

Draft as at 9 July 2003

MINUTES OF THE PRIVATE MEETING OF THE ELECTORAL COMMISSIONERS HELD ON 27 JUNE 2003.

Present: Sam Younger (SY) (Chair)
Pamela Gordon (PG) for items 1, 8,9,10 and 11
Glyn Mathias (GM)
Sir Neil McIntosh (NM)
Karamjit Singh (KS)
Professor Graham Zellick (GZ)

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Nicole Smith (NS)
Chris Welford (CW)
Rael Zackon (RZ)
Kate Sullivan (KBS)
Ben Marshall (BM)
Paul Allen (PA)
Martine Padwell (MP)

Boundary Committee: Pamela Gordon (for items 2 – 7 inclusive)
Archie Gall (AG)

Implementation Team: Derek Little (DL)
Alice Cuninghame (AC)
Ann Devine (AD)

PG and AG left the meeting while decisions were taken on items 2 – 7 inclusive.

1. Risk Management

1.1 The Commission's risk management consultants facilitated a session for the Commissioners on the risk management process. Ann Kelly and Robin Gray, Deputy Commissioners, also attended, together with John Quinn, the independent member of the Commission's Audit Committee.

2. Periodic Electoral Review – Borough of Knowsley

2.1 GZ presented the report, which contained no major issues.

2.2 Representations had been received relating to the size of the Council.

PG indicated that the review of electoral cycles would involve consideration of Council size. This matter would also be reviewed as part of the evaluation of the PER process.

- 2.3 KS drew attention to the paragraph in the Implementation Team reports which referred to section 71 of the Race Relations Act 1976 as amended. JD stated that it was intended to review this in the Equal Access Strategy. In any instance where representations received by the Implementation Team did raise issues under section 71, these would be explained in detail and analysed against the criteria set out in the section.
- 2.4 **The Commissioners agreed to accept the recommendations, with the modifications to ward names for Kirkby Central and St Bartholomews wards.**

3. Periodic Electoral Review – City of Liverpool

- 3.1 SY presented the report. Minor adjustments were recommended in the report at paragraph's 9 to 14, which raised no issues of concern.
- 3.2 However a large number of representations had been received in favour of warding of Speke with Hunts Cross rather than Garston, and SY referred to the representation from the City Council. It was accepted that this was a matter of judgement, and that the argumentation received by the Boundary Committee from Hunts Cross now had to be balanced against that received by the Implementation Team from Garston and Speke.
- 3.3 **The Commissioners requested more advice and information from the Boundary Committee regarding the proposals for the warding of the Speke, Garston and Hunts Cross areas.**

4. Periodic Electoral Review – Borough of St Helens

- 4.1 GM presented the report, and noted that in respect of Rainhill Parish, the Boundary Committee had changed the recommendations in the draft report, in the light of responses to the consultation process. There was also a minor boundary adjustment between Haydock and Earlestown wards which was acceptable.
- 4.2 **The Commissioners agreed to accept the recommendations, with the modification to the boundary between Haydock and Earlestown wards, which was agreed on behalf of the Boundary Committee by the Director.**

5. Periodic Electoral Review – Borough of Sefton

- 5.1 NM presented the report and drew attention to the modification proposed in respect of Manor and Park wards, which would provide more effective and convenient local government.
- 5.2 **The Commissioners agreed to accept the recommendations, with the modification to Manor and Park wards, which had been agreed on behalf of the Boundary Committee by the Director.**

6. Periodic Electoral Review – Borough of Wirral

- 6.1 KS presented the report and drew attention to the proposed modifications to Bebington ward, and the change of name in respect of Birkenhead and Tranmere ward. Reference was also made to the map error for the proposed West Kirby and Thurstaston ward.
- 6.2 In response to a question concerning the process for checking the accuracy of maps, AG advised that site visits needed to be proportionate; during Stage 2, Boundary Committee staff would visit key points of contention in the area.
- 6.3 **The Commissioners agreed to accept the recommendations, with the inclusion of the property north of Gilroy Road into the West Kirby and Thurstaston ward, and with the modifications to Bebington ward and the ward name of Birkenhead and Tranmere ward, which were agreed on behalf of the Boundary Committee by the Director.**

7. Periodic Electoral Review – Borough of Stockton-on-Tees

- 7.1 GM presented this report. The only matter at issue was the date of implementation of the Order. JD and AG explained that this case was unusual, and unprecedented in the PER timetable, in that the local authority had come forward with revised figures which changed the basis on which the recommendations in the Final Report had been made. The consequences of doing this – a further consultation period and a delay in making an order - had been thoroughly explained to the local authority.
- 7.2 The recommended implementation date was the ordinary election date in 2005, which was the date which had received some support from all parties on the Council as a reasonable compromise.
- 7.3 **The Commissioners agreed to accept the recommendations, with an implementation date of 2005.**

8. May 2003 Pilot Evaluation Scheme

- 8.1 BM gave a presentation on the public opinion research on the voting arrangements in the pilot schemes, which emphasised the qualitative aspect of the research.
- 8.2 NS referred to the meeting of the Electoral Pilots Project Board which had met on 27 June. The Board had had sight of the draft report. NS advised the Commissioners of the comments of the ODPM representatives at the meeting, who had expressed a view on the perception of the report. NS believed that the quality of the inputs to the report was better than last year, especially in relation to technical aspects but the outsourcing of the individual evaluation reports had meant that it had not been possible to start work on the strategic report as early as in 2002. Some work was still necessary to hone the draft text.
- 8.3 The Commissioners were concerned about the format of the draft, and the key issues raised which required further debate and discussion. NS stated that if Commissioners wishes to have an opportunity to consider a further draft of the report, this would have an impact on publication schedules. However it could be achieved if Commissioners were content for a PDF version only to be made available by 31 July 2003, which would meet the deadline for publication, with the printed version being available at a later date.
- 8.4 The Commissioners discussed the schedule of recommendations and proposed amendments, and requested that the draft be considered again at the meeting on 10 July 2003.
- 8.5 **The Commissioners agreed to consider the draft report further at the Commission meeting to be held on 10 July, and agreed that a printed summary of the report, and a pdf version of the full report, should be published by 31 July 2003.**

9. Northern Ireland Assembly Elections (Political Parties and Candidates) Reimbursement Scheme 2003.

- 9.1 Following a brief discussion, the Commissioners agreed to delegate agreement of the scheme to SY and KS.
- 9.2 **The Commissioners agreed to delegate approval of the reimbursement scheme to SY and KS.**

10. Register of Political Parties: Permissible Descriptions

10.1 NM took the chair for this item.

10.2 RC and CW referred to the report which had been circulated at the Commission meeting on 12 June 2003. The publication of the name 'White Nationalist Party' was not likely to constitute an offence. The judgement for the Commission was whether the name could be regarded as offensive which would warrant refusal to allow the party to register that name. A policy framework for such matters had still to be developed but a decision was required in this particular case.

10.3 RZ advised the Commissioners that the test which they had to apply was set out in section 28 of PPERA, namely that they shall grant the application unless in their opinion the name is offensive. A distinction had to be made between the name itself and what was known about the party and its aims. The Commissioners were advised to concentrate on the words, not on background information about the party. The meaning of 'offensive' depended on the context in which it was being used.

10.4

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

10.7

[REDACTED]



10.8 The Commissioners recognised that refusal of an application was a major step but agreed that the name was, in their opinion, offensive under section 28 of PPERA on the grounds that the particular combination of the words in the name carried implications of racialism, such matters being contrary to the principles of public policy as set out in the Race Relations Act 1976 as amended. It was proposed that the party should be informed that the Commission was minded to reject the application on these grounds, and allow the party 10 days to respond.

10.9 **The Commissioners agreed that the applicant should be advised that the Commission is minded to reject the application for the registration of the 'White Nationalist Party' on the grounds that the proposed name of the party is offensive, and that the party be allowed ten days to respond.**

11. Information items

11.1 NM reported that the visit to Gibraltar had been much appreciated by the residents. It was proposed to release the recommendation in Gibraltar at the same time as its release here.

11.2 PG and SY are to attend the ODPM Select Committee on 14 July 2003 to make a presentation on the Local Government Review and the preparations for referendums on regional assemblies.