

Minutes of the meeting of the Electoral Commission held on 22 April 2004 in London.

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

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Archie Gall (AG)
Roger Gough (RG)
Anne Hinds (AH)
Chris Welford (CW)
Rael Zackon (RZ)
Kate Sullivan (KBS)
Doug Stewart (DS)
Stephen Judson (SJ)
Martine Padwell (MP)
Ros Baston (RB)
Steve Evison (SE)
Jon Saunders (JS)
Ann Devine (AD)
Phil Allen (PA)

Apologies: Sir Neil McIntosh

1. Minutes of the meeting of 11 March 2004.

- 1.1 The minutes of the meeting held on 11 March 2004 in Belfast were agreed, subject to the insertion of 'in depth', after 'discussed' in the first line of paragraph 3.2.
- 1.2 The Commissioners noted the successful launch of the Age of Electoral Majority report.
- 1.3 The Commissioners were advised that a number of issues had arisen over the European Parliamentary Elections (Northern Ireland) Regulations 2004, not least that there had been inadequate consultation before they were laid. RC would pursue the matter with officials.

2. Minutes of the meeting of 25 March 2004.

- 2.1 The minutes of the meeting held on 25 March 2004 were agreed, subject to the substitution of SJ for SY in paragraph 2.1.
- 2.2 The Commissioners were advised that the Referendums (Referendums Expenses Limits for Permitted Participants) Order was not laid by 1 April 2004. A new date had not been given.
- 2.3 In respect of paragraph 8 (Code of Conduct), RC and KBS outlined issues relating to this code, the parties reaction to the code and associated activities already underway by some parties and organisations.

3. Directors quarterly reports for January-March 2004.

- 3.1 The Commissioners received the quarterly reports from the Directors for January – March 2004. The following items were also discussed:

Boundary Committee:

- COI distribution of LGR materials. The Commissioners asked for a report following the completion of the LGRs
- A briefing for Commissioners on the LGR Final reports would be provided on 13 May.

Corporate Services:

- The Corporate Plan has not yet been approved by the Speaker's Committee; it was hoped to clear any outstanding issues by correspondence
- Outsourcing of audit by NAO
- Information Management Strategy; a copy of the PID will be sent to KS as requested
- IIP work is on track; the aim is for accreditation by the end of 2004
- A pilot for performance appraisal will be introduced towards the end of 2004
- There was no progress on obtaining more accommodation in Trevelyan House

Policy:

- The Pilots Act received Royal Assent on 1 April 2004
- There are continuing issues with the training for the June elections. The Speaker's Committee have asked NAO to review this; RC will pursue the matter with the contractors.

- There had been no progress with ONS; SY stated that he would write again to ONS.

Registrations and Compliance:

- A Parliamentary Question had been put down concerning representations made to the Commission regarding the inappropriate use of office for party purposes
- The payment of 2003/4 PDGs was almost completed
- The Commission had received a complaint regarding the failure of the Labour Party to report notional donations relating to accommodation provided to constituency parties
- The BNP had raised concerns regarding the conduct of the June 2004 European and local government elections
- Volume 2 of the report on the Scottish and Welsh Parliamentary/Assembly elections will be available for the next Commission meeting; the reports are due to be published in October 2004.

Secretariat:

- Work on parish reviews have been transferred to the Boundary Committee
- The PERs for the counties are causing significant resourcing issues
- There had been no response from Trafford MBC to the Electoral Arrangements Order
- The discussion on elections for counties affected by the LGRs would be discussed by the ODPM sub-group in June.

Communications:

- The Internal Communications review is underway
- Commissioners congratulated the team on the national advertising campaign
- The Commissioners also recognised the high quality of the work of the publications team.

4. Devolved offices quarterly report January –March 2004.

4.1 The Commissioners received the quarterly report from the devolved offices for the period January – March 2004. The following comments were made;

- RC reported that there had been a positive response from EONI on the report on the Northern Ireland Assembly elections

- The request for a report on the Welsh local government elections had now been received
- AG had met with the Scottish Parliamentary Boundary Commission
- Ben Lewis and Dougie Wands had left the Commissions offices in Wales and Scotland respectively and their contribution was acknowledged

5. Statutory consultation: allocation of party broadcasts in Northern Ireland

- 5.1 SJ presented the report. The BBC's proposed criteria were especially devised to take account of the circumstances in Northern Ireland and had been discussed with the Northern Ireland political parties. Unlike the BBC, Ofcom does not consider it necessary to consult the Commission on these criteria. There was some concern about Ofcom's interpretation of the law; SY and SJ had recently met with Ofcom to discuss the matter, which may be pursued further following the revision of Ofcom's Programme code which is expected in the near future.
- 5.2 **The Commissioners agreed the response set out in Appendix 1 to the report.**

6. Statutory consultation: BBC proposed Code of Practice (European Parliamentary elections)

- 6.1 SJ presented the report, and advised that the Governors of the BBC were considering the Code at their meeting today. The Code must take effect on 5 May. Two issues required to be addressed:
- There is no reference in the BBC guidelines to combined polls. However it was not considered necessary to comment in detail on this point.
 - Ofcom will be advised of what the Commission has told the BBC
- 6.2 RC referred to the Gibraltar Regulatory Authority's code made under the Gibraltar Ordinance and the need to define 'major parties'.
- 6.3 **The Commissioners approved the responses to the BBC and the Gibraltar Regulatory Authority (GRA), and noted the position in respect of Ofcom and S4C outlined in the report.**

7. Regional Referendums: PID

- 7.1 DS presented the report and the PID, which identified the responsibilities attaching to different roles. DS advised that there would be items arising from the Programme Board for the Commissioners to approve. PG asked for a copy of the chart with names shown.
- 7.2 The Commissioners discussed issues arising from the liability of SY as Chief Counting Officer and the liability of the Commission. This matter was being pursued with the legal team and the NAO.
- 7.3 **The Commissioners approved the Project Initiation Document.**

8. Regional referendums statutory report: proposed approach

- 8.1 DS presented the report, which listed the subject areas and the approach proposed. A coordinating author would be commissioned; the Commission would retain editorial control.
- 8.2 The Commissioners discussed, in the light of the announcement of a future referendum on the European Constitution, the timetable for producing the report. The original timetable proposed nine to twelve months after the referendum. However this was no longer appropriate. SY suggested an immediate, summary report highlighting key areas of concern for the statutory framework for referendums, followed by the statutory report by March 2005.
- 8.3 **The Commissioners approved the approach set out in the report, with the exception of the timetable. The Commissioners agreed that after the referendum, the Commission should produce a summary report highlighting key issues, and that the statutory report should be published no later than March 2005.**

9. Regional Referendums Communication Strategy referendum options and local government options

- 9.1 DS presented the report, which proposed that the Commission will aim to encourage voting and to act as a signpost to information about arguments and options. PG expressed deep concern about this approach, as it would not give voters the arguments which the Boundary Committee has considered. The Government material will not provide this information, and there was no guarantee that permitted participants would do so either. PG felt that there was a vacuum which had to be filled, not necessarily by the Commission, but the Commission had to address the matter.

- 9.2 It was preferable that the media picked up the arguments. However, the Commission could provide extracts from the Final Reports and a summary of each. Reports could be available via the helpline and the website.
- 9.3 **The Commissioners approved the recommendations set out in the report, with the addition of providing access to the Final reports and report summaries.**

10. Government Information Campaigns in Referendums

- 10.1 The Commissioners considered a draft statement on the issue of government information campaigns in referendums.
- 10.2 **The Commissioners agreed the draft statement, subject to the amendments discussed.**

11. Investigation into the late reporting of donations by the Labour Party

- 11.1 CW presented the report on the investigation. The Commissioners discussed the recommendations and the options for handling and publishing the findings. The Commissioners agreed that:
- The previous registered treasurer should be informed of the Commission's findings
 - The current registered party treasurer should be sent a copy of the investigation report
 - A press statement should be issued with the first quarter donation statement
- 11.2 **The Commissioners approved the report, subject to the amendments discussed, and agreed the handling arrangements set out above.**

12. Policy Development Grants: methodology review

- 12.1 CW presented the report. It was proposed that there should be no change to the present methodology for calculating grant allocations, pending the outcome of the review of party funding.
- 12.2 **The Commissioners agreed that no changes should be made to the current system for allocating Policy Development Grants, pending the outcome of the review of party funding, and that reference to this review should be added to the draft letters to the Lord Chancellor and registered party treasurers.**

13. Review of party names

- 13.1 CW presented the report. The Commissioners discussed the recommendations, and the comments received from NM and GZ.
- 13.2 In respect of the application for 'Monarchy is racist. End Monarchy Referendum', the Commissioners considered that the proposed name was offensive.
- 13.3 In respect of the application from the British National Socialist Party, the Commissioners did not consider that the name was offensive. However, the Commissioners considered that the name could be confused with other parties with similar names and therefore the party should be informed that the Commission would not register the name for that reason.
- 13.4 **The Commissioners agreed that the parties should be advised that their applications would be refused on the grounds stated in paragraphs 13.2 and 13.3.**

14. Further electoral reviews

- 14.1 AG presented the report, which recommended further electoral reviews (FERs) in eight areas. In others, new development would largely resolve any electoral imbalance, but these would be kept under review.
- 14.2 In the Isle of Wight, changes could not be implemented until 2009, although there was case to consider mid-term implementation. In addition, the PBC for England was using the current ward boundaries as the basis of their recommendations, and therefore electoral changes could not be implemented for FERs until the PBC had completed their work. The timetable would be agreed with the local authorities concerned; work on LGRs and any consequential electoral arrangements following the regional referendums had to take priority.
- 14.3 **The Commissioners agreed that further electoral reviews by carried out in the eight local authority areas of Corby, North Hertfordshire, South Gloucestershire, Kettering, South Northamptonshire, North Kesteven, Lincoln and Isle of Wight, and that a draft direction be considered at the next meeting.**

15. Party conferences 2004

- 15.1 AH presented the report, and asked Commissioners to consider in particular the options for fringe meetings. SY stated that the format and theme of fringe meetings had to be carefully considered; the feedback

should be valuable to the work of the Commission. It was considered that a fringe meeting on referendums could take the form of either a meeting with senior party representatives, or a briefing.

- 15.2 The Commissioners approved the recommendations, with the exception of a fringe meeting with SMF.**

16. Marked registers

- 16.1 RC presented the report, and drew attention to the fact that paragraphs 8 – 10 would need to be reviewed to reflect the Commission response to the June 2004 pilots order. It was acknowledged that the report will also need to consider the legal position as set out in Counsel's opinion particularly in relation to the definition of 'electoral purposes', and the practical implications of the various options. These would have to be explained in the report. The target date for publication is late October 2004.
- 16.2 The Commissioners approved the position recommended in the report at paragraphs 16 – 20, as a basis for drafting the report.**

17. Race Equality Scheme

- 17.1 JD presented the report and the draft Race Equality Scheme. IT was suggested that the scheme should include some worked examples. It was recognised that the RES was part of an overall process which ensured that the impact on equality issues was integral to the work of the Commission, and that it was the responsibility of SMT to ensure that this happened. Comments on the draft scheme were invited by the end of April.
- 17.2 The Commissioners noted the draft scheme, and the timetable for publication.**

18. Elections June 2004: Commissioner involvement

- 18.1 KBS presented the report, and outlined the proposals for observation and the times and dates for the counts. It was proposed that each regional pilot area, plus London, should each be covered by one Commissioner. The Commissioners were asked to confirm availability for the week of the vote and the dates of counting.
- 18.2 The Commissioners also considered the proposals for EPE seminars. The seminar on participation and turnout should take place in London.

18.3 In regard to pilot regions, post election seminars were planned for the following dates:

21 June: North East England
22 June: North West England
23 June: East Midlands
25 June: Yorkshire and Humber

18.4 **The Commissioners agreed the proposals and confirmed that the seminar on participation and turnout will take place in London.**

19. June 2004 pilots: statutory consultation on order

19.1 KBS presented the report, which provided a proposed response to the DCA on the European Parliamentary and Local Elections (Pilot) Bill. Again, inadequate time had been given to the Commission to consider the draft properly. The Government wished to make to the order by the end of April.

19.2 The DCA had already taken account of a large number of issues raised by the Commission along with implementing may Commission recommendations.

19.3 In relation to the issue of polling progress information, RZ advised that the draft order's version of section 66 of the RPA did not amount to equivalent safeguards which the Commission had sought. It was considered that the draft did not have sufficient regard for the differences between voting at home and voting at a polling station.

19.4 **The Commissioners agreed the draft response, subject to minor amendments.**

20. London Mayoral Address Booklet 2004-04-27

20.1 KBS presented the report, which required further amendments. A revised version would be given to SY for approval.

20.2 **The Commissioners agreed that SY should agree the final version of the response to the statutory consultation.**

21. Outreach

21.1 The Outreach Team gave a presentation of their work, and answered questions on the effectiveness and evaluation of the sessions and events undertaken so far. Requests for presentations and assistance

from the team had increased significantly, and in England it was not possible to cover all the requests received.

- 21.2 **The Commissioners welcomed the presentation, and congratulated the team on their achievements.**

22. Welsh Language Forms Order

- 22.1 The Commissioners were advised that the ODPM had submitted this order to the Commission following the realisation that the order did need Parliamentary procedure. The Commission received the draft order on 21 April; the order has to be made by 4 May.
- 22.2 **The Commissioners authorised GM to agree the response, after consultation with KJ, which is to be sent with a letter signed by RC.**

23. Items for information

- 23.1 The Commissioners received the following items for information:
- Periodic Electoral Reviews: counties. PG presented the key principles and factors
 - Pilots 2004:evaluation framework (need electronic copy)
 - Draft Audit Committee minutes of 22 January 2004
 - Schedule of meetings 2004 & 2005
- 23.2 An additional Commission meeting will be held on Thursday 26 August at 11.30am.