

Cabinet Office Elections Policy and Co-ordination Group

**7th Meeting, 13.00-14.25, Monday 9th July 2012
Cabinet Office, 1 Horse Guards Road**

Attendees**UK Government**

Alex Thomas Head of Elections and Democracy Division, Cabinet Office (Chair)
Paul Docker Head of Electoral Administration, Cabinet Office
Matt Carey Elections and Democracy Division, Cabinet Office
Ian Barber Department for Communities and Local Government
Gareth Bradford Department for Communities and Local Government
Paul Rowsell Department for Communities and Local Government
John Kilner Department for Environment, Food and Rural Affairs
Alex Doyle Home Office
Neil King Home Office
Peter Newbitt Wales Office

Welsh Government

Hugh Rawlings Director, Constitutional Affairs and Inter-Governmental Relations,
Department for the First Minister and Cabinet

Returning Officers (and/or representatives)

John Bennett (GLRO) Greater London Returning Officer
Michelle Chard (MC) Manchester City Council
Robert Connelly (RC) Birmingham City Council
Trevor Holden (TH) Luton Borough Council
Paul Morris (PM) Borough of Poole Council
Shirley Plenderleith (SP) Kettering Borough Council
Bryn Parry-Jones (BPJ) Pembrokeshire County Council

Association of Electoral Administrators

John Turner Association of Electoral Administrators (AEA)

Electoral Commission

Peter Wardle Chief Executive
Bob Posner Legal Counsel
Alex Robertson Director of Communications
Tom Hawthorn Head of Electoral Policy
Sam Mills Head of Campaigns and Corporate Communication
Chris Morgan Policy Adviser (Electoral Policy)

Law Commission (up to and including item 4)

Frances Patterson QC Public Law Commissioner
Henni Ouahes Lawyer
Julien du Vergier Research Assistant

Apologies

Roddy Angus Scotland Office
Sir Howard Bernstein Manchester City Council
David Cook Kettering Borough Council
Matthew Ellesmere Northern Ireland Office
Mark Heath Southampton City Council
Stephen Hughes Birmingham City Council
Mary Pitcaithly Falkirk Council and Convener, Electoral Management Board for Scotland
Barry Quirk Lewisham Council
Joanne Roney Wakefield Council
Andrew Scallan Director of Electoral Administration
Graham Shields Chief Electoral Officer Northern Ireland
Dave Smith Sunderland City Council (and SOLACE representative)

Minutes

1. Welcome and introductions

1.1 Cabinet Office (CO) welcomed members to the seventh meeting of the Elections Policy and Co-ordination Group. The CO tabled an updated paper on the legislation and consultation which will support ongoing polls.

2. Minutes

2.1 The minutes of the previous meeting were agreed.

3. House of Lords Reform Bill

3.1 CO noted that the House of Lords Reform Bill had been introduced to the House of Commons on 27 June and was due to receive its second reading on 10 July. CO explained the key features of the Bill from an electoral conduct perspective. Two key updates had been made since the publication of the earlier draft Bill – there will be 450 (360 elected) members in a reformed Chamber and elections in Great Britain will be conducted using a semi-open list system (elections in Northern Ireland will be conducted using the single transferable vote). The polls will be run on the same regional basis as elections to the European Parliament, and there would not be a by-election in the event of a member dying or resigning (the list system will provide for a replacement member to be appointed).

3.2 It was agreed that specific electoral conduct and planning issues would be discussed in greater detail at future meetings. **Action: CO**

4. Law Commission Review of Electoral Law

- 4.1 The Law Commission (LC) delivered a presentation to the Group which set out the stages and scope of its review of electoral law. The review comprises three stages: the ongoing scoping stage with a report due by the end of 2012; a substantive consultation stage following that; and a final reporting stage and the publication of draft legislation in 2017. The project's aims are to review the legislative framework with the objective of reducing the complexity, number and fragmentation of electoral laws, and to make recommendations for the modernisation and streamlining of electoral rules where appropriate. The review focuses on matters including the rules for the registration of electors and the conduct of elections and referendums, whilst issues including the franchise, boundaries and party political regulation are outside its scope.
- 4.2 The AEA questioned whether the mechanics of the setting of boundaries might be considered as part of the review, separately from the consideration of the setting of boundaries which was clearly out of scope. CO noted this point, and concluded that the scope of the review needed to be clearly demarcated. It would be for the Law Commission to decide how far its review considered such matters.
- 4.3 LC invited members of the EPCG to contribute views to inform its scoping work on any issues within the scope of the review by 17 September. The EC noted there may be merit in the Group submitting a co-ordinated response. **Action: All**

5. Police and Crime Commissioner Elections

- 5.1 Home Office (HO) updated the Group on several action points from the last meeting. HO made the distinction that any alleged misconduct on the part of a PCC once in office would be investigated by the Independent Police Complaints Commission, whilst any alleged misconduct on the part of candidates before the election would be investigated by the Police as at any other poll. The Association of Chief Police Officers is considering the best way to ensure any investigations within a Force Area are conducted with independence and will produce guidance on the matter.
- 5.2 Following discussion at the previous meeting about the best way to ensure consistent legal advice can be obtained by PAROs, HO suggested that the first response to the consideration of a legal issue should be to consider it at a local level, or if necessary, escalate more complex issues for consideration on a regional basis. In addition to this, HO is considering the practicalities of procuring legal advice centrally for issues affecting all Police Areas.
- 5.3 HO informed the Group that it planned to put in place central indemnity arrangements for ROs. HO will provide a document to Parliament setting out how the system will work. **Action: HO**
- 5.4. The EC asked how many further legislative orders need to be brought forward in advance of the polls. HO confirmed several further orders would be required, including those setting out the maximum recoverable amounts which ROs would be able to claim for the conduct of the polls, and those setting out the insurance and indemnity arrangements. The exact timing of these further orders was yet to be determined.

Post-meeting note September 2012: The majority of the secondary legislation is now in force, including the Conduct Order, the regulations setting-out Returning Officers' functions, and the formal designation orders for Returning Officers and other officers. The Home Office expects the fees and charges order to be laid before Conference Recess, with the remaining outstanding orders to follow as soon afterwards as possible.

6. Neighbourhood Planning Referendums

6.1 The Department for Communities and Local Government (DCLG) delivered a presentation to the Group setting out the revised Neighbourhood Planning process and the role of referendums in that process. The Localism Act 2011 provides for referendums to be held to allow communities (alongside local businesses in some cases) to decide whether or not a neighbourhood development plan or order comes into force. DCLG explained that the regulations for 'residential' polls of local government electors living in the neighbourhood area had been laid before Parliament and subject to Parliamentary approval, the first polls could take place in late 2012. The conduct rules for the residential polls largely mirror the rules in place for local authority referendums, although DCLG noted that the question to be asked at Neighbourhood Planning referendums is prescribed in the rules and the wording was endorsed by the Electoral Commission.

6.2 A number of neighbourhood development forums have already begun work on neighbourhood plans, and DCLG advised that local authority planning departments should engage early with their colleagues in electoral services to ensure planning for a potential referendum could begin in good time. Given the number of stages in the planning process which must be completed before a referendum is triggered, electoral administrators should have ample time to make preparations.

6.3 DCLG noted some of the key features of the conduct rules for the polls. The boundaries of the neighbourhood area will be determined on planning grounds rather than using existing electoral areas as a starting point. CO noted that it was conducting the necessary discussions with electoral management software system suppliers to ensure the systems have the necessary capability to produce bespoke registers for the polls. It was also noted by DCLG that the size of the neighbourhood area (and therefore the referendum area) could vary depending upon the particular local planning considerations. DCLG also set out the timetable for the polls and how that would follow the preceding planning process.

6.4 There will be separate conduct rules for 'business' referendums. These referendums will take place alongside a corresponding poll of local residents, and will only be triggered where the neighbourhood area is deemed by the independent examiner to comprise wholly or mainly of business premises. DCLG noted that it was only aware of very few examples of areas where neighbourhood plans were under consideration which would be likely to be characterised as business areas. DCLG explained it plans a period of engagement on the conduct rules over the summer, and will be convening a working group to consider the rules. **Action: DCLG**

6.5 RC asked about the funding arrangements for the polls and whether combination between potential residential referendums and the PCC elections in November would be mandatory. DCLG explained that the funding mechanism is being

established, but that the polls will be fully funded during the current spending review period under the new burdens principle. Combination with other polls will be at the discretion of Counting / Returning Officers.

6.6 The EC noted the importance of effective guidance for Counting Officers as many may not have run a local referendum before, and suggested that public awareness campaigns would be necessary to support voter understanding. DCLG agreed to consider these points as part of its ongoing work. **Action: DCLG**

7. National Park Elections

7.1 The Department for Environment, Food and Rural Affairs (DEFRA) informed the Group that its consultation on possible elections to National Park Authorities had closed on 31 May and the Department is considering the responses received. The Government will make an announcement setting out its response to the consultation once this consideration has taken place.

8. Update on Electoral Registration and Administration Bill

8.1 CO explained that the House of Commons consideration of the Electoral Registration and Administration Bill had concluded without amendment and the Bill had received its first reading in the House of Lords. The date of the Bill's second reading in the House of Lords was yet to be confirmed. The draft secondary legislation to accompany Part 1 of the Bill is published on the Cabinet Office website and CO invited the Group to look at this.

8.2 CO also noted that it is working to finalise an implementation plan which will set out the changes to the architecture of electoral registration electoral administrators can expect during the transition to Individual Electoral Registration.

9. Planning for the European Parliamentary Elections in 2014

9.1 CO tabled a paper seeking views on the options on the appointment of Regional Returning Officers (RROs) and the scope of their power of direction. The issue was to ensure that if an RRO dies or resigns ahead of a poll, a replacement with the requisite experience of running elections can be appointed. BPJ noted that the primary consideration must be to leave sufficient time for the RRO to build a team around them ahead of the poll – this work needed to start at least 12 months ahead of the poll. CO invited views on the appointment mechanism for RROs and on the scope of RROs' powers of direction ahead of the next meeting. **Action: All**

9.2 It was also noted that whilst the date of the European Parliamentary Elections is not yet known, they will be in June 2014. There was some discussion about there being a suggestion to move the poll to a date in May, but this is not a live consideration and extremely unlikely.

10. Any other Business

10.1 It was agreed that the next session of the EPCG should take place in September rather than August as had been planned.