

Confirmed on 20 January 2005

## **Minutes of the meeting of the Electoral Commission held on 6 January 2005 in London**

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

In attendance: Peter Wardle (PW)  
Jacqui Dixon (JD)  
Archie Gall (AG)  
Roger Gough (RG)  
Kay Jenkins (KJ)  
Angela Salt (AS)  
Kate Sullivan (KBS)  
Chris Welford (CW)  
Rael Zackon (RZ)  
Steve Evison (SE)  
Ros Baston (RB)  
Sam Hartley (SH)  
Dave Mahon (DM)  
Mike Harold (MH)  
Emma Fisher (EF)  
Tom Hawthorn (TH)

Implementation Team: Ann Devine (AD) for items 1 – 5 inclusive  
Tim Atkinson (TA) for items 1 – 5 inclusive  
Bill Pickles for items 2,4 and 5

PG, AG, SE, SH and DM left the meeting while decisions were taken on items 1 – 5 inclusive.

### **1. Periodic electoral review: county of Leicestershire**

- 1.1 SY referred to the response from the Boundary Committee to the Commissioners' request for further advice or information in respect of the town wards of Braunstone Town Council, where the Commission had proposed a modification to the final recommendations.

- 1.2 SY stated that the case was finely balanced. AG stated that the Committee took the view that it ought to seek some parity in distribution of electors of parish and town councils, although it was not a statutory requirement. However the Committee had indicated that it would be content for the Commission to determine the matter.
- 1.3 It was noted that the County Council had agreed with the proposal to modify the name of Enderby and Braunstone Town to Enderby Meridian.
- 1.4 KS declared an interest in this PER, as a former employee of Leicestershire County Council, and did not take part in the discussion or decision.
- 1.5 **The Commissioners agreed to accept the recommendations of the Boundary Committee, subject to the modifications set out in the Implementation Team report and with the clarifications set out in Appendix A.**

## **2. Periodic electoral review: county of North Yorkshire**

- 2.1 NM presented the report, which recommended a Council size of 72 members, two fewer than at present. The key issues raised in the representations were:
  - Combination of rural and urban areas in a number of divisions
  - Harrogate – Sowerby and Thirsk divisions
  - Harrogate – Harrogate town
  - Scarborough – Cayton and Filey divisions
  - Scarborough – Scalby and Newby divisions
  - Selby – South Selby division
  - Names of proposed divisions in Scarborough and Harrogate
- 2.2 NM drew attention to the alternative pattern of divisions proposed by the County Council for Harrogate town. The alternative arrangements provided improved levels of electoral equality and coterminosity, but Boundary Committee staff had considered that insufficient evidence to justify changing the draft recommendations had been received. The Commissioners agreed to ask the Committee to reconsider the alternative proposals, given the improvements to electoral equality and variances which would result.
- 2.3 **The Commissioners agreed to ask the Boundary Committee for further advice and information concerning the alternative proposals for Harrogate town submitted by the County Council.**

## **3. Periodic electoral review: county of Lancashire**

3.1 SY presented the report, and drew attention to the comments and representations received on the consultation process, to which AG had responded. Other issues raised in the representations were:

- Burnley borough – multi-member divisions
- Chorley borough – Chorley West division
- Lancaster City – Morecambe North division
- Lancaster City – Lancaster Central, Lancaster East, Lancaster South East and Lancaster Rural East divisions
- High electoral variances
- Names of proposed divisions in Hyndburn, Pendle and Ribble Valley boroughs

3.2 **The Commissioners agreed to accept the recommendations of the Boundary Committee, subject to the modifications set out in paragraphs 55, 60 and 63 of the report, the technical modifications in Appendix B, and the clarifications in Appendix C.**

#### **4. Periodic electoral review: county of Durham**

4.1 SY presented the report; the Local Government Boundary Commission's final recommendations had been published in August 2000. It was noted that the 2004 electoral forecasts had proved relatively accurate. It was also noted that there was a significant number of divisions with variances in excess of 10%. AG stated that this was one of the first County reviews undertaken by the LGCE and there had been no threshold to compare against. PG stated that this had been a difficult county in which to achieve coterminosity; the final recommendations achieved 57% coterminosity, whereas the County Council's proposals would achieve only 30%. The other issues raised in the representations were:

- Chester-le-Street district – Chester-le-Street West Central and Pelton divisions
- Derwentside district - Craghead & South Moor and Stanley divisions
- Durham City - Brandon, Deerness Valley and Durham South divisions
- Sedgefield borough – Chilton and Spennymoor & Middlestone divisions
- Wear Valley district – Crook North & Tow Law and Weardale divisions
- High electoral variances

4.2 SY stated that the choice open to Commissioners was to accept the recommendations or to carry out a further review. The recommendations were likely to improve upon the electoral equality provided by the existing arrangements.

- 4.3 **The Commissioners agreed to accept the recommendations of the LGCE, subject to the modification set out in paragraph 59 of the Implementation Team report, the technical modifications set out in Appendix B, and the clarifications in Appendix C.**

## **5. Periodic electoral review: county of Norfolk**

- 5.1 GM presented the report, which recommended a Council size of 84 members, all in single member divisions. GM drew attention to the representation received concerning the accuracy of electoral rolls in South Norfolk district. RB stated that the Commission had been advised that legal proceedings were being instituted, in which the Commission was being joined as a third party. RB advised that no communication had been received from the High Court. RZ stated that there was not sufficient reason for the Commissioners to be deflected from taking a decision.
- 5.2 The other issues raised in the representations were:
- King's Lynn & West Norfolk – Gaywood North & Central and Gaywood South divisions
  - North Norfolk – The Runtons ward
- 5.3 GM drew attention to the representation relating to the name of the proposed North Walsham West division. The County Council supported the proposal to rename this division North Walsham & Erpingham division.
- 5.4 **The Commissioners agreed to accept the recommendations of the Boundary Committee, subject to modification of the name of the proposed North Walsham West division to North Walsham & Erpingham, and with the clarifications set out in Appendix B.**

## **6. Further electoral reviews**

- 6.1 SE presented the report, which recommended further electoral reviews for four districts. In Taunton Deane and Dacorum, there were high variances with no indications of improvement. In Newark and Sherwood, further electorate information showed that figures were worsening. In these districts, Council size had to be considered, therefore a four stage review would be necessary.
- 6.2 In respect of Basingstoke & Deane, North Wiltshire and Winchester, it was proposed that the December 2004 data should be considered to determine if there were any improvements. SE also referred to those areas where a two stage review would be appropriate; the advice of the Legal Team was being sought. Proposals for further electoral reviews

based on December 2004 data would be considered at a future meeting.

- 6.3 The Commissioners noted that changes to electoral arrangements resulting from the four reviews recommended would be implemented for the all-Council elections in May 2007. They also noted the resourcing implications of carrying out the further electoral reviews.
- 6.4 **The Commissioners noted the report, and agreed to direct the Boundary Committee to undertake four-stage further electoral reviews of Dacorum, Newark & Sherwood, South Holland and Taunton Deane districts.**

## **7. Marked register: absent voter lists**

- 7.1 KJ presented the report, which recommended a change to the draft report on marked electoral registers, to enable lists of absent voters to be supplied to political parties, as well as candidates and agents. GM concurred with the amendment being proposed, and referred to the strength of argument put forward at the meetings of the Wales Political Parties panel.
- 7.2 RZ referred to the need to justify providing the information for electoral purposes. SY stated that as political parties did campaign to encourage postal voting, allowing the parties to identify those who do not already have a postal vote, would assist in promoting participation.
- 7.3 KJ was asked to revise the wording of the text; the Commissioners agreed that the final draft should be agreed by GM. The Commissioners also noted that the press release for the report should make specific reference to this change, and the reasons for it.
- 7.4 **The Commissioners agreed that the draft report on marked electoral registers should be amended to recommend that lists of absent voters be supplied for election purposes to political parties, as well as to candidates and agents, the final draft text to be agreed by GM.**

## **8. PID: review of limit on election candidate descriptions in context of bilingualism in Wales**

- 8.1 KJ presented the report, and advised that although this was a narrow point, it would require a change in the law. The next opportunity would be in the Assembly Elections Order for 2007. KJ stated that there were differences of interpretation between returning officers in Wales.
- 8.2 The Commissioners agreed that the six word limit could not include translation, and considered therefore whether it was appropriate to

have a period of public consultation. KJ stated that it was only necessary, given the agreed view that the law needs clarification, to consult with key stakeholders.

- 8.3 The Commissioners agreed that the law required clarification, and stated the Commission's view that the six word limit should not include translations. The Commissioners agreed that stakeholders only should be consulted, and that the outcome of the consultation should be reported to Commissioners in due course.**

## **9. Candidates' election expenses limits at UK Parliament elections and local government elections in England and Wales**

- 9.1 MH and EF presented the report, and outlined the recommendations set out in the appendix to the report. MH advised that the notional expenditure for commercial office rental costs had been averaged across the UK. GM considered that this was the correct approach but the report needed more argumentation, especially discussion on the effect in London.
- 9.2 EF stated that the basis of the calculations was to vary sums but the formula for calculating limits had not been changed. SY emphasised that the recommendation was about uprating, not about increasing the capacity of candidates' resources; that would need more discussion and consultation after the next election.
- 9.3 The Commissioners noted the handling arrangements. A copy of the recommendations should be sent to the Scottish Executive.
- 9.4 The Commissioners agreed the submission to the DCA as set out in the appendix to the report, and approved the proposed handling arrangements.**

## **10. Draft Corporate Plan**

- 10.1 PW presented the report, and advised Commissioners that HM Treasury were working on the assumption of an early General Election, which meant that the Corporate Plan and the budget had to be with the Treasury by 7 February. A meeting of the Speaker's Committee had been arranged for 2 February; Treasury comments on the draft plan were required before that date.
- 10.2 PW referred to the new format of the Plan, and the need for more work on the objectives, and the need for more qualitative measures. There was general agreement that the Plan should focus more on outcomes. The Commissioners requested the inclusion of a commitment to review the working of the Commission, and broad performance indicators

against each of the three objectives. The Commissioners agreed that SY and PW should finalise the Plan.

- 10.3 RG presented the draft budget for 2005/6. This estimated expenditure did not represent a stand-still budget, although the stated aim was no more than an inflationary increase. The business case for alternative accommodation had to be made and considered in the medium term. RG advised that, in the light of comments made by the Commissioners, the Commission should discontinue its interest in the premises in Abbey Orchard Street.
- 10.4 PW would provide an update on the Corporate Plan and the budget estimates at the meeting on 20 January.
- 10.5 **The Commissioners requested that the draft Corporate Plan and estimates be revised in accordance with the discussion, and a further report be given at the meeting on 20 January 2005.**

#### **11. ODPM/Constitutional Affairs Select Committee Inquiry into voter registration.**

- 11.1 MH presented the report, and outlined the proposed approach to the written and oral evidence to be provided. The deadline for the submission of written evidence was 14 January, and the date for oral evidence was 25 January. SY and PG would be attending the inquiry on that date. The Commissioners were invited to send textual amendments to MH.
- 11.2 MH also reported that Seamus Magee had identified another issue (in addition to those identified in the report to Commissioners) relating to the mitigation of loss from the electoral register and the maintenance of the carry-forward. It was proposed to address this issue primarily through the provision of oral evidence and the Commission would offer to produce a supplementary written note on this issue.
- 11.3 In respect of identity cards, the Commissioners agreed that it was too early in the debate on identity cards for the Commission to have a view. Accordingly, the references to identity cards needed to be rephrased.
- 11.4 **The Commissioners agreed the proposed approach, and authorised SY and PW to agree the final version of the written evidence to be submitted, subject to the comments and textual amendments received.**

#### **12. Matters for information**

- 12.1 The Commissioners received the following items for information:

## i) Foundation model of voting

TH reported that a series of stakeholder seminars and workshops had been held. Comments on the issues papers were due back by the beginning of February. The programme was broadly on schedule. However, two posts had not been filled, and this could cause resourcing problems. Contingency plans had been made for pilot schemes in May 2005.

## ii) Application to register: None of the Above

MH circulated a copy of a letter from the Minister at the DCA. A further paper would be prepared for Commissioners at the meeting on 20 January. CW stated that the applicant was pressing for a response to the application.

RZ stated that it was inappropriate for the Minister to ask the Commission for advice on his powers. However the Minister had not commented on the impact of any legislation on an application already made.

The Commissioners were agreed that the proposed name would be misleading and confusing to the voter. There was no indication that the Minister would act quickly on this matter, and therefore the Commission needed to expedite a response from the Minister.

The Commissioners agreed that there should be an early reply to the Minister, with a meeting to discuss the matter.

## iii) Audit Committee: summary of Communications report

- 12.2 The Commissioners congratulated Roger Creedon on the award of a CBE.
- 12.3 Having reached the end of the current PER programme, the Commissioners expressed their gratitude to the Implementation Team and the Legal Team for their work on the PERs.
- 12.4 SY reported that, at the request of the UN and the Iraqi Electoral Commission, the Commission had hosted a meeting on 4 and 5 January, and thanked all staff who had worked to facilitate this event. It had been agreed that there should be unnecessary exposure for UK observers in Iraq. However, the Commission had been asked to observe out-of-country voting in UK, which would take place in London, Manchester and Glasgow. SY stated that the Commission was responding to a request from the UN, and this could be a model for future elections. A protocol had been agreed and copies would be circulated in the near future.

