

Minutes of the meeting of the Electoral Commission held on Wednesday 28 July 2009 via teleconference

Present: Jenny Watson (JW) Chair
Ian Kelsall (IK)
John McCormick (JMcC)
Karamjit Singh (KS)

In attendance Peter Wardle (PW)
Clare Ettinghausen (CE)
Stephen Rooney (SR)
Andrew Scallan (AS)
Bob Posner (BP)
Vera Markos (VM) minutes

The meeting was arranged at relatively short notice. It had not been possible to make contact with HC prior to the meeting and its having been understood that MC was not available he was not advised of the meeting. MC subsequently stated that he could have made himself available had he known.

1. Review of decision not to appeal against High Court judgement – Boundary Committee for England structural review local government in Suffolk
 - 1.1 JW said that the meeting had been called following two developments since the Board had taken its decision in relation to this matter on 22 July. Firstly, new information had been received from a number of local authorities in Norfolk and Devon in relation to their planned litigation. This information suggested that it would now be more likely that the Boundary Committee could complete its work on structural reviews and provide its advice to the Secretary of State in accordance with revised timelines, should an appeal be successful. Secondly, an email received from the Chair of the Boundary Committee. MC had requested that the Commission Board reconsider its decision of 22 July not to appeal against the High Court judgement in the light of this new information.
 - 1.2 AS and BP confirmed that a letter had been received by the Commission on 23 July on behalf of Breckland District Council & King's Lynn and West Norfolk Borough Council, informing the Commission's legal representatives that the Councils' present intentions were not to issue further proceedings unless or until the Boundary Committee

provided advice to the Secretary of State. East Devon District Council had also sent a letter to the Commission's legal representatives, also received on 23 July, stating that they intended to hold back for the time being any issuing of further legal proceedings

- 1.3 BP confirmed that both the Commission and the Secretary of State had each obtained leave to appeal based on grounds to the High Court. BP reiterated the Commission's possible grounds of appeal and that these in his view had reasonable prospects of success.
- 1.4 Discussions took place on the reasons for and against agreeing to authorise an appeal. Commissioners noted that the process was more likely to be completed and advice provided to the Secretary of State for the reasons as set out in 1.1 and 1.2 above.
- 1.5 Commissioners discussed possible handling of communications in the event of either confirming a decision not to appeal, or taking a decision that there would be an appeal and received advice from SR on this matter.
- 1.6 The Chair asked Commissioners to give their views on whether, in the light of the new information received, the Commission should authorise an appeal against the High Court judgment.
- 1.7 It was noted at the conclusion of the discussion that there was a real chance that a successful appeal could lead to the Boundary Committee being able to finish its work and provide advice to the Secretary of State within a reasonable timescale – to lodge an appeal, which would provide clarity for all concerned.

Agreed: That: in light of new information the Commission authorise an appeal against the High Court judgement.

The meeting ended at 13.45 pm.

Chair