Minutes of the meeting of the Electoral Commission held on Wednesday 13 April 2016 at 9.00am

Present: Tony Hobman (TH) (in the Chair)  
Anna Carragher (AC)  
Gareth Halliwell (GH)  
John McCormick (JMcC)  
Rob Vincent (RV)

In attendance: Claire Bassett (CB)  
Alex Robertson (AR)  
Bob Posner (BP1)  
Carolyn Hughes (CH)  
Tom Hawthorn (TH1)  
Adrian Fryer (AF)  
Warren Seddon (WS)  
Kate Engles (KE)  
Kairen Zonena (KZ)

1. Apologies

Alasdair Morgan and Bridget Prentice.

Jenny Watson, John Horam and David Howarth did not attend the meeting in view of a previously declared interest.

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.
2.2 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 make arguments for or against Britain leaving the EU.

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

2.7 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.

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

2.9 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), and a Trustee of the Wildfowl and Wetlands Trust, which received EU funding, but she had stepped back from her WWT role during the Referendum.

2.10 JMcC, having previously declared his friendship with Nigel Smith since his advice was sought by referendum campaigners, had now learnt that he was supporting the Vote Leave campaign.

2.11 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?’

2.12 DH had stood for election on a manifesto supporting an in-out referendum on the European Union.

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

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

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

2.16 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.
2.17 TH reported that as a function of his role as CEO of the Occupational Pensions Regulatory Authority (OPRA) and its successor body the Pensions Regulator (TPR), he 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.

2.18 (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.)

2.19 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).

2.20 As a result of their declarations, David Howarth and John Horam had at an earlier meeting recused themselves from designation decision-making. Jenny Watson continued to recuse herself from designation decision-making as Chief Counting Officer (as did Andrew Scallan as Deputy Chief Counting Officer).

3 EU Referendum – designation of lead campaigners (EC 27/16)

3.1 It was noted that Commissioners had not discussed the paper or the applications with anyone other than those present at this meeting.

3.2 Applications and supporting papers had been available to Commissioners who had availed themselves of the opportunity to scrutinise them.

3.3 CB briefly summarised the position reached following the last Board meeting, and the receipt of the further information requested of two of the applicants. JMcC had been involved in the detailed assessment process as previously agreed by the Board. The Board was aware that in reaching a decision it must consider only the paper and applications, and disregard what had been said in the media about any of the applicants.

3.4 CB then summarised the issues set out in the paper and the basis on which any decisions must be made, ie by application of the statutory test for
designating lead campaigners. The matrices were there to assist the Board in assessing how well the applicants met the statutory test.

3.5 Questions and points of clarification were asked and staff responded.

3.6 In relation to the application from the ‘In Campaign Ltd’, it was agreed that there was sufficient information to enable the Board to reach a decision and for the reasons set out in Appendix C of the paper the organisation did adequately represent those campaigning for the outcome it supported.

3.7 In relation to ‘Trade Union and Socialist Coalition,’ it was agreed that there was sufficient evidence to enable the Board to reach a decision that it did not meet the statutory test of adequately representing those campaigning for that outcome for the reasons set out at Appendix C, and therefore could not be designated.

3.8 In relation to the applications from the ‘Go Movement Ltd’ and ‘Vote Leave Ltd’, it was agreed that there was sufficient evidence to enable the Board to reach a decision and for the reasons set out in Section 6 and Appendix C of the paper it was agreed that ‘Vote Leave Ltd’ represented to the greatest extent those campaigning for the outcome it supported than ‘Go Movement Ltd.’

3.9 AR briefly outlined for the Board how relevant people would be notified and the decision publicised.

3.10 The staff team were thanked for the rigour of the assessment. The Board also acknowledged the contribution of JMcc as Commissioner representative on the assessment panel.

Agreed:

That, based on consideration of each application against the statutory test (paragraph 4.1 of the paper):-

(a) The In Campaign Ltd meets the statutory test of adequately representing those campaigning for the ‘Remain’ outcome and be designated for that outcome;

(b) Trade Unionist and Socialist Coalition does not meet the statutory test of adequately representing those campaigning for the ‘Leave’ outcome and not be designated for that outcome;

(c) Both Go Movement Ltd and Vote Leave Ltd meet the statutory test of adequately representing those campaigning for the ‘Leave’ outcome, but that:

(d) Vote Leave Ltd appears to represent to the greatest extent those campaigning for the ‘Leave’ outcome and be designated for that outcome.
The meeting ended at 10.20 am.

______________________________  Tony Hobman, Chair