

Minutes of the meeting of the Electoral Commission held on Wednesday 12 December 2007, London

Present: Sam Younger (SY) (Chair)
Sir Neil Macintosh (NM)
Glyn Mathias (GM)
Karamjit Singh (KS)
Henrietta Campbell (HC)
Max Caller (MC) – for items 1, 2 and 3

In attendance: Peter Wardle (PW)
Clare Ettinghausen (CE)
Carolyn Hughes (CH)
Stephen Rooney (SR)
Lisa Klein (LK)
Andrew Scallan (AS)
Bob Posner (BP)
Archie Gall (AG) – for items 2 and 3
Michellanne Wilson (MW) – for item 2
Izabella Evans (IE) – for item 2
Doug Stewart (DS) – for items 6, 7 and 8
Amanda Yee (AY) – for item 6
Karen Quaintmere (KQ) – for item 9
Phil Thompson (PT) – for item 9
Tom Hawthorn (TH) – for item 10
Pronoy Bose (PB) – for item 10
Vera Markos (VM) - minutes

1. Minutes of the meeting of 22 November 2007 (EC155/07)
 - 1.1 The Commission agreed the minutes of the meeting held on 25 October 2007, subject to amendments to paragraphs 2.1, 6.1, 6.2 and 8.2.
2. Further Electoral Reviews (EC156/07, EC157/07, EC158/07)
 - 2.1 South Lakeland: NM introduced the item, noting that seven written representations had been received during the six weeks after the BCFE final recommendations were published. NM recommended that the recommendations as outlined in section two be agreed, including the modifications outlined. NM confirmed that the BCFE agreed the modifications proposed.

- 2.2 Barrow-in-Furness: SY introduced this item, noting that no written representations had been received. SY recommended that the Commission accept the BCFE's final recommendations, without modification.
- 2.3 Basingstoke and Deane: HC introduced the item, and recommended that the Commission accept the BCFE recommendations as noted in section 2.
- 2.4 The Commission agreed the recommendations outlined for each further electoral review.
3. Electoral reviews of new unitary authorities (EC159/07)
 - 3.1 MC and AG updated the Commission on the assumptions for the BCFE work programme through to mid-2010 in light of the statement on the Government's unitary local government agenda made to the House of Commons by the Minister for Local Government on 5 December. MC and AG also updated on the outcome of a subsequent meeting between the BCFE and the Department for Communities and Local Government.
 - 3.2 The Commission concluded that in carrying out the review work and in providing any advice to the Secretary of State there should be no diminution of standards of consultation, evidence and reasoned argument.
 - 3.3 Cornwall, Shropshire and Wiltshire: the Commission noted the likely slippage in the making of the structural change Orders. The Commission noted that if the relevant Orders had not been made by the Commission meeting on 17 January 2008, no direction to the BCFE could be made until a later date; in this case, there would be a high risk that reviews would not be completed in time for the resulting changes to be in place in time for elections in 2009.
 - 3.4 Bedford: the Commission agreed that, as with other reviews, any direction to the BCFE should be considered after the relevant structural change Order had been made.
 - 3.5 Co Durham, East Cheshire, Ipswich, Northumberland and West Cheshire: the Commission noted that, as with other reviews, it would be unable to consider whether to make a direction to the BCFE until structural change orders were made.
 - 3.6 The Commission noted that further requests may also be received for reviews to provide for single member wards and were informed that such a request was shortly anticipated from West Sussex County Council.

3.7 The Commission agreed to a proposal from the Chair of the BCFE that he write to the Minister for Local Government outlining the concerns of both the BCFE and the Commission about the importance of following a robust process in any review and, in particular, noting the risk that delays in making structural change orders could mean there would be insufficient time to complete reviews prior to the envisaged 2009 elections in some areas. It was also important that the Minister should be made aware that the BCFE programme of work was subject to funding approval from the UK Parliament.

4. Data standards for electoral registration (EC160/07)

4.1 This agenda item was postponed to the January Commission meeting owing to a change to the timeframe allowing the Ministry of Justice more consultation time with stakeholders.

5. Party and Election Finance: investigation

5.1 The Commission received a verbal update from LK on ongoing investigations.

6. Party and Election Finance: legislation recommendations (EC161/07)

6.1 DS outlined a number of substantive areas of legislative and regulatory amendments that would enable the Commission to more effectively carry out its responsibilities in relation to party and election finance. These regulatory amendments included, legislative amendments to the Commission's statutory role as 'regulating' rather than 'monitoring' (section 145 of PPERA), further investigative powers (section 146 of PPERA) and a revised penalties schemes including flexible sanctions and would form part of discussions with the Ministry of Justice in the context of a forthcoming party funding bill.

6.2 The Commission welcomed the call for new powers that would enable the Commission to become a more robust regulator. The Commission noted that what was presented was a list of amendments proposed within the current framework, and that this framework might be subject to change given external talks on the wider agenda of party funding.

6.3 The Commission noted that these proposed changes might lead to calls from political parties for other changes in the wider framework to reduce the burdens of compliance. DS noted that an implementation plan would be drafted for discussion with stakeholders following introduction of the Act.

6.4 The Commission agreed to the proposed legislative and regulatory amendments as outlined in the paper, subject to amendments as discussed. The Commission requested that political parties be briefed

of the Commission's intentions through the meetings of the Political Parties' Panels.

7. Party and Election Finance: reporting (EC162/07)

7.1 LK presented the template for future systematic reporting on the activities of the Party and Election Finance directorate to maintain accountability, as a vehicle to update the Commission on cases and identifying trends and emerging issues.

7.2 The Commission welcomed the approach presented which will begin with the new fiscal year.

8. Party and Election Finance: party descriptions (EC163/07)

8.1 DS presented the draft consultation paper on the registration of party descriptions. Issues highlighted for consultation included the use of 'slogans' and individual names as descriptions, the use of party descriptions in determining the position on a ballot paper, the number of party descriptions that can be registered and the timing of when descriptions can be registered..

8.2 The Commission was concerned to ensure that the consultation questions were sufficiently broad to address any wider implications arising from the ability to register names and descriptions, including for example, the ability of registered descriptions to raise the debate about important issues locally.

8.3 The Commission was concerned that its initial plans to conduct a consultation by January 2008 was not a viable timeframe. The Commission requested that the consultation paper be amended and brought back to the February 2008 Commission meeting for final agreement. The Commission further requested that the consultation take place over a 12 week period, and should not necessarily be in two stages.

9. Evaluation of English Offices (EC164/07)

9.1 PT stated that the English offices have now been in operation for 10 months from February 2007 and that the Commission indicated in its response to CSPL that it would conduct an evaluation within the first 12 months of their existence. This focused on whether the offices were fit for purpose and looked to inform their future development. The evaluation did not recommend any change to the offices' organisational structure. PT noted that the evaluation recommended a review of the south of England office's capacity due to the large number of local authorities covered. The evaluation found that there had been some lack of clarity over roles and responsibilities and it was recommended

that the Commission makes efforts to clearly set out the roles and responsibilities of the English offices and prioritise their future workload. Amongst external stakeholders their impact was largely positive.

- 9.2 The Commission welcomed the positive results of the evaluation but noted that it was too early for any evaluation to reach a firm conclusion on the effectiveness of this approach to regional working, particularly as the offices had yet to see through a full electoral cycle and the work on performance standards had only just begun.
- 9.3 The Commission noted the evaluation report and requested that a further evaluation be undertaken in 2009.

10. Performance standards

- 10.1 TH presented the progress to date and the planned next steps on performance standards to the Commission.
- 10.2 The Commission acknowledged the progress to date and noted a number of issues raised by TH: the importance of aligning standards with the 'vision' referred to in KPMG's recommendation report; the challenges of achieving a framework of reliable outcome focused measures for electoral registration and the conduct of elections and referendums; the importance of supporting quantitative performance measurement as well as identifying 'good practice'; and the potential to move towards web-based self assessment in the longer term. The Commission welcomed the opportunity to consider an initial analysis of electoral registration indicators data at its February meeting.

11. AoB

- 11.1 AS circulated copies of the Scotland Office consultation 'Sorting the Ballot: Improving the Elections to the Scottish Parliament, a consultation paper', noting that the Commission would respond in February.
- 11.2 SR noted that the Commission's report on electoral administration in the UK would be published on 13 December.