

**MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD  
ON 22 JANUARY 2004 IN LONDON.**

Present: Sam Younger (SY) (Chair)  
Pamela Gordon (PG)  
Glyn Mathias (GM)  
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)  
Martine Padwell (MP)  
Ros Baston (RB)  
Kate Sullivan (KBS)  
Jennifer Gaughan (JG)  
Anja Beukes (AB)  
Mark Williams (MW)

Implementation Team: Ann Devine (AD) (for items 3 – 10).

Boundary Committee: Pamela Gordon (PG) (for items 3-9)  
Steve Evison (SE) (for items 3-9).

PG and SE left the meeting while decisions were taken on items 3 – 9.

**1. Minutes of the meeting of 11 December 2003.**

- 1.1 The minutes of the meeting of the Electoral Commission held on 11 December 2003, were agreed subject to the typographical amendment in paragraph 7.1.
- 1.2 RC advised that a statement regarding the level of grant for designated organisations in regional referendums had been published before Christmas.

**2. Minutes of the meeting of 9 January 2004.**

- 2.1 The minutes of the meeting of 9 January 2004 were agreed, subject to:

Paragraph 5: the Boundary Committee's future work programme would be considered at the end of February.

Paragraph 14.4: insert 'only' before 'core area' in the first sentence.

- 2.2 SY advised that the report on Local Government Election Cycles in England would be published on 28 January. SY and PG will meet Nick Raynsford on 27 January, and the LGA would be briefed on 28 January.
- 2.3 SY advised that he had written to Nick Raynsford setting out the Commission's concerns on the consultation arrangements for draft statutory instruments.

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

- 3.1 SY presented the report. The recommendations had been based on a submission from the Liberal Democrat group, and the Council had made no comment on the draft recommendations.
- 3.2 The Boundary Committee had indicated agreement to modifications in respect of Kearsley and Tonge with the Haulgh wards, Horwich parish and the change of name of Central ward to 'Halliwell'. In respect of Farnworth area of Kearsley ward, the recommendations went most of the way towards meeting the concerns of the representations.
- 3.3 However, no modification was recommended in respect of Great Lever; if electors did move wards, this would have a knock-on effect on surrounding wards, and there was no evidence of community identity.
- 3.4 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept the Boundary Committee's recommendations, subject to the modifications in paragraphs 11,14,16 and 18.**

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

- 4.1 KS presented the report, which highlighted three issues. In relation to the two representations concerning ward names, no change was recommended as no further relevant evidence had been provided.
- 4.2 The third issue related to the PER process. David Clelland M.P. had raised the issue of support to respondents other than the local authority. This was a new issue. PG stated that Councils vary in their handling of the PER process; some worked hard to involve local people whilst others did very little. This matter would be considered as part of the PER evaluation. In the meantime, SY would write to the MP.

- 4.3 **The Commissioners agree to the recommendations in the Implementation Team's report, to accept all the Boundary Committee's recommendations. The Commissioners further agreed to consider the issue of assistance to respondents as part of the PER evaluation, and that SY would write to the Member of Parliament accordingly.**

#### **5. Periodic Electoral Review: City of Newcastle-upon-Tyne**

- 5.1 GM presented the report, and outlined the four areas of concern in the representations and the fact that no new evidence had been provided. In respect of Byker and Walkergate wards, no new argumentation had been provided at Stage 3, and the Council had only responded on the technical consultation.
- 5.2 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept all the Boundary Committee's recommendations.**

#### **6. Periodic Electoral Review: Borough of North Tyneside**

- 6.1 NM presented the report which raised no substantial issues. The only representation received related to speculation about future development.
- 6.2 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept all the Boundary Committee's recommendations.**

#### **7. Periodic Electoral Review: Borough of South Tyneside**

- 7.1 SY presented the report. Representations had been received in respect of ward names of the Brockley and Biddick ward, and the boundary of the West Park ward. The Boundary Committee staff had indicated agreement to the change of name of Brockley and Biddick ward to 'Brockley and All Saints'.
- 7.2 The change suggested in the representation received in respect of Simonside estate would have significant effect and would require further consultation. It was noted that the suggested change would result in variances of over 10% in 2006 in Simonside and Rekendyke ward, and under 15% in Bede ward. PG advised that variances in the metropolitan areas had been kept to under double figures. Whilst community identity may be best reflected by including the whole estate in Simonside and Rekendyke ward, this would result in large changes being required in other areas, for which insufficient evidence had been provided.

- 7.3 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept the Boundary Committee's recommendations, subject to the modification set out in paragraph 8.**

## **8. Periodic Electoral Review: City of Sunderland.**

- 8.1 SY presented the report, which outlined seven boundary issues, six of which had been identified as mapping errors. The modifications to the six ward boundaries, which had been identified as mapping errors, had been agreed by staff of the Boundary Committee.
- 8.2 The seventh boundary issue related to a single farmhouse, where there was no clear geographical feature to form a boundary. PG and SE stated that it was most unusual not to be able to identify a geographical feature which could form a boundary. The Boundary Committee always tries to prevent a single property being put into a different ward from neighbouring properties but Ordnance Survey required a permanent geographical feature to which to attach the ward boundary. If the Implementation Team, the Boundary Committee and the OS could agree a permanent boundary, the proposed modification should be agreed.
- 8.3 **The Commissioners agreed the recommendations in the Implementation Team's report, to accept the Boundary Committee's recommendations, subject to the modifications in paragraphs 7 – 10 inclusive, and in paragraph 11 provided that a boundary line can be agreed with Ordnance Survey.**

## **9. Periodic Electoral Review: Borough of Trafford**

- 9.1 SY presented the report which outlined the issues relating to the representation received from the Chief Executive of Trafford MBC dated 19 November 2003. The representation raised issues under six headings in relation to the PER for Trafford. It was important that further advice and information was obtained from the Boundary Committee before the Commissioners could determine this PER.
- 9.2 JD and MP referred to the appendices to the report. Appendix B listed the questions which it was suggested the Commissioners should ask in relation to the issues raised in the representation, a copy of which was attached at Appendix A.
- 9.3 PG referred to the issue of the number of wards. The Boundary Committee felt that a council of 63 members fitted better with the spread of population on the two sides of the River Mersey. SY stated that he wished to be satisfied that proper consideration had been given

by the Boundary Committee to the two schemes submitted by the Council at draft recommendation stage, and that the scheme recommended by the Boundary Committee was better than either of these two schemes.

- 9.4 KS highlighted the fact that in the representation from Trafford MBC, the phrases 'community identity' and 'community cohesion' had been used interchangeably. The question of community cohesion arose from equality legislation which post-dated the criteria and guidance for PERs. This may be a matter for discussion with ODPM in any change to the legislation for PERs.
- 9.5 **The Commissioners agreed to request further advice and information from the Boundary Committee, in relation to the points raised by Trafford MBC in their representation of 19 November 2003, as set out in the Secretary to the Commission's report, including Appendix B. It was decided that this advice and information should supersede any previous communications from Boundary Committee staff to the Implementation Team in connection with this review.**

## **10. Electoral Change Orders**

10.1 The following Electoral Change Orders were submitted for approval:

- City of Bradford
- Borough of Doncaster
- Borough of Oldham
- Borough of Rochdale
- Borough of Rotherham
- City of Salford
- City of Sheffield
- Borough of Tameside

10.2 JD explained that an amendment Order was required for the Borough of Barnsley to provide for implementation of the provisions relating to parishes in 2007.

10.3 **The Commissioners agreed the Electoral Change and amendment Orders and authorised the affixation of the Commission's seal to the orders for:**

- **City of Bradford**
- **Borough of Doncaster**
- **Borough of Oldham**
- **Borough of Rochdale**
- **Borough of Rotherham**
- **City of Salford**

- **City of Sheffield**
- **Borough of Tameside**
- **Borough of Barnsley**

## **11. Estimates bid 2004/5.**

- 11.1 RC presented the report and RG outlined the changes to the previous draft. The paper referred to an increase in the cost of referendums. The announcement of four pilot regions resulted in changes in the training budget, and in the costs of evaluation. The estimated increase of £115,000 in the evaluation costs was mitigated somewhat by the reduction in training costs. However overall this resulted in an increase of 4% in the total 'core' budget.
- 11.2 SY asked that significant changes in the costs of evaluating the pilots be highlighted in the paper. RC and RG were requested to consider how best to present this. The Commissioners asked for further amendments to the paper including:
- Clearer presentation of costs in Appendices A & B which were already included in the estimates
  - Two supplementary papers on referendums: public awareness spending, and a more detailed explanation of the expenditure items
  - Clearer explanation of staffing numbers, without vacancies
- 11.3 RC stated that the meeting of the Speaker's Committee was likely to be held in last week of February.
- 11.4 **The Commissioners agreed the Estimates for 2004/5, subject to the amendments discussed, and authorised SY to sign off the final version.**

## **12. Corporate Plan 2004/5 – 2008/9.**

- 12.1 RG and JG presented the report. Further amendments were discussed, including:
- Explanation of the role of Outreach
  - PI in relation to improvements in electoral equality in Aim 5
  - Reference to reviews of electoral arrangements for Regional Assembly areas and new unitary authorities, and further possible directed work for the Boundary Committee
  - Targets for compliance in Aim 1
  - PER evaluation process
  - Reference to the Race Equality Scheme

- Appointment and re-appointment of Commissioners and Deputy Commissioners
- The preface, which would be e-mailed to Commissioners

**12.2 The Commissioners agreed the Corporate Plan for 2004/5 to 2008/9, subject to the amendments discussed. The Commissioners authorised SY to agree the final version.**

### **13. Funding of political parties.**

13.1 MW presented the report, which had been prepared in anticipation of the public hearings commencing in March. It was proposed to hold a workshop prior to the public hearings, to focus on key issues and identify the sort of questions to be asked.

13.2 SY asked that a full copy of the submissions of those whom the Commission decided to question further, should be available for Commissioners, but only summaries of others. It would also be useful to be able to compare responses from political parties to this exercise, to those given to the Neill Committee six years ago.

13.3 The Commissioners also raised issues relating to:

- Whether there was a trend of reduction in funding of political parties
- How political parties should be defined for the purposes of funding
- Whether there could be a sufficiently robust audit process
- Whether to support emerging political parties
- The appropriate level of regulation of what are effectively voluntary organisations
- Principles of transparency
- Whether parties should be funded for the extra requirements imposed on them by the state

13.4 It was recognised that there was no significant support for a reduction in current assistance. The key question was what the state should properly provide for political parties in order to support the democratic process. However there may be issues at the margin which do need to be addressed, such as eligibility criteria and the possibility of tax relief on donations.

13.5 It was agreed that the workshop should focus on the questions which needed to be asked of those attending the public hearings, with an emphasis on exploring options for supporting political parties participation in the democratic process, although the 'no change' option should not be excluded at this stage. The schedule of public hearings would be sent to Commissioners as soon as possible.

13.6 **The Commissioners approved the report as the basis for the workshop to be held prior to the public hearings, together with the issues raised during the discussion. It was agreed to hold the workshop following the Commission meeting on 12 February.**

#### **14. Marked registers.**

14.1 KJ presented the report. There was an urgent question whether to issue a statement about the current Bill, and if so, what the statement should contain. Commissioners needed to make a decision now if they were to influence the Parliamentary debate. RC advised that the legislation would be considered in committee in the House of Lords commencing on Monday 26 January. For the purposes of the statement, it might be better not to raise the question of limitation of supply by reference to defined 'electoral purposes'.

14.2 The Commission recognised that there was a long tradition of providing a marked register to political parties after the close of poll in a traditional election. In their review, the Commissioners were unlikely to conclude that this practice should cease altogether; however, it was not the subject of the current Bill. Extension of the provision of the marked register had significant HRA implications, which Counsel also had been asked to consider.

14.3 Counsel's opinion was useful in that it had helped considerably to clarify the issues, even if some of the suggested solutions raised issues of practicability. As a matter of principle, the Commission's stance was against supply pre-poll as this could lead to a disproportionate interference with an individual's right to privacy. The statement should express the Commission's view that it would prefer the Government to withdraw the provision in the Bill for the supply of the information before the close of poll. If the Government were nevertheless to proceed the statement should recommend safeguards. These should include:

- Extension of the criminal offences in section 66 of the RPA 1983 of the case in which voting is at places other than polling stations
- A new criminal offence of assisting in the completion of postal ballots
- Supply of information pre-close of poll to be allowed only once
- Information supplied pre-poll to be used only in connection with the election in respect of which it is supplied

The results of any pilot would also need to be evaluated. It was noted that, for this purpose, the Commission would need power to require political parties to supply relevant information.

RC referred to the multi-party consensus in the House of Lords; there was a lack of awareness that the Commission had another view.

- 14.4 The Commissioners agreed that the Government should be advised, as above, in a letter signed by SY, of the Commission's strong reservations on this matter, and its preference in principle that the provision be dropped, but also that, if the Government were to reject that view, the Commission would regard the above safeguards as necessary. The statement would be put on the Commission's website, together with a copy of Counsel's opinion. Members of the House of Lords would be sent the statement and advised that the opinion could be viewed on the website (with the offer of a hard copy if required). Copies would also be sent to Commissioners and to members of the Commons Committee which had dealt with the Bill.
- 14.5 **The Commissioners approved the policy set out in the report, with the additions and amendments discussed, and authorised SY to write to the Government accordingly. The arrangements for circulating the statement and Counsel's opinion, as described above, were agreed.**

## **15. Statutory consultations on draft orders.**

- 15.1 NS and KBS presented the report, which set out the proposed response to the Government's statutory consultation on the eight draft orders set out in the report. The Government had taken on board most of the Commission's recommendations, including a power of direction for the Regional Returning Officers. No other pilots would take place outside the four regional pilot areas.
- 15.2 KBS highlighted the question of the provision of information in the election address booklet in London, and the handling of postal votes in polling stations in London.
- 15.3 The Commissioners thanked KBS and TB, and the Practice Team for coordinating the response to the consultation.
- 15.4 **The Commissioners approved the Commission's formal response to the Government's statutory consultation on the draft legislation.**

## **16. Pilots 2004.**

- 16.1 KBS stated that two additional regions had been chosen by the Government for pilots in 2004: North West England and Yorkshire and Humber. No formal document had been received by the Commission. The Bill for the pilots was in Committee stage in the House of Lords and the four regions would be named on the face of the Bill by

amendment. The Government had arranged a meeting with the Commission, the regional Returning Officers and Royal Mail to discuss the implications of the extension of postal voting.

- 16.2 The contract for the evaluation of the pilots in 2004 could now be let as the scope of the pilots had been clarified. The law would require the Commission to publish its evaluation report within three months of the declaration of the results.
- 16.3 SY expressed concern about the scale of the pilots, which covers one-third of the electorate of the UK, and highlighted the view that changes such as individual registration had to be in place to underpin all postal voting.
- 16.4 The Commissioners discussed the timing of the counts at some length. KBS advised that the legislation allowed counts to take place anytime after 10pm on Thursday 10 June, but that that the result could not be announced until the polls had closed in other parts of Europe on Sunday 13 June. The count for the GLA and Mayoral Election in London had to take place on Friday 11 June under the terms of the electronic counting contract. It was unrealistic to expect counting to take place on Sunday evening, given the difficulties of engaging counting staff, especially as there was a European Cup match involving England that evening.
- 16.5 The Commissioners were very concerned that the result may be leaked prior to the end of poll on 13 June as parties, candidates and the media would be present at the count. RC suggested that the media should be advised of the rules of the count. Further advice was needed on the legal responsibilities for ensuring that the result was not leaked or published. RROs would need to consider carefully how confidentiality can be maintained in determining whether to count early.
- 16.6 **The Commissioners noted the report, and expressed their deep concern that the security of the result of the poll will not be maintained as required.**

## **17. Matters for information.**

17.1 The Commissioners received the following reports for information:

- Directors quarterly reports for September-December 2003
- Devolved offices report for September-December 2003
- Schedule of meeting and events

17.2 The following additional items were raised at the meeting:

- SY and PG would attend the PPP meeting on 17 February. GM may also attend.

- JD advised that HM Treasury had raised no objection to the propose increase in Commissioners daily fees.
- SMT are asked to attend the meeting at which the next quarterly reports will be discussed (22 April 2004).
- The report on print formats and font sizes for Commission documents will be considered on 12 February.