

Confirmed 11 March 2004.

MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD ON 26 FEBRUARY 2004 IN LONDON.

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

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Anne Hinds (AH)
Chris Welford (CW)
Rael Zackon (RZ)
Martine Padwell (MP) for item 4
Ros Baston (RB) for item 4
Tony Bellringer (TB)
Kate Sullivan (KBS)
Mark Williams (MW)

Boundary Committee: Pamela Gordon (PG)
Archie Gall (AG)

PG and AG left the meeting while the decision on item 4 was taken (4.10 – 4.14).

Implementation Team: Ann Devine (AD) for item 4

Apologies: Karamjit Singh

1. Minutes of the Remuneration Committee of 22 January 2004.

1.1 The minutes of the meeting of the Remuneration Committee held on 22 January 2004 were agreed.

2. Review of the minimum voting and candidacy ages: draft final report.

2.1 GM and TB presented the report, together with an optional specific chapter on public opinion, which the Commissioners approved for inclusion. The draft recommendations were: that the voting age should remain at 18 but should be reviewed again in ten years, and that the candidacy age should be lowered to 18, and future reviews should start from the presumption of a harmonised voting and candidacy age. It was generally agreed that this was the right approach on the evidence currently available, although the Commissioners agreed that the recommendation in respect of the future presumption of a harmonised voting and candidacy age should be removed.

2.2 The Commissioners discussed suggested changes to the text of the report. A number of structural changes were agreed as so to clearly establish the line

of argument, which led to the conclusions and recommendations. The main arguments were that the minimum ages reflected to a large extent the views of society generally as to the age at which adulthood was reached, and that citizenship education could have a significant effect on the social context if it achieves its aims over the next few years. There was some attraction to the idea of a lower voting age for local elections. However there were few detailed responses on this question, and of those which were received, the majority opposed the idea. It was agreed that the report would not recommend this, and instead state that the question might be considered in more detail in a future review.

- 2.3 On the question of timing for a further review, the Commission considered that an appropriate timescale for a further review of this matter would be within five to seven years, and that it would be expected that the Commission would carry out this task. The Commission would also raise the possibility of a wider review of the age at which young people or thought to reach maturity. SY and GM asked to see the amended draft of the report, which would then be put to the meeting on 11 March 2004 for final sign-off.
- 2.4 AH and TB outlined the options for the launch of the report. Commissioners agreed that this should be timed for 19 April. SY would brief ODPM and DCA ministers in the morning. If the Speaker's Committee were agreeable, a Parliamentary Question could be arranged for answer that afternoon. This would be followed by a press conference. The heads of the devolved offices would also need to be briefed on the review and the recommendations, and copies of the report would be provided at the devolved offices. If necessary, the arrangements would be discussed further at the next Commission meeting on 11 March.
- 2.5 **The Commissioners requested that the text of the draft report be amended in accordance with the discussion, and that the amended report be considered at the next meeting. The Commissioners approved in outline the arrangements for the launch.**

3. Pilots 2004.

- 3.1 KBS presented this additional item, outlining the implications of the decision of the House of Lords to limit the pilots in June 2004 to two regions. The Government has indicated that it will press for its original proposal of pilots in four regions.
- 3.2 KBS also advised the Commissioners about the amendment to the Bill, which would require the use of a traditional declaration of identity, and would require Returning Officers to send an acknowledgement of receipt of a postal ballot. The acknowledgement would be an unacceptable additional burden in an already complex process. There was concern that if there was continued uncertainty about the format of postal ballots, that printers would not be able to meet the timetable.
- 3.3 SY had written to the Lords setting out the Commission's concerns. The same comments could be sent to the Commons after 1 March (but before 8 March).
- 3.4 **The Commissioners agreed that SY should write setting out the Commission's concerns.**

4. Periodic Electoral Review: Borough of Trafford

- 4.1 SY presented the report. SY considered that the report covered several issues well (such as the lack of continuity in the Boundary Committee's staff) but that there were three key issues which the Commissioners needed to explore:
- i) Whether sufficient consideration been given to the Meadows and Sinderland schemes submitted by the council at Stage Three;
 - ii) Whether the revised electorate figures for the wards should give rise to a change to the recommendations: and
 - iii) Whether, if the revised figures had been known at an earlier stage, a consultee could have put forward a different argument to that submitted on the basis of the original figures.
- 4.2 The Commissioners were satisfied that they had all the information necessary in relation to the first issue.
- 4.3 The Commissioners considered the implications of the errors in the electorate figures and asked further questions of AG.
- 4.4 AG acknowledged that, if the Boundary Committee had been aware of the scale of the errors at Stage Three, it would have reconsidered. He could not say whether or not they would have undertaken a further consultation as a result, bearing in mind that the revised figures produce results within the 10% variance that the Committee usually would find acceptable. AG was asked why the Committee was not reconsidering the issue now, if it would have done so at Stage Three. AG again pointed to the fact that the variances were within 10% and also that the draft and final recommendations had achieved a reasonable level of local support.
- 4.5 AG was asked whether the council had been given any reasonable grounds to believe that it had not been fairly treated. AG stated that they did not.
- 4.6 AG explained that only the council could determine whether any set of figures was right. He was satisfied that the figures were as accurate as the Boundary Committee could make them, in the light of the fact that the council had not provided figures when requested. AG confirmed that the Boundary Committee was not persuaded that they should reconsider their recommendations.
- 4.7 In relation to the third issue, the question was whether any consultee who made a representation could say that, if the revised figures had been known, they could have put forward a different argument or put an argument in a different way. The question was whether there had been a loss of opportunity.
- 4.8 AG acknowledged the possibility that the arguments put forward on consultation might have changed, particularly in relation to Ashton-on-Mersey and St Marys wards, where the figures had changed from low variances to 7% and 10% respectively. However PG stated that any such arguments would have been very localised and she could not recall any having been

made. The changes in the figures had resulted in improvements in variances in some wards, as well as worsening in variances in others.

- 4.9 AG stated that the responses to the consultation had been concerned with community identity rather than electorate figures. Without reconsidering the representations received by the Boundary Committee, he could not confirm that no representations could have been better made in the light of the revised figures.

Consideration by the Commissioners

- 4.10 The Commissioners noted that Stage Three was the council's first opportunity to put forward a scheme in the light of the Boundary Committee's choice of council size. However, they agreed that the Boundary Committee had considered the council's two schemes fairly and also that neither scheme seemed to be as good as the final recommendations.
- 4.11 On the second issue, the Commissioners noted that the revised electorate figures were within acceptable variances and that the Boundary Committee had confirmed that no change was required to their recommendations as a result of the revision. There was concern that the figures had not been confirmed by the council. It was noted that the council had not met requests for confirmation of figures. The Commissioners accepted the Boundary Committee's view that the extent to which the figures were revised was not sufficient to require them to reconsider the substance of their recommendations.
- 4.12 On the third issue, there was concern that the electorate figures had changed after the consultation period and that no-one had had the chance to make representations based on the revised figures. JD pointed out that only two of the representations received by the Implementation Team related to electorate figures – those from the council and the PCT. It was also pointed out that most of the representations received related to the bigger picture, particularly the balance between the north and south of the borough, rather than the allocation of small groups of properties to particular wards.
- 4.13 The Commissioners agreed that the Boundary Committee should be asked to review all the representations received and to advise Commissioners in relation to the question of possible loss of opportunity for consultees. The Secretary to the Commission would write to the Boundary Committee requesting further advice and information. The Commissioners would then make a judgement on this issue and a final judgement on the review as a whole.
- 4.14 **The Commissioners agreed to accept all the Boundary Committee's recommendations, subject to being satisfied with the further advice and information from the Boundary Committee as set out in paragraph 4.13 above.**

5. Acceptance of donations from an unidentified and impermissible source.

- 5.1 CW presented the report, which concerned an independent candidate for the Northern Ireland Assembly in the November 2003 elections.

- 5.2 **The Commissioners agreed the recommended course of action set out in the report.**

6. Party funding public hearings

- 6.1 The Commissioners discussed the arrangements for the public hearings on party funding, including the framework for the questions. The hearings would be held as follows:

1 & 2 March: London
11 & 12 March: Belfast
23 & 24 March: Edinburgh
29 & 30 March: Manchester
1 April: Cardiff

The Commissioners thanked MW and Gemma Crosland for their work in making the arrangements.

- 6.2 **The Commissioners agreed the arrangements for the public hearings.**

7. Matters for information

- 7.1 The Commissioners received the following matters for information:
- Audit Committee minutes of 2 September 2003
 - GM advised that the Welsh Assembly has asked the Commission to report on the local elections in 2004 and discussions are underway
 - The CD Rom and brochure for candidates, agents and parties had been published
 - The Commonwealth Secretariat has asked the Commission to take part in high level observation of elections in May and October, but unfortunately Commissioners were unlikely to be available for the ten days required.
 - The fourth quarter's report on donation returns was published today.
 - The 'Respect the unity coalition' had been registered as a political party.