Agenda Item no. 3(a)

Minutes of the meeting of the Electoral Commission held on Wednesday 7 December 2016 at 10.30 am

Present: Jenny Watson (JW)
Anna Carragher (AC)
Gareth Halliwell (GH)
Tony Hobman (TH)
John Horam (JH)
David Howarth (DH)
John McCormick (JMc)
Alasdair Morgan (AM)
Bridget Prentice (BP)
Rob Vincent (RV)

In attendance: Claire Bassett (CB)
Carolyn Hughes (CH)
Robert Posner (RP)
Craig Westwood (CW)
Andrew Scallan (AS)
Ailsa Irvine (AI)
Kay Jenkins (KJ)
Katharine Sparrow (KS)
Rupert Grist (RG)
Phil Thompson (PT) – item 4
Kate Engles (KE) – item 4

1 Apologies

None.

JW noted her thanks to the Board for the working relationships that had been established during her time as Chair.
The Board recorded their thanks to JW for her time as Chair.

The Board recorded its thanks to Andrew Scallan for all he had achieved as Director of Electoral Administration.

The Board recorded its thanks to JMc for his contribution over the past nine years as Electoral Commissioner, Scotland.

2 Declaration of Interests

2.1 All the nominated Commissioners had stood for election, and been nominated as Commissioners by political parties that had contested recent elections and also registered as campaigners in the EU Referendum.

2.2 JW declared that a longstanding friendship with someone who gave evidence in the London Borough of Tower Hamlets election petition had recently been revived (subsequent to the case).

2.3 JW declared that her partner was a Board member (and therefore also a Council member) of the European Council on Foreign Relations, a pan-European forum for discussion of EU foreign policy. ECFR took no organisational position on the UK’s membership of the EU but members of either the Council, which included politicians from a range of parties from across the EU, or the organisation’s staff, might have made arguments for or against Britain leaving the EU.

2.4 JW declared that Global Dialogue, a charity chaired by her partner, had registered with the Commission as a non-party campaigner.

2.5 JW reported that her sister, who had previously been an Assistant Borough Commander in the Metropolitan Police, was currently deployed in a non-operational role with the Met.

2.6 JW was acquainted with Brendan Barber through the Public Chairs’ Forum of which they were both members, and he had joined the board of the Remain (pro-EU) campaign.

2.7 AC was a member of the Board of the Arts Council of Northern Ireland (which received money from the EU Peace 3 Programme, and the Corners programme for individual artists). A Trustee of the Wildfowl and Wetlands Trust, a recipient of EU funding, she had now returned to that role at the conclusion of the Referendum.

2.8 JMcC, having previously declared his friendship with Nigel Smith once it was known that his advice had been sought by referendum campaigners, later learnt that he had supported the Vote Leave campaign.

2.9 DH in 2008 drafted and put forward in parliament an amendment to the then European Union (Amendment) Bill, proposing an EU referendum in the terms ‘Should the United Kingdom remain in the European Union?’
2.10 DH had stood for election on a manifesto supporting an in-out referendum on the European Union.

2.11 DH was a council member of Justice, an organisation which had in the past received EU funding.

2.12 DH reported that the European Parliament subsidised a regular annual visit by his Public Policy students to Brussels.

2.13 DH declared that he had been awarded a research grant of over €40,000 from the European Parliament.

2.14 JH was a member of the pro-Europe Conservative Europe Group, the parliamentary group Conservative European Mainstream, and of the all-party parliamentary group on Reform, Decentralisation and Devolution Group, chaired by Lord Foulkes.

2.15 TH, as a function of his role as CEO of the Occupational Pensions Regulatory Authority (OPRA) and its successor body the Pensions Regulator (TPR), had been a UK representative on the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) from 2003-2010. He chaired its Occupational Pensions committee from 2007 – 2009 and was a member of its managing board from 2009-2010.

2.16 (CEIOPS was a “level 3” committee within the Lamfalussy process of the EU. It provided advice to the European Commission, in respect of insurance and occupational pensions, on the drafting of implementation measures for framework directives and regulations and facilitated supervisory standards, guidelines and convergence in the application of regulations as well as promoting cooperation between supervisors.)

2.17 TH, as a Director of PAN Trustees Ltd, declared that clients of PAN Trustees Ltd for Independent Trustee services included the Defined Benefit Pension and Life Assurance Plan for London-based staff of the European Commission (but TH was not involved in the provision of any such services to that scheme).

3a Minutes of 16 November 2016 (EC 98/16)

Agreed: That the minutes of the Commission Board meeting held on 16 November 2016 be approved as an accurate record and the Chair be authorised to sign them.

3b Decision/Action tracker (EC 99/16)

Noted
4  Update from Chief Executive for November (EC 100/16)

4.1  Para 1.2 – Monitoring – Al noted the by-elections in Tower Hamlets (local) and Richmond Park that had taken place the previous week; no issues had arisen.

4.2  Para 1.10 – Mayoral elections for combined authorities – the conduct order had been laid on 28 November, but had not yet been made. The order gave clarity to the rules for the conduct of the elections. It was not yet clear how many areas would be holding elections for mayors of combined authorities in May 2017 but the Commission was continuing to engage closely with the Department for Communities and Local Government.

4.3  Al noted that the Government response to the Pickles Report was still expected to be published by the end of the year, and it was possible it would include provisions for a pilot of ID in polling stations for the 2018 elections. JW noted that she and CB had recently had a positive meeting with the Minister. The discussion had touched on the possibility of pilots and they had pressed the Commission’s view that it would be useful to have pilots on a range of activities.

4.4  RP updated Board on progress with current investigations and noted that once they were completed there would be a wash-up of the work which would be reported to the Board.

4.5  Electoral Registration Programme – Al noted the Commission would be undertaking some additional work with the Electoral Office of Northern Ireland (EONI) testing the forms that would be used alongside online registration, ready for roll out next year. The work should help to improve response rates.

4.6  Para 2.5 – Modern Electoral Registration Programme – Al noted that the Memorandum of Understanding had not yet been signed, but there were no significant points of contention and it was already beginning to serve its purpose. A copy would be circulated for information once it had been signed.

4.7  Para 2.7 – Canvass pilots – the Board thought it was a rather underwhelming list of proposed pilots. CB explained that this was a Cabinet Office project, and although the Commission had worked closely with the Cabinet Office to try and make the pilots more ambitious this was all that could be achieved in the timescale set by the Cabinet Office. The Commission would continue to offer its expertise, including in evaluating the outcomes.

4.8  Para 3.1 – EU Referendum and PACAC – The Commission would now be giving evidence to the Committee on 14 December.

4.9  Paras 3.8-3.10 – campaigner regulation – KJ noted the first spending returns had been published on 29 November. £4.5m of spending by 48
campaigners spending under £250,000 had been reported. There were 47 registered campaigners who reported expenditure of less that £10,000 and so had not needed to submit spending returns. The deadline for the next set of returns for those who spent over £250,000 was 23 December.

4.10 The Board noted that there was beginning to be a wider debate about the fees paid to Returning Officers. AI agreed and updated the Board on an enquiry the Scottish Parliament Local Government and Communities Committee was currently undertaking looking at the fees paid to Returning Officers. The Commission had given evidence and had also made it clear that it was happy to be part of any review of fees. It was agreed that the Board would be kept updated on this area through the Chief Executive’s Update.

4.11 **Northern Ireland** – AC, who had been involved as a member of the interview panel, updated the Board on the process to recruit the new Chief Electoral Officer in Northern Ireland.

**Agreed:** That:-

(a) The Board be kept updated on Returning Officer fees debate; and
(b) At the conclusion of the party investigations schedule a wash-up discussion be scheduled for the Board.

5 Chair’s and Chief Executive’s meetings (EC 101/16)

5.1 CB noted that during the conference call with the Four Countries Conference the possible agenda for the next meeting had been discussed. Innovation, modernisation and emerging trends in registration and voting were likely to be included as topics for discussion.

5.2 As noted above there had a positive meeting with Chris Skidmore the Minister for the Constitution, but during the discussion it became clear that presently there was unlikely to be a single bill to take forward the Law Commissions’ recommendations in this parliament, although there might be the possibility of individual clauses being included in other legislation.

**Noted**

6 US Election Observation (CB - oral)

6.1 CB had participated in the 2016 US Election Program and Seventh Global Elections Organisation Conference. The four day conference had focused on registration, campaigning and evaluation of the election outcome.
6.2 She described her experience observing on Election Day and highlighted some issues of interest.

6.3 Many states now had online registers; one of the results of this had been a desire for auditability of the registers which had led to more checks and challenges. She did however think there might be some lessons to learn from their approach, especially with regard to data sharing and cross checking registers.

6.4 Observing at polling stations CB had been struck that, compared to the UK, the privacy of the ballot was not protected in the same way; but voter intimidation or coercion had not been a concern in polling stations she had visited.

6.5 There had been good take up of early voting opportunities, but alongside the benefits this brought, it also created a different set of practical difficulties. Counting had seemed to work well and fairly speedily, but due to the use of voting machines it was difficult to show transparency.

6.6 She had also been struck by the changing nature of campaigning, and especially the powerful role of social media that could have both positive and negative effects.

Noted.

The meeting ended at 11:50 am