

**MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD  
ON 9 JANUARY 2004 IN LONDON.**

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

In attendance: Roger Creedon (RC)  
Jacqui Dixon (JD)  
Roger Gough (RG)  
Anne Hinds (AH)  
Nicole Smith (NS)  
Rael Zackon (RZ)  
Ben Lewis (BL) (for items 11 & 12)  
Ellie Greenwood (EG) (for item 13)  
Martine Padwell (MP)  
Tom Hawthorn (TH) (for item 9)  
Steve Evison (SE) (for item 9)  
Jennifer Gaughan (JG) (for items 6-8)  
Le Binh Hang (LBH) (for items 6-8)  
Dean Paterson (DP) (for items 6-8)

Boundary Committee: Pamela Gordon (PG)  
Helen Rossington (HR) (for items 1-5)

PG and HR withdrew from the meeting while decisions were taken on items 1-4.

Implementation Team: Ann Devine (AD) (for items 1-4)

Apologies: Glyn Mathias

**1. Periodic Electoral Review: Borough of Bury**

- 1.1 NM presented the report. There were two issues arising from the representations relating to the size of the Council and the Elms Estate. In respect of the Council size, the Boundary Committee had given extensive consideration to this, and the Council had produced a well-argued case.
- 1.2 A modification was proposed to the boundary between Pilkington Park and Unsworth wards, in the area of Elms Estate. Although the

modification was based on one representation received, there was sound argument for the modification, which was supported by other representations.

- 1.3 **The Commissioners agreed the recommendation in the Implementation Team's report, and accept The Boundary Committee's recommendations subject to the amendment in paragraph 10 relating to Elms Estate.**

## **2. Periodic Electoral Review: City of Manchester**

- 2.1 KS presented the report, which raised two issues relating to Harpurhey and Moston wards, and the ward name in the Chorlton Park area. The local authority had advised that the preferred ward name would be Chorlton Park, and the Boundary Committee staff had indicated that this modification would be acceptable.
- 2.2 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept The Boundary Committee's recommendations subject to the modification in paragraph 9 relating to ward name.**

## **3. Periodic Electoral Review: Borough of Stockport**

- 3.1 KS presented the report which raised three issues. The local authority had advised that the preferred name for the proposed Bramhall Moor ward should be 'Stepping Hill' and the Boundary Committee staff had indicated that this modification would be acceptable. Paragraph 12 of the report outlined a minor mapping change.
- 3.2 The third issue related to the Bredbury, and Romiley and Woodley wards, where the Implementation Team recommended reverting to the Boundary Committee's Draft Recommendations for this area. The Commissioners noted the difficulties in obtaining representations supporting recommendations. The submission on which the Final Recommendations had been based had been well-argued. However there were more representations to the Implementation Team with good argument for reverting to the Draft Recommendations. The local authority supported this proposal, which was part of the original Council submission. The Boundary Committee had agreed to the modification.
- 3.3 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept The Boundary Committee's recommendations subject to the modifications in paragraphs 9 – 12 inclusive.**

#### **4. Periodic Electoral Review: Borough of Wigan**

- 4.1 NM presented the report which raised issues relating to ward names, and to the boundary of Standish/Shevington wards. In respect of ward names, the Implementation Team recommended modifications to the ward names set out in paragraph 10 of their report, and Boundary Committee staff had indicated their agreement. No change was recommended to the boundaries between Standish Lower Ground and Standish Langtree wards, or to the name of Wigan Central ward.
- 4.2 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept The Boundary Committee's recommendations subject to the modifications of ward names set out in paragraph 10.**

#### **5. Further Periodic Electoral Reviews**

- 5.1 PG and HR presented the report which indicated that in a number of local authorities which had been considered early in the PER Programme, electoral inequalities had been identified which were greater than those forecast during the PER process. If these were to be addressed, a direction from the Commission would be required to carry out the necessary work. It went without saying that the decision to make such a direction would need to be based on the objective need for the work to be done but the case for the need would have to be clearly made out and explained in order to dispel any risk of the directions being wrongly perceived.
- 5.2 The Commissioners discussed this matter at length, recognising that the future work programme for the Boundary Committee following completion of the current PER programme had still to be resolved. It was unclear at this stage whether any review work would flow from the LGR proposals (which was dependent on the outcome of the referendums) or the timing of any future cycle of PERs. RC added that the budget proposals assumed that the Boundary Committee resources would be maintained for 2004/5 but decisions had still to be taken on what work needed to be done post-September 2004. It went without saying that any decision to make any direction would only be made on the basis of an established objective need for the work to be done, and the case for that need would have to be made out and explained. In the discussion reference was made to:
- The need, independently of the issue of FERs, for a core of permanent staff in the Boundary Committee
  - The potential views of the Speaker's Committee
  - Whether there was any precedent for a programme of FERs
  - The wishes of some local authorities for a FER

- The criteria for deciding whether to carry out a FER in a particular local authority area
  - The method, terms and timing of any direction from the Commission
- 5.3 The Commissioners recognised that there were issues of high levels of variance in some areas and that there may be a pragmatic case for dealing with the worst instances. However the Commissioners would be considering the Boundary Committee's future work programme at its next meeting. There were a number of issues which needed further consideration before a decision could be taken, including:
- The criteria for determining whether a FER should be carried out
  - Whether there are precedents for FERs
  - The powers of the Commission to give a directions and the possible terms of any direction
- 5.4 **The Commissioners noted the report and requested that further information as set out in paragraph 5.3 above be provided to enable them to consider further and decide the matter.**

## **6. Electoral Commission Main Estimate 2004/5**

- 6.1 RC and RG presented the report, which was a first draft of the paper for the Speaker's Committee meeting due to be held at the end of February 2004. A major change to the report needed to be made in the area of referendum costs, to which £200,000 had to be added.
- 6.2 The underlying increase in required funding was £0.5m (1.8%). The Commissioners asked for this and the two major variables (referendums and the training of electoral administrators) to be made clear in the presentation of the figures. RC added that two further papers were in preparation to underpin the bid for referendum funds. The first would provide a more detailed analysis of how the funds would be used and the second would describe how the allocation for publicity would be spent to raise public awareness. The Speaker's Committee had shown a particular interest in the media budget.
- 6.3 The Commissioners also asked for amendments to be made in respect of:
- Comparisons between 2003/4 and 2004/5
  - The rationale behind the staff numbers
  - NI costs
  - Insurance and indemnity on referendums
  - Contingency for referendum information and publications if there are no designated organisations

NM requested that an item be put on the agenda of the Audit Committee in relation to VAT.

- 6.4 **The Commissioners requested that the paper be amended as discussed above, and reconsidered at the meeting of the Commission on 22 January 2004.**

## **7. Corporate Plan 2004/5 to 2008/9**

- 7.1 RG and JG presented the report. It generally followed the pattern of earlier reports but it was recognised that a fresh approach was needed for the future. A paper would be brought forward in April, with proposed amendments to the planning cycle to enable a new-look plan for 2005/6 and beyond. RG highlighted the main changes to the presentation of the plan. The Corporate Plan would be submitted to the Speaker's Committee in February.
- 7.2 The Commissioners asked for amendments to be made, in particular the addition of :
- Reference to educational and teaching materials into Aim 3
  - Information on directed work
  - Statutory requirements
  - The 5 year perspective
  - Review of sanctions in Aim 1
  - Reference to NI in the summary
  - Briefing meetings with members of all legislatures
  - The Commissioners and Deputy Commissioner appointment process for the future
- 7.3 **The Commissioners requested that the draft Corporate Plan be amended in accordance with the discussion, and represented at the next Commission meeting on 22 January 2004.**

## **8. Accommodation**

- 8.1 RC presented the report which outlined the pressures for accommodation and the options for dealing with immediate needs. There was no progress in obtaining the use of the ground floor of Trevelyan House, although there were grounds for being optimistic that this would be available later in the year. The Commissioners agreed that the recommendations represented the best solution in the short term.

- 8.2 **The Commissioners agreed the recommendations set out in the Chief Executive's report.**

## **9. Review of Local Government Election cycle in England.**

- 9.1 SY and PG presented the report. Some changes in the presentation of the issues and recommendations had been made following the meeting of the Project Board on 5 January 2004. NM pointed out that the reference to European Parliament elections was not inconsistent with the local government election cycle. PG advised that local authorities which elected by thirds would have to be considered and implementation was likely to be phased.
- 9.2 The report was required to be sent to the Deputy Prime Minister by 28 January; a briefing was planned for 28 January, and arrangements for briefing LGA representatives were being made. It was agreed that TH and SE should ensure that the necessary amendments were made to the report, and that the final version would be cleared by SY and PG, and the Project Board.
- 9.3 The Commissioners thanked Tom Hawthorn, Steve Evison, Joan Jones and Professor Michael Clarke for their work on the review,
- 9.4 **The Commissioners approved the final draft report, and the changes which were to be made, and agreed that the final version should be approved by SY, PG and the Project Board, for submission to the Deputy Prime Minister by 28 January 2004.**

## **10. Statutory consultations**

- 10.1 NS advised the Commissioners of the difficulties being experienced in receiving drafts of statutory instruments so that there was sufficient time to respond properly. She also gave an instance where it appeared that the Government had made an order without a response from the Commission, although the relevant department had been advised that the Commission could not respond in the timescale. There was a question whether the order was valid as there had been no real statutory consultation with the Commission.
- 10.2 The Commissioners asked NS to clarify with the Government the basis on which they had acted in this particular instance. It was agreed that SY should write to the relevant Minister expressing the Commission's concern.
- 10.3 **The Commissioners agreed that SY should write to the Government setting out the Commission's concerns on the current consultation arrangements for draft orders.**

## **11. Statutory consultation: Local Government (Ordinary Day of Election) (Wales) Order 2004**

- 11.1 BL presented the report which addressed the issues around postponement of elections. No new issues had been raised. It was agreed that the letter responding to the consultation should be signed by SY or GM.
- 11.2 **The Commissioners agreed the draft response and requested that the accompanying letter should be signed by SY or GM, on behalf of the Commission.**

## **12. Statutory consultation: Local Authorities (Conduct of Referendums) (Wales) Order 2004.**

- 12.1 BL presented the report and advised the Commissioners that the consultation was being carried out under section 45 of the Local Government Act 2000 which related to the introduction of regulations to govern the conduct of mayoral elections. There was some concern about the application of section 45 at this stage of the consultation process. NS was of the view that this was not a statutory consultation; that would come later. The Commission could only take a view on the question when presented with it. It was suggested that this should be made clear in the response and that the Commission's guidelines should be included with the response.
- 12.2 **The Commissioners requested that the draft response be amended in line with the discussion, and that RC agree the final version.**

## **13. Commission response to draft European Parliamentary Elections (Combined Region and Campaign Expenditure) United Kingdom and Gibraltar) Order 2004.**

- 13.1 EG presented the report, and highlighted the issues relating to third parties set out in the draft response. The Commissioners preferred the proposal set out in paragraph 13 of the draft response, rather than paragraph 14. EG advised that forms and guidance would have to be rewritten, and the compliance system would have to be reviewed. An explanatory letter would be sent to all registered parties.
- 13.2 **The Commissioners agreed the draft response subject to the inclusion of the recommendations set out in paragraph 13 of the draft response.**

## **14. Public Awareness Campaigns: access for linguistically and culturally diverse communities.**

- 14.1 AH presented the report. The strategy had been revised significantly in the light of research from the COI and by the Commission.
- 14.2 KS highlighted to several potential issues which would have to be addressed in the future:
- How to consult with outside interests
  - Research data which did not reflect the real picture in some communities
  - The proposed merger of the CRE, DRC and EOC
  - Targeting of specific groups, in campaigns and research
  - East European communities from the EC accession countries
- 14.3 NS referred to the need to build into the research programme issues relating to LCD communities. AH acknowledged the need to work with organisations to disseminate information via alternative media and by micro-campaigns.
- 14.4 PG stated that the report should reflect the fact that London is not the only core area for LCD communities, and that Bradford and Birmingham had similar communities. Both Bradford and Birmingham would have whole Council elections in June 2004, following PERs and it would be a pity to miss the opportunity which this afforded to implement the strategy.
- 14.5 **The Commissioners approved the report subject to the amendments discussed.**

## **15. Parishes**

- 15.1 MP gave a presentation outlining the statutory framework governing the reviews of administrative changes and electoral arrangements for parishes, and their implications for the Commission. She highlighted the issues in relation to orders made under sections 9-12 of the Local Government and Rating Act 1997 where the Commission's lawyers had since the summer of 2002 made clear their disagreement with the ODPM's legal view that local authorities could choose to make these orders themselves instead of making proposals to the Commission. RZ reminded the Commissioners that they had already been engaged in some consideration of parish electoral arrangements, having been invited in some cases to take a view on the merits of the content of draft proposals, on the basis that no order would be made until the legal issue had been resolved. For reasons not entirely clear to him, a small number of orders had nevertheless been wrongly made by local authorities on advice from Commission staff. For the future, in

addressing the problem of what to do about invalid orders, most of which will have been made on advice from the Government, Commissioners would need to take into account that the problem was therefore not confined to orders made on the Government advice.

- 15.2 A letter and draft guidance had been received from the ODPM that morning, and there were still areas of disagreement. It was first agreed that RC would write to an appropriately senior official at ODPM requesting agreement to a joint approach to external Counsel with a view to resolving this matter, and secondly, that if ODPM did not agree to this, the Commission should then seek such advice on its own.
- 15.3 Further reports were being prepared for consideration by Commissioners, including the handling of wrongly made orders and proposing the process for dealing with parish reviews in the future.
- 15.4 **The Commissioners noted the issues raised, and requested that RC should write to the ODPM.**

## **16. Information items**

16.1 The Commissioners received the following items for information:

- i) Outreach Implementation Plan
- ii) Draft minutes of the Parliamentary Parties Panel of 18 November 2004

16.2 The Commissioners also noted that:

- i) A note of the meeting SY held with the Regional Counting Officers was being prepared
- ii) SY had written to Nick Raynsford about referendum information campaigns planned by the Government
- iii) There would be a presentation on the advertising campaign on either 21 or 22 January 2004
- iv) The Order relating to the appointment of Regional Returning Officers had been approved by RC on behalf of the Commission
- v) Counsel's opinion was being taken on Marked Registers, to feed into the Committee stage of the Bill
- vi) The investigation into donations to the Labour Party is continuing and it hoped to complete it in February.
- vii) KS reported that the stakeholder conference held in Belfast on 8 January had been well attended