

Meeting of the Electoral Commission

9.30am Thursday 20 September at Trevelyan House

Present: Sam Younger (Chairman)
Pamela Gordon
Glyn Mathias
Karamjit Singh
Graham Zellick

In Attendance: Roger Creedon
Peter Hodgman
Nicole Smith
Chris Welford
Rael Zackon
Ellie Greenwood (acting for Secretary)

Apologies: Sir Neil McIntosh
Anne Hinds
Katie Kerr

1. Minutes of the last meeting

- 1.1. The minutes of the Commissioners' meeting on 13 September were circulated. Comments should be forwarded to EG by the end of the week. Items covered in the previous meeting were discussed under matters arising.

2. Matters Arising

- 2.1. The Commission had received correspondence from Stephen Byers concerning the voter registration campaign. It was agreed that whilst Commission campaigns should not be subject to any external veto, in future it would be constructive to consult with different government departments and other organisations at an early stage in the planning process to ensure that the EC is aware of other related campaigns.
- 2.2. SY had received a letter from Stephen Byers outlining the proposed establishment of a committee of political parties, chaired by DTLR officials, to liaise on issues of electoral law and practice. The need to avoid duplication and overlap with the work of the Parliamentary Parties Panel was emphasised.
- 2.3. SY is to meet Stephen Byers on 9 October.

- 2.4. KS had been in Northern Ireland for a two-day election petition hearing into alleged electoral irregularities in Fermanagh. The Lord Chief Justice had reserved judgement.
- 2.4.1. Denis Stanley, Chief Electoral Officer in NI had agreed to attend a Commissioners' dinner and meeting (date to be confirmed).
- 2.4.2. KS noted that a consultative Mayoral referendum in Birmingham had been won by the 'No' campaign.
- 2.5. The assignment of projects to different Commissioners was circulated and approved subject to NM's agreement.
- 2.6. GZ would look at the Investigation of Allegations procedure and report any comments to CW by Friday.
- 2.7. NS emphasised that focus groups looking at the Autumn Campaign had already taken place. Focus groups organised by the Children and Young Persons Unit are scheduled for 6-7 October should any Commissioners wish to attend.

3. Directors' Updates

3.1. Policy

- 3.1.1. NS had attended the EPOP conference at the University of Sussex. She reported a slightly negative response to the Commission, with some academics perceiving the organisation as tinkering at the margins.

3.2. Registrations and Compliance

- 3.2.1. CW had received and viewed videos concerning allegations made against the BNP. He would produce a paper in time for the strategy weekend.
- 3.2.2. A registered party appears to have had problems in complying with PPERA requirements as regards donations. This was being taken forward.
- 3.2.3. Meetings to agree procedures for aggregation of donations, and with the Conservative party to discuss campaign spending, had been held.
- 3.2.4. The R&C Team is to invite members of the LGCE to join it on a team-building day clearing canals in Bow.

4. Commissioners' Points

- 4.1. GM had been interviewed on the radio in regard to the advertising campaign.

5. LGCE Transfer – Relationship between the Electoral Commission and the Boundary Committee for England (EC76/01)

- 5.1. PG introduced the paper, outlining four key issues: the presence of the Chair of the Boundary Committee (BC) at EC meetings on boundary matters; the role of the Implementation Team (IT); the modification of Boundary Committee recommendations; and the proposed protocols on the relationship between the Boundary Committee and Electoral Commission.
- 5.2. PG stated that she agreed with the thrust of the paper, and was minded to accept the protocols. RC added that it was a useful paper, and that it is important to have well documented procedures.
- 5.3. The Commission debated whether it would be appropriate for the Chair and Director of the BC to sit in on EC boundary meetings. Key issues were the perception of decisions reached by the EC, and the need to ensure that decisions were reached in the best possible way. **It was agreed that the Chair of the BC should not be present for the Electoral Commission's discussion of or decision making on recommendations of the Boundary Committee on boundary matters but could attend, on request to answer questions and give clarification on particular points at a preliminary stage of the Electoral Commission's consideration of such recommendations. The same procedure would apply in respect of staff serving the Boundary Committee, should they be invited to attend and Electoral Commission meeting on any occasion. This two stage process should be formalised to sustain the transparency and integrity of the Commission's decision making process.**
- 5.4. GZ raised concern about Protocol 3 and there was discussion about the appropriate relationship between the IT and BC after the latter had make recommendations on a review and the IT was receiving formal representations from interested parties. It was recognised that the IT must operate independently but that minor matters could properly be clarified between the IT and BC staff. ***It was agreed that the protocol should reflect this.***

- 5.5. It was recognised that the relationship between the IT and EC could not replicate that between civil servants and Ministers (in respect of filtering representations from interested parties on BC recommendations). ***It was agreed that all representations received by the IT on BC recommendations should be reported to the EC as part of their decision making process.***
- 5.6. PG stated that the IT should produce an early paper on working practices based on the protocols.

6. LGCE Transfer – Organisational Structure (EC77/01)

- 6.1. PG recognised the hard work that had gone into producing the two LGCE papers. She emphasised that EC77/01 had been produced following detailed discussions with LGCE colleagues.
- 6.2. PG stated that she was comfortable with the recommendations on the BC in the paper, and endorsed the view that corporate staffing should support the whole of the new organisation. PG stressed that it was urgent to move from this paper to the transition stage at which staff consultations could take place and posts filled on a permanent basis.
- 6.3. RC welcomed the LGCE's endorsement of the need to be fully integrated with the EC, citing the paper as an important step. The next step would be to consider the human resource consequences of the paper, with regard to terms and conditions of staff, the position of secondees and the need to be fair to both sets of staff.
- 6.4. GM noted that the Implementation Team will be responsible to the Secretary to the Commission, who is not a member of the SMT. SY suggested that the grading of this pivotal role should be considered further as SMT status may well be justified in view of the range of responsibilities to be covered, including direct support to the Commissioners. RC agreed to give the issue further thought.
- 6.5. SY emphasised the need to obtain a balance in ensuring that the organisation is not overstaffed, but can justify its staffing levels to the Speakers Committee, and retain effective operational capacity.
- 6.6. KS noted the importance of looking at the interests of staff, and suggested that the Commission should look at involving staff in projects in different parts of the organisation. RC confirmed that this was the intention.
- 6.7. PH noted the considerable cost savings that would be made in establishing the new structure.

6.8. RC explained that new posts had been created for the Boundary Committee because the Director would have to take on the out-reach role now carried out by the CEO of the LGCE. He added that the proposed structure was a start-up model, and that future changes had not been ruled out.

6.9. **The paper was agreed.**

7. Policy Development Grants (EC78/01)

7.1. PH explained that following the second round of consultation, the Conservative party had brought forward new proposals.

7.2. **The Commissioners agreed to maintain the proposed flat rate allocation of 50% on the basis that the flat rate had to be sufficient to enable parties to develop policy, and there is already a high threshold for eligibility.** It was noted that the covering letter with the proposed scheme should note the exclusion from eligibility of parties that are only represented in the devolved and European legislatures, and suggest that this might be reviewed.

7.3. **After discussion, it was agreed that the Commission should accept the Conservative party's argument that the allocation mechanism disadvantaged English voters. Hence, Option B was agreed. The Commission agreed to equalising the allocation to the 3 major GB parties and the main NI parties.**

8. Draft update of Five Year Plan (EC79/001)

8.1. The Treasury had welcomed the additional data for Aims 2 and 3.

8.2. SY suggested that the 5YP should have an extended preface to show what the Commission had done: he would circulate this before finalising it. AG would submit further detail about the LGCE transfer to PH.

8.3. SY requested that 3.1 be amended so it appears less defensive. RC asked for more objectives to be added to Aim 4 and Table 5.

8.4. NS suggested that the Commission's research strategy should be included as an Annex to fulfil the commitment to publishing this document.

8.5. **The paper was agreed subject to amendments discussed and SY would agree the final draft.**

9. Handling statutory consultation under s.7 of PPERA (EC81/01)

- 9.1. The paper addresses the need to establish procedures with the DTLR and other organisations for when the Commission is approached in a consultation role. It envisages a role for the Chair, the legal team, and the rest of the Commission as necessary. The only concern was the four-week timeframe the paper outlined: however, although responses might often be quicker, the timeframe was necessary to ensure thorough consultation.
- 9.2. It was noted that PG should be consulted on issues relating to local government.

9.3. The paper was agreed.

10. Delegation to staff (EC80/01)

- 10.1. The paper outlines a necessary formal structure outlining powers of delegation: in practice, procedures may not need to be so formal. **It was agreed that it would be constructive to have an overarching statement qualifying the 'do not delegate' and 'delegate' decisions. Dependent on circumstance, the Commissioners will be consulted in areas of delegated powers where necessary; and where there is no formal delegation, items may be left to the discretion of the relevant person if policy is clear.**
- 10.2. NS suggested that 3.2 should be more specifically defined. PG noted that the paper will in future need to incorporate the Boundary Committee.
- 10.3. In regard to finances, the Commission will need to be aware of accounts even though the sign off is the responsibility of the CEO as the Accounting Officer. SY stated that 5.15 should be amended so that contracts worth more than £250,000 are put to the Commissioners. SY reported NM's view that 5.19 should reflect the fact that it is for the Commission determine the overall terms and conditions of staff, with individuals' terms delegated to the Chief Executive.
- 10.4. **The paper was agreed subject to amendments discussed.**

11. Any other business

- 11.1. SY outlined the Commission events at the forthcoming party conferences.

- 11.2. SY had also attended a meeting with Sir Nigel Wicks, Elizabeth Filkin, Dame Renee Fritchie and Baroness Usha Prashas. The meeting had included discussions on setting up public and private seminars on standards in public life, jointly organised by the five bodies.