

Minutes of the meeting of the Electoral Commission held on Thursday 11 March 2010 at 9.30am

Present: Jenny Watson (JW) Chair
Max Caller (MC)
Tony Hobman (TH)
Ian Kelsall (IK)
John McCormick (JMcC)

In attendance Peter Wardle (PW)
Carolyn Hughes (CH)
Lisa Klein (LK)
Stephen Rooney (SR)
Andrew Scallan (AS)
Bob Posner (BP)
Kairen Zonena (KZ)

Tom Hawthorn (TH(1)) – for item 4
Mark Williams (MW) – for item 4
Seamus Magee (SM) – for item 4
Gemma Rosenblatt (GR) – for item 4
Suzanne Kenner (SK) - for item 4
Louisa Parry (LP) – for item 5
Bola Bajomo (BB) – for items 5 and 6
Clinton Proud (CP) – for items 4 and 7

Apologies

Henrietta Campbell for absence.

1 Declaration of Interests

In relation to any discussion that might take place about Returning Officer and Electoral Registration Officer performance standards, AS declared that he was on secondment from Manchester City Council where he was employed in the Chief Executive's department, the Chief Executive also being the Electoral Registration Officer and the Returning Officer.

2a Minutes of 14 January (EC22/10) and 24 February 2010 (EC22a/10)

- 2.1 It was agreed that for the minutes of 24 February, the published version would contain only the decision, and the confidential version would include the preamble.
- 2.2 TH's interests for that meeting would include reference to Gary Streeter MP.
- 2.3 The notes of the informal meeting of the Commission Board of 10 February would be circulated.

Agreed: That:

- (a) subject to the points above, the minutes of the Commission Board meetings held on 14 January and 24 February be approved as amended and the Chair be authorised to sign them; and
- (b) the notes of the informal meeting on 10 February be circulated.

2b. Decision/Action tracker (EC23/10)

- 2.4 An action would be added for the Chair to inform the Commonwealth Secretariat of the latest position to update them on the Commission's approach to requests for participation in election observation missions.
- 2.5 Deadlines for outstanding actions were to be included.

Agreed: That the decision tracker be amended to include the two points above.

3 Update from Chief Executive (EC24/10)

- 3.1 PW reported that the Bearwood Corporate Services Ltd case had been announced to the media on 4 March and had gone relatively smoothly. The Chair and Commissioners complimented staff on their good team work and skilful and professional handling of it.
- 3.2 PW gave a verbal update on aspects of the Chief Executive's report where there had been developments since it had been circulated. These included:
 - PEF Online (para 1.4) – PW had undertaken at Audit Committee the previous day to report back to them on the outcome of the gateway reviews of this project
 - Research into the state of electoral registers (para 2.4) – had been published on 3 March

- Wales referendum (para 3.1) – of the three possible dates (October 2010 or February or May 2011), a meeting earlier that week of the Project Board established by the Ministry of Justice to oversee the introduction of the necessary legislation had identified a number of problems with the timetable for a potential October referendum, especially in relation to the Commission's assessment of the question. PW undertook to keep Commissioners informed as and when there was anything more definite to report
- Overnight counting (para 3.2, third bullet) – Parliament had voted in favour of requiring Returning Officers to take reasonable steps to commence counting within four hours of close of poll, but only for UK parliamentary elections, with a provision for ROs to report their reasons to the Electoral Commission if they opted to commence the count later
- Home-movers campaign (para 3.6) – correspondence and calls regarding problems with the campaign continued to come in, and although they represented only a small percentage of the overall mailing, and were due to issues with the contractor, were nevertheless damaging to the Commission's reputation
- Section 3, Well-run elections and referendums which produce results that are accepted - there had been some very positive feedback on the guidance issued by the Commission, in terms of its clarity, relevance, and availability
- Estimate and corporate plan (para 5) – the Speaker's Committee had agreed the corporate plan and funding for 2010-11
- Extra to the update, in the area of international work, the Commission had received early notice of the next Commonwealth Conference for Heads of Election Management Bodies in Ghana on 19-21 May 2010 from the Commonwealth Secretariat

3.3 TH asked if there was a project timetable and summary for Individual Electoral Registration (IER), with an indication of who was doing what, by when, and an outline of the associated risks. PW replied that the project was not that far advanced yet. However, it was clearly understood by the MoJ that the Commission's role was advisory, rather than an executive.

Agreed:

That the outcome of the next gateway review of PEF Online be reported to Commission Board after consideration by the Audit Committee.

4. Complete and accurate registers (tabled presentation and EC24a/10)

4.1 AS and TH(1) jointly presented a series of slides (tabled but copy included with the agenda papers on file), during which they invited Commissioners to consider a range of issues relating to electoral registration in the UK.

4.2 A wide-ranging discussion took place on:

- the value and purpose of a register
- where responsibility for registration lay (with “the state” or with the individual)
- views of stakeholders about what was important in registration
- the challenge and importance of registering hard-to-reach groups, including those who do not want to vote
- the feasibility of “on the day”, polling station-based registration
- the role of data sharing in increasing registration
- whether the system should be based on people “opting out” of registration rather than consciously “opting in”
- the experience in Northern Ireland
- annual canvass versus rolling registration
- the feasibility of incentivising registration
- the key role of research in understanding the issues
- enabling meaningful and effective outcome-based performance measures to be drawn up, including efficient use of resources
- the nature of the relationship between the Commission as expert on registers and Returning Officers (ROs) and Electoral Registration Officers (EROs), particularly in the balance between supporting best practice and intervening to ensure it
- gaps in current knowledge about electoral registration – these gaps were summarised as motivational, geographic, demographic, participation-related, data-related, Commission-related, economic and infrastructural/technological

4.3 There was support for a more assertive role for the Commission in driving excellence in the way registers are managed. This would be based on the Commission becoming a national centre for expertise on the registers. Fuller research and a review of performance standards would be used to achieve, if possible, refined, outcome-based targets. The Executive Team would need to consider what strategic allocation of resources might be needed to achieve this.

Agreed: That a Commissioner Reference Group be set up (subsequently agreed as JMcC, MC, and TH) on electoral registration, to consider and periodically report back to the Board with a proposed timetable. Areas to be considered by the Reference Group would include:

(a) The principles underpinning future work on electoral registration

- (b) Gaps in current knowledge, including how these should be defined, prioritised and addressed
- (c) Handling issues
- (d) Implications for the Commission, including its role in relation to public awareness, and
- (e) The effect on current key performance indicators and allocation of resources on allied work, to be discussed by Executive Team as well as considered by the Reference Group.

5. Performance, risk and finance report 2009-10 Quarter three (EC25/10)

5.1 CH asked the Board to comment on whether the report contained the right level of information, and whether the balance of usefulness and timeliness was right. LP introduced the performance and risk elements, and BB introduced the financial part of the report.

5.2 Points were made about several issues:

- The need to show savings which were cashed as opposed to being directed to other areas
- The need to improve the 80% response rate of ROs and EROs to the financial information survey
- The need to show the performance indicators more visually, and the type of information to be shown.

5.3 It was agreed that the Key Performance Indicator (KPI) Commissioner reference group should reconvene to consider the strategic activity, financial and other information to be presented to the Board, and the most appropriate format to employ.

5.4 In response to a question about Executive Team priorities in the next quarter, Directors identified work relating to:

- (PEF) – potential collapse of our registers, and the concentration of high level advice being handled by a small number of staff.
- (Communications) - launch of the registration advertising campaign on 1 April, managing the responses, and the exponential increase in media enquiries in the run-up to the election
- (EA) - Wales referendum, and legislation on overnight counting
- (Finance and Corporate Services) – accommodation moves, the LG BCE move to their new offices and related work and preparation of the 2009-10 accounts.
- (Chief Executive) – new commissioners and new parliament

Agreed: That:

- (a) the KPI Commissioner reference group be reconvened for the purpose described in paragraph 5.3 above [with a membership subsequently agreed as HC, IK and TH], and make

recommendations on the appropriate strategic information and format to be presented;

- (b) Commissioners to advise JW of their interest in participating in the group.

6. 2010-11 financial plan and budgets (EC26/10)

- 6.1 CH introduced the background to the report, reminding Commissioners that the 2010-11 activity and financial plans had first been considered by the Board in September 2009 before submission to the Speaker's Committee.
- 6.2 BB highlighted some issues from the plan. In relation to the 5 –year budget for Individual Electoral Registration (IER) (para 3.3.4, table 5), it was noted that this was based on the best available estimates of activity currently available. As the project progressed the budget forecasts would be updated. When the Corporate Plan for 2011-12 to 2015-16 was prepared later this year the inclusion of IER forecasts would be reviewed.
- 6.3 Commissioners asked in future to see any variations between the initial forecasts and the final plans, and explanations for them.

Agreed: That

- (a) The 2010-11 financial plan and budgets be approved; and
(b) Consideration be given to removing the provisional costing for IER in future 5-year plans, until it was possible to make more robust estimates of the expenditure that would be required.

7 Annual report 2009-10 (EC27/10)

- 7.1 Following a brief introduction by SR, PW added that in relation objective 4 on page 8 (Boundaries), it would be necessary to give some background to the Boundary Committee's role in advising on a number of proposed unitary authorities, and the subsequent litigation, and costs to the Commission.
- 7.2 Other points included the need to
- include any third party/stakeholder endorsement the Commission had been given
 - set a clear context for the Commission's role of increasing public confidence in democracy, and
 - highlight where possible the role of better risk-based regulation in reducing the burden on those regulated.

- 7.3 There was discussion about whether this last point merited its own objective, as the new powers conferred on the Commission by Statutory Instrument carried a responsibility to report on their use, or whether it was a fundamental part of the Commission's approach which ran through all the objectives. PW would give thought to what if anything should usefully be included in this year's annual report.
- 7.4 The longer term question of where improved regulation fitted in the corporate objectives, and how that could best be expressed, would be considered in more depth at the Commissioner planning day in June to look at the future corporate strategic direction.

Agreed: That, subject to inclusion of suggestions made in relation to the setting the overall context for the Commission's activities of promoting confidence in democracy, inclusion of any third party/stakeholder endorsement, and the effect of new powers of regulation, the proposed approach and content for the Annual Report 2009-10 be approved.

8 Chair's report (EC28/10)

JW said her main thrust was to tell people what the Commission was doing, in the run-up to the election. Her meeting with Adam Crozier of Royal Mail on 8 March had been useful, and they were considering whether to do a joint circulation to MPs on the issue of postal voting.

Noted.

9 Independent Chair of Audit Committee and terms of reference (EC29/10)

- 9.1 PW reported that Audit Committee the previous day had endorsed the report.
- 9.2 IK was thanked for his work as Chair of the Audit Committee and invited to remain as a member of the Committee. It was noted that all memberships would be re-considered with the arrival of the new commissioners.
- 9.3 A provision would be included in the Corporate Governance Framework with the explicit expectation that the new independent Audit Chair would attend Commission Board at least once a year, to present the Audit Committee's annual report.
- 9.4 The Framework would also reflect that the independent Chair would be sent all Commission Board papers (with the exception of regulatory decision-making meetings) and for those meetings where Audit Committee minutes were presented to Commission Board for

information, she could if she wished nominate someone to present them on her behalf.

- 9.5 In relation to the Terms of Reference, amendments were made so that the first paragraph gave the membership as four, and the first sentence of paragraph five was removed ('The independent Chair of the Audit Committee will be recruited externally by the Chair of the Remuneration Committee and their appointment confirmed by the Electoral Commissioners').

Agreed: That:

- (a) the steps undertaken by the Remuneration Committee in relation to recruiting an independent chair of the Audit Committee be noted;
- (b) Mrs E J Butler FCA be appointed as independent chair of the Audit Committee, on a fixed salary of £4,500 per annum until the expiry of her term in September 2011;
- (c) JW write to congratulate Mrs Butler on her appointment, and confirm that arrangements for an induction would be made; and
- (d) consequential changes be made to the Audit Committee terms of reference, including those indicated at paragraph 9.5 above.

- 10 Draft confidential minutes of the Remuneration Committee (circulated under separate cover to Commissioners only) (EC30/10)

10.1 It was noted that HC had seen the minutes.

10.2 Members of staff withdrew (with the exception of KZ) so that an answer could be given to a question.

Noted

- 11 Minutes of the Boundary Committee for England meetings of 13 January and 3 February 2010 (EC31/10, EC32/10, and EC12/10)

Noted

- 12 Meeting wash-up (Commissioners only)

The meeting ended at 2.25pm.

Chair