correspondence should refer to Schedule 7 and the current role of the Chief Whip's Office in providing this information.***

### 15 **Reform of the House of Lords – response to consultation paper [EC5/2002]**

15.1 The Commissioners felt that it was not appropriate for them to respond on issues other than the conduct of any election and the Commission's role.

15.2 ***The Commission agreed that a letter should be sent declining to comment substantively at this stage, but making clear that the Commission would expect to be consulted once the decision on the number to be elected to the Upper House had been reached.***

### 16 **Any Other Business**

16.1 The Commission meeting in May will be held in Edinburgh. At the February meeting the date for the Commission to meet in England but outside London would be agreed.

16.2 Commissioners were asked to note that the voter awareness campaign would commence prior to the Commission meeting in February.

### 17 **Date of the Next Meeting**

17.1 The Commissioners will convene after the Referendums seminar at 4pm on Monday 28 January 2002 to consider the Budget paper (paragraph 7.2.4 refers).

17.2 The next meeting will meet at 9.30am on Thursday 14 February 2002 at Trevelyan House. The Commissioners will have a pre-meeting at the Reform Club at 7.30 for 8pm on Wednesday 13 February 2002.

## Agreed

### Minute of Commissioners' consideration of 2002/03 budget

The Commissioners met on Monday 28 January following the referendum seminar to give further consideration to the 2002/03 budget proposals. Since the earlier discussion on 23 January they had been provided with three additional documents:

- Peter Hodgman's reply of 25 January to the HM Treasury letter of 22 January
- A note from the Strategic Planning and Resources Team providing more detailed information on the proposed increases
- A note from the Media and Public Affairs and Policy teams detailing S13 spending if limited to £3m.

The following points were made in discussion:

- it was important that the budget should realistically reflect the increased activity of the Commission and provide a stable base for the future
- the bids for additional funds needed to be underpinned with clear argumentation and a realistic assumption that they would be used during the year
- there were tactical advantages in offering some reductions in recognition of the points raised by HM Treasury, in particular by staggering recruitment with full costs reflected in the following year
- there was a need to provide adequate funds to ensure electoral administrators received appropriate training and guidance
- a reduction in the S13 bid should be resisted and the point made that an effective campaign to deal with voter apathy required sustained effort. This would need to be underpinned by tracking research to assess effectiveness
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- in light of the funding review HM Treasury may well have to recognise that a greater investment in the electoral process would be needed

It was agreed

- To look for reductions to bring current expenditure below £18m. The Chairman was authorised to approve the revised budget
- An assessment should be undertaken of the impact on Commission activity if a further £0.5m of reductions had to be found

## Agreed

- A covering paper should be prepared for the Speaker's Cttee setting out more clearly the arguments for the increased 'administrative' spending
- The Cttee should also be advised of the effects of restricting S13 spending to £3m and the implications of a possible compromise figure of £5m assessed.