

Minutes of the meeting of the Electoral Commission held on 12 August 2004 in London.

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

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Roger Gough (RG)
Nicole Smith (NS)
Chris Welford (CW)
Kate Sullivan (KBS)
Mark Stratton (MS)
Doug Stewart (DS)
Martine Padwell (MP)
Ros Baston (RB)

Boundary Committee: Pamela Gordon (PG) (for items 6 – 17 inclusive)
Patricia Pena (PP) (for items 6 – 17 inclusive)
Steve Evison (SE) (for items 6 – 17 inclusive)
Dave Mahon (DM) (for items 6 – 17 inclusive)
Sam Hartley (SH) (for items 6 – 17 inclusive)

PG, PP, SE, SH and DM left the meeting while decisions were made in respect of items 6 – 17 inclusive.

Implementation Team: Ann Devine (AD)
Phil Allen (PA)
Tim Atkinson (TA)
Bill Pickles (BP)

1. Minutes of the meeting of 15 July 2004.

1.1 The minutes of the meeting held on 15 July 2004 were agreed, subject to:

Paragraph 4.2: add at end of last sentence ' where the Commission had supported the idea of postal voting'.

Paragraph 4.6: delete the words ‘ and this model had to be available for the next General Election.’

Paragraph 11.3: last sentence should read ‘ multi-member divisions could hold down variances’.

- 1.2 DS updated Commissioners on designation. The explanatory notes were available on the Commission website. Three applications for permitted participants have been processed, and two more were pending.

2. Minutes of the meeting of 29 July 2004.

- 2.1 The minutes of the meeting held on 29 July 2004 were agreed, subject to:

Paragraph 1.2: second bullet point should read ‘ people would prefer to be given the choice’.

Paragraph 2.2: delete words after ‘offensive’ in the last line.

Paragraph 4.3: add SY to members of project board.

Paragraph 7.3: delete ‘not’ in first sentence.

Paragraph 8.4: add Ged Fitzgerald’s name to first sentence, as CCO.

- 2.2 CW reported that the British National Party had not submitted a Statement of Accounts, as the party was having difficulty in finding an accounting firm to review and sign off the accounts. CW advised that the Commission may have to use its powers in PPERA to appoint an auditor; if this happened, the costs would be recovered from the BNP.

3. June 2004 pilots: regional evaluation reports

- 3.1 KBS presented the report, and stated that not all the statistical information would be available for the final report, and that there were on-going contractual issues to be resolved. The Commissioners reviewed each of the regional reports. The key issues which needed to be addressed in each report were:

East Midlands:

- The amount of detail in the report on process
- Effect of parish council elections on the pilot
- Implications for electoral services of the rural areas of the region
- Regional agreements by EROs
- More information on campaigning required

- Difficulty of disaggregating different types of elections

North East England:

- The effect of combined elections
- Significant criticisms of Royal Mail
- Percentage of spoilt papers

North West England:

- Lack of contingency planning
- Role of police in investigating allegations of fraud
- Use of RROs power of direction
- Communication issue with CPS
- More information concerning the election in Bolton

Yorkshire and the Humber:

- Use of the training material
- Issues relating to anecdotal evidence of fraud and intimidation
- Good provision of PPI

3.2 The Commissioners considered that each report must consider the difficulties experienced by electoral services staff. Each report should also contain a paragraph outlining the timetable, process and on-going issues, and information as to who had seen the reports and had an opportunity of commenting on them. The Commissioners also asked that each report should include a paragraph setting out the Commission's conclusions, and that these should be reviewed to ensure consistency of approach.

3.3 The Commissioners thanked KBS and her team for their excellent work in producing the reports.

3.4 **The Commissioners requested amendments to the reports as discussed above, and agreed that the Commissioner with the link to each region should approve the final version of each regional report.**

4. June 2004 pilots: evaluation report

4.1 SY began the discussion by acknowledging that the conclusion of last year's pilot evaluation report was premature, and that the key theme for this report should be choice. The Commissioners agreed that all-postal voting on the current model was not acceptable, and a model had to be developed which kept the acknowledged advantages of postal voting with a suitable degree of choice. Channels of voting other than postal

voting could not be precluded; multi-choice voting had to include polling stations and electronic voting, as well as postal voting on demand and ADPs.

- 4.2 It was agreed that a new model for multi-channel voting had to be on the basis that individual registration was in place. There was a limit to the usefulness of further pilots without individual registration, and if there was an opportunity for legislation, priority should be given to individual registration which would improve the security of postal voting.
- 4.3 The Commissioners recognised that fundamental change would be needed, rather than incremental change by more pilots. There was concern about support from returning officers and electoral services staff who wanted change, or who wanted to continue with current models which had increased participation. The Commissioners agreed that they would need to go out and explain their conclusions.
- 4.4 The Commissioners agreed that they would be willing to pilot a model which included postal voting, ADPs and polling stations, and that it may be possible to pilot this model in the 2006 London Borough and metropolitan council elections, and in national and London assembly elections in 2007 and 2008. Milestones for the development of a new model needed to be provided.
- 4.5 The report also needed to reflect the following issues:
 - The need for a single government department to oversee the electoral process
 - Funding of publicity by returning officers
 - The Code of Practice for parties
 - On-going issues with printers and local authorities
 - Security of the ballot
 - The behaviour of the media
 - Participation of voters from black and ethnic minority communities
- 4.5 **The Commissioners agreed that the report should be restructured to reflect the need for a new model of multi-channel voting, as set out above.**

5. Implications of all-postal pilots for the North East England referendum

- 5.1 DS explained that the ODPM expected a statement by the Commission on the implications of the all-postal pilot evaluation reports for the three regional referendums. Nick Raynsford would make a statement concerning the postponed referendums for North West England, and Yorkshire and Humber when the House returns in September. PG

stated that there was an inherent advantage in offering all-postal voting in the referendum given the complexity of the issue.

- 5.2 The Commissioners considered a draft statement. The issues concerning ADPs related to both funding, and to concerns about being too prescriptive. The Commissioners agreed that the statement should be amended to the effect that the CCO will be expected to implement best practice. SY agreed to discuss the issues with Ged Fitzgerald and Nick Raynsford. Key people in all three regions should be kept informed.
- 5.3 The Commissioners discussed handling arrangements, which included:
- Going through the evaluation reports and statement with ODPM and DCA at the meeting on 25 August
 - Launching the reports and statement on the Today programme on 27 August
 - A series of press interviews on 27 August
 - An event for MPs in the morning of 7 September.
- 5.5 **The Commissioners agreed to amend the statement to reflect the discussion and authorised SY to sign off the final version. SY will keep the CCO for the North East and the two other regions informed. The Commissioners approved the handling arrangements set out in paragraph 5.4 above.**

6. Periodic electoral review: county of Derbyshire

- 6.1 NM presented the report on this PER which was completed in August 2000. The key issues were:
- Representations which suggested that coterminosity had been given priority over electoral equality and community identity, especially in the districts of South Derbyshire, Derbyshire Dales, and Bolsover, and in the borough of Chesterfield
 - Splitting the parish of Ockbrook and Borrowash between two electoral divisions
 - Names of proposed electoral divisions
 - Anomalies in final recommendations
- 6.2 The County Council and the Boundary Committee staff had been consulted on the name changes for proposed electoral divisions, as set out in paragraph 12 of the report. It was noted that the proposed name changes had been agreed on behalf of the Boundary Committee.
- 6.3 **The Commissioners agreed to accept the recommendations, with the modifications set out in the report and agreed on behalf of the Boundary Committee.**

7. Periodic electoral review: county of Devon

- 7.1 SY presented the report on this PER which was completed in 2000. The Commissioners noted that the electoral forecast figures for 2004 were reasonably close to the actual figures for 2003, and that there was no reason to change the recommendations on those grounds.
- 7.2 The key issues were:
- The proposed new electoral divisions in East Devon, North Devon, Teignmouth and South Hams
 - The need for an amendment to the Borough of West Devon (Electoral Changes) Order 1999.
 - Names of proposed electoral divisions
 - Anomalies in final recommendations
- 7.3 The County Council and the Boundary Committee staff had been consulted on the name changes set out in paragraphs 13 – 19 inclusive. It was noted that the proposed name changes had been agreed on behalf of the Boundary Committee.
- 7.4 In paragraph 13 of the Implementation Team report, in the first sentence of the second paragraph, the word 'commissioners' should read 'it was' to make the process clear.
- 7.5 **The Commissioners agreed to accept the recommendations, with the modifications set out in the report and agreed on behalf of the Boundary Committee.**

8. Periodic electoral review: county of Essex

- 8.1 NM presented the report, the key issues of which were:
- Epping Theydon Bois and North Weald & Nazeing divisions in Epping Forest
 - Brightlingsea and Tendring Rural West divisions of Tendring
 - Names of proposed electoral divisions
 - Anomalies in the final recommendations
- 8.2 The Commissioners noted that Alresford Parish Council had submitted additional evidence as to how the inclusion of Thorrington parish into the proposed Brightlingsea division would better reflect community identity than the final recommendations. The Implementation Team had consulted Boundary Committee staff, who had indicated that this evidence was not sufficiently convincing. The Commissioners considered that they required further advice or information from the Boundary Committee on this issue.

8.3 The Commissioners agreed to require more advice or information from the Boundary Committee regarding Thorrington parish

9. Periodic electoral review: county of Gloucestershire

9.1 SY presented the report, an amended version of which was tabled at the meeting. The key issues were:

- Multi-member divisions in general, and in particular in Cam and Dursley division in Stroud, and Hesters Way and Up Hatherley division in Cheltenham
- Barton and Tredworth, Quedgeley, Robinswood and Westgate divisions in Gloucester
- Springbank division in Cheltenham
- High electoral variances
- Anomalies in final recommendations

9.2 The Commissioners noted that no rationale had been received in respect of the general objections to multi-members divisions, and that Cheltenham Borough Council had supported the proposals for five two-members divisions in their area. In respect of the proposed two-member Cam and Dursley division in Stroud, the district council indicated that their 2006 forecast for housing was broadly correct, and no large-scale development was likely to take place by 2006.

9.3 The Implementation Team had sought further advice from the Boundary Committee staff concerning the high electoral variances in Forest of Dean and Stroud. It was noted that the relevant divisions facilitated the most viable division patterns and good levels of electoral equality.

9.4 The Commissioners agreed to accept the recommendations.

10. Periodic electoral review: county of Kent

10.1 SY presented the report, the key issues of which were:

- Concern expressed by the County Council that publication of the final recommendations had been delayed
- A representation from the County Council concerning the multi-member divisions, and the application of the statutory criteria
- A representation concerning political bias
- Sholden parish in Dover
- Electoral projections for Gravesham
- Gravesham Rural division
- Two-member divisions in Thanet

- Malling Central and Malling North divisions in Tonbridge and Malling
 - Names of proposed electoral divisions
 - Anomalies in the final recommendations
- 10.2 The Commissioners noted that the County Council had not raised any matters of substance in the representation. In relation to the electoral figures for Gravesham borough, the County Council had confirmed the the electoral projections to the Boundary Committee and the Implementation Team had accepted the County Council's views.
- 10.3 **The Commissioners agreed to accept the recommendations, with the modifications set out in the report and agreed on behalf of the Boundary Committee.**

12. Periodic electoral review: county of Nottinghamshire

- 12.1 SY presented the report, which raised only three key issues:
- Concern expressed by the County Council on the application of the statutory criteria
 - Multi-member divisions
 - Anomalies in the final recommendations
- 12.2 The Commissioners noted that the arguments put forward by the County Council opposing multi-member divisions were of a general nature; no new evidence had been submitted in relation to any particular proposed multi-member division, or the issues raised had been previously considered.
- 12.3 **The Commissioners agreed to accept the recommendations.**

13. Periodic electoral review: county of Shropshire

- 13.1 KS presented the report, the key issues of which were:
- Six proposed divisions with electoral variances of over 20%
 - Wem and Wem Rural divisions, and Baschurch and Ellesmere divisions in North Shropshire
 - Bagley, Harlescott, and Castlefields and Ditherington divisions in Shrewsbury and Atcham
 - Bridgenorth Rural division
 - St Oswald division in Oswestry
 - Anomalies in the final recommendations

13.2 The Commissioners noted in particular that the transfer of 732 electors from Heath Farm Estate from Harlescott division to Bagley division would result in a variance of –29% by 2006.

13.3 **The Commissioners agreed to accept the recommendations.**

14. Periodic electoral review: county of Staffordshire

14.1 NM presented the report which highlighted the following key issues:

- The representation from the County Council concerning coterminosity
- The requirement for an amendment to the District of Staffordshire Moorlands (Electoral Changes) Order 2001
- Cannock Chase – parish order
- Stafford North, and Gnosall and Doxey divisions in Stafford
- Cannock Town, Chadsmoor, Cannock Villages, and Hednesford and Rawnsley divisions, in Cannock Chase
- Cheslyn Hay, Essington and Great Wyrley division in South Staffordshire
- Dove Division in East Staffordshire
- Names of proposed electoral divisions
- Anomalies in final recommendations

14.2 In respect of Cannock Town Centre and Chadsmoor divisions, PG stated that the Boundary Committee would propose a one-member division unless there were good reasons not to do so. There was some concern that the policy statement in the final recommendations on Staffordshire in relation to multi-member divisions may be inconsistent with the approach taken in other reviews. The Commissioners asked that the attention of the Boundary Committee be drawn to inconsistencies of expression in a number of final recommendations, not only in relation to Staffordshire.

14.3 The County Council and the Boundary Committee staff had been consulted on the name changes for proposed electoral divisions. It was noted that these had been agreed on behalf of the Boundary Committee.

14.4 **The Commissioners agreed to accept the recommendations, with the modifications set out in the report and agreed on behalf of the Boundary Committee.**

15. Periodic electoral review: county of Surrey

15.1 KS presented the report which highlighted the following key issues:

- Claygate, Hinchley Wood and Oxshott divisions in Elmbridge
 - Spelthorne Borough
 - Horley West in Reigate and Banstead
 - Egham Town in Runnymede
 - Bisley, Chobham and West End-Windlesham in Surrey Heath
 - Names of proposed electoral divisions
 - Anomalies in final recommendations
- 15.2 In respect of Spelthorne, the Commissioners noted that the proposals resulted in relatively poor coterminosity, it was not possible to achieve greater coterminosity without impacting negatively on electoral equality.
- 15.3 The County Council and the Boundary Committee staff had been consulted on the name changes for the proposed electoral divisions. It was noted that these had been agreed on behalf of the Boundary Committee.
- 15.4 **The Commissioners agreed to accept the recommendations, with the modifications set out in the report and agreed on behalf of the Boundary Committee.**

16. Periodic electoral review: county of Warwickshire

- 16.1 GM presented the report. A number of representations referred to coterminosity, and it appeared that the County Council had not appreciated that coterminosity had to be taken into account and that all the statutory criteria had to be addressed in its Stage One submission. The County Council had also expressed concern about the PER process. The other key issues were:
- Parish reviews in Stratford-on-Avon and Warwick
 - Arbury and Stockingford division in Nuneaton and Bedworth
 - Snitterfield district ward in Aston Cantlow and Wellesbourne divisions in Stratford-on-Avon and related parliamentary constituencies
 - Brownsover, Caldecott and Eastlands divisions in Rugby
 - Stratford South division in Stratford-on-Avon
 - Leamington North division in Warwick
 - Name changes for proposed electoral divisions
 - High electoral variances
 - Anomalies in final recommendations
- 16.2 The Commissioners considered that the levels of coterminosity and electoral equality in respect of the alternative proposals for Arbury and Stockingford divisions were close. They also expressed some concern about the way in which the benefits of two-member wards had been presented in paragraph 65 of the final recommendations and they

wished to be assured about the recommendations for Arbury and Stockingford in the light of the wording of the final recommendations.

- 16.3 The Boundary Committee staff had been consulted on the County Council's suggested name changes for proposed electoral divisions. It was noted that the changes had been agreed on behalf of the Boundary Committee.
- 16.4 It was noted that the electoral figures for 2003 were close to the projected figures, and there was no reason to alter the recommendations on those grounds.
- 16.5 **The Commissioners agreed to require further advice or information from the Boundary Committee in respect of the recommendations for the Arbury and Stockingford divisions.**

17. Periodic electoral review: county of Wiltshire

17.1 GM presented the report. The key issues were:

- Malmesbury and Minety divisions in North Wiltshire
- Warminster East and Wylve divisions
- Multi-member divisions in Salisbury and Trowbridge
- Kennet – parishes order
- Anomalies in final recommendations

17.2 The Commissioners noted that in respect of the proposal for a two-member division for Salisbury, the electoral variance figure was 19%. The Commissioners felt that on the information available, they were unable to make a decision as to whether the Boundary Committee's proposal or the County Council's proposal provided the best balance between the statutory criteria.

17.3 **The Commissioners agreed to require further advice or information from the Boundary Committee on the effects of the alternative proposals for Salisbury.**

18. Further electoral review of Isle of Wight: update and issues

18.1 DM presented the report. The Commissioners noted the letter from the Isle of Wight Council, which did not indicate whether it supports out-of-turn elections. DM indicated that if elections took place in 2009, the most appropriate time to start a FER would be early 2006. However if the Council agreed to elections in 2007, the FER could be completed in time if it was started in May/June 2005.

18.2 **The Commissioners agreed that the matter be referred back to the Isle of Wight Council for decision on the preferred date of elections.**

19. Draft Regional Assemblies Bill: ODPM Committee inquiry and invitation to submit written evidence

19.1 NS presented the report, which stated that written evidence was required to be submitted by 27 August 2004. The report listed a number of areas covered by the Bill which would be of interest to the Commission.

19.2 PG stated that the select committee may wish to discuss members and constituencies, given that a regional assembly would be a strategic authority akin to the Greater London Assembly, and there was an argument that constituencies ought to cover both urban and rural areas. She hoped that there would be a chance to discuss this with the select committee.

19.3 **The Commissioners noted the invitation to submit written evidence, and agreed that SY should approve the final text of the submission.**

20. North East referendum campaign broadcasts: response to BBC proposals

20.1 NS presented the report, and highlighted the fact that the number of broadcasts being offered was fewer than at a normal election; this reflected the difference between an election and a referendum. The draft response also drew attention to the fact that the designation process related only to the regional assembly referendum, and that therefore the BBC may wish to consider reflecting this in the rules on content.

20.2 **The Commissioners approved the response to the BBC, as set out in Annex 1 to the report.**

21. Campaign expenditure: Northern Ireland

21.1 CW presented the report which listed a number of technical breaches of PPERA 2000 by political parties. The recommendation to take no enforcement action was in line with the approach taken in Scotland and Wales. The parties concerned had been informed of the breaches, and the Compliance Team would ensure that the parties took mitigating action to avoid any recurrence in future returns.

21.2 The Commissioners agreed that no enforcement action should be taken, but that the breaches should be noted and taken into consideration when assessing the results of future reviews.

23. Items for information

23.1 The Commissioners received the following items for information:

- Campaign expenditure reports: Northern Ireland
- Schedule of meetings and events