

Board minutes: 26 February 2020 | Electoral Commission Search

Board minutes: 26 February 2020 You are in the Electoral Commission Board

section Home How we make decisions Electoral Commission Board On this page Apologies

and introductions Declarations of interest Minutes of the Commission Board meeting of

22 January 2020, note from the informal session on 22 January, and the minutes from

the meeting of the Remuneration and Human Resources Committee meeting on 5 February

2020 Section 10 assessment Performance report quarter 3 2019/20 Corporate planning

2021/26 Chief Executive's update Forward plan of Board business Action tracker Chair

and Chief Executive's meetings and meetings of note in Scotland, Wales, and Northern

Ireland First published: 18 June 2020 Last updated: 21 June 2021 Meeting overview

Date: Wednesday 26 February 2020 Time: 9:30am to 12:35pm Location: Boothroyd Room, 3

Bunhill Row, London Date of next scheduled meeting: Wednesday 18 March Who was at the

meeting Who was at the meeting John Holmes, Chair Alasdair Morgan (save for item 4)

Anna Carragher Elan Closs Stephens Joan Walley (save for item 4) Rob Vincent Sarah

Chambers Stephen Gilbert (save for item 4) Sue Bruce Bob Posner, Chief Executive

Craig Westwood, Director, Communications, Policy and Research Kieran Rix, Director,

Finance and Corporate Services Louise Edwards, Director, Regulation Ailsa Irvine,

Director, Electoral Administration and Guidance Amanda Kelly, Interim General Counsel

David Bailey, Head of Strategic Planning and Performance David Meek, Senior Adviser,

Governance Petra Cress, Head of Planning, Performance and Governance Adrian Fryer,

Senior Lawyer (for item 4) Phil Thompson, Head of Research (for item 4) Niki Nixon,

Head of External Communications (for item 4) Hamish Love, Senior Adviser, Performance

and Insight (for items 5 and 6) Apologies and introductions No apologies. The chair

noted that Alastair Ross had, at his request, been released by her Majesty from his

Royal Warrant, to take up an advisory position to the Northern Ireland government.

The chair thanked him for his service as Commissioner. Declarations of interest No

new declarations of interest. Minutes of the Commission Board meeting of 22 January

2020 (EC 10/20), note from the informal session on 22 January (EC 11/10), and the

minutes from the meeting of the Remuneration and Human Resources Committee meeting on

5 February 2020 (EC 12/20) Action: The Board requested that the notes of the informal

session be amended to reflect the correct date of the informal session. Resolved:

That the minutes of the Commission Board meeting on 22 January 2020 be agreed. The

records of the informal session on 22 January, subject to amendment above, and the

minutes of the meeting of the Remuneration and Human Resources Committee meeting on 5

February 2020 were noted. Section 10 assessment (EC 13/20 and 13A/20) The General

Counsel spoke to the advice contained in 13A/20. The Chief Executive and General

Counsel advised the committee of the potential consequences of Commissioner perceived

conflicts of interest if any decision was scrutinised, including by the courts. Three

Commissioners, Joan Walley, Alasdair Morgan, and Stephen Gilbert, were not present

for the rest of the item. The Board agreed to consider the item at this meeting,

including the request from the UK Government for a delay to enable them to consider

fully the constitutional and legal implications of the Scottish Government's request

and the basis on which it is made. Resolved: That, consistent with current

information and legal advice, the Commission make necessary preparations in order to

enable it to respond in a timely fashion, should the Board decide to approve the

request under s.10 to provide advice and assistance to the Scottish Government in

connection with a possible referendum question. To consider the request more fully at

the 18 March Board meeting or otherwise as appropriate. To ask the UK Government to

provide the details of any matters they consider pertinent to the decision once they

have considered the implications of the request by close of business on Wednesday 4

March. That the Commission will make all relevant correspondence on the matter open and available to the Scottish Government, and will similarly make available to UK Government any representations made by the Scottish Government. Not specific to this matter, but more broadly on the role of nominated Commissioners, the Chief Executive be asked to consider how best to raise the issue of perceived conflict of interest as it affects nominated Commissioners with Government. Performance report quarter 3 2019/20 (EC 14/20 and 15/20) The Board considered the report, and discussed the distinction between operational work and project work. The Director of Finance and Corporate Services noted that operational work remained on-track, while certain project work had been put on hold so staff could focus resources on the unscheduled UK Parliamentary General Election. The Director of Regulation assured the Board that a dedicated team was working to ensure that delayed work in that directorate was processed as quickly as possible. The Board noted the increased number of Freedom of Information Act requests (FOIs) and Subject Access Requests (SARs) received in Quarter Three, and the decreased response rate to these requests. The Board heard that, with SARs, the challenge was not in finding information we held on these individuals, but in assessing the information to ensure compliance with the request. The Director of Finance and Corporate Services noted that we had trained more staff in how to respond to such requests. The Board considered the activity supporting a feasibility study on options for modernising electoral registration. The Director of Electoral Guidance and Administration agreed to add additional commentary to outline the next steps in this process, now that the first stage was complete. The Board discussed recent fines for parties that had failed to properly declare public funds they had received. The Board suggested that larger parties be included as part of the regular checks of declared spending. The Board received an update on how Brexit on 31 January had affected the Commission. The Board also sought an update on progress of proposed legislative changes. Action: The Director of Electoral Guidance and Administration to add additional commentary to outline the next steps in modernising electoral registration. Resolved: That the paper be noted. Corporate planning 2021/26 (EC 16/20 and 17/20) The Chief Executive outlined the background information that had been prepared for the discussion. The Head of Strategic Planning and Performance provided an overview of the process that the senior leadership group had gone through in building the corporate plan 2021/26. The Board considered the relationship between benefits and drivers. The Board also discussed alternate approaches to the development of this corporate plan, including whether the Commission could engage more deeply with stakeholders, particularly regulators facing similar circumstances, such as OfCom. Part of the development of the plan would include consideration of areas where the work of the Commission overlapped with work undertaken by other stakeholders. The Board noted that information provided in the analysis equipped it well to deal with expected events, but not the “unknown-unknowns”. The Director of Regulation noted the challenging timetable had prevented us from taking a more expansive approach to the development of this plan, but that we would still seek stakeholder input. The Board offered its support in contributing to the development of the plan, such as through consulting with small groups of Commissioners in particular areas. The Board suggested that the state of the electoral administration system was one area that needed to be considered in the development of the plan. The Board sought assurances that changing geographic, social and economic diversity was considered in the development of this plan. The Board noted the increasing concentration of social and economic activity in London and the South-East, and considered how this could affect public engagement and trust. The Board considered we

should include feasibility planning work towards delivering net-zero emissions elections. The Head of Strategic Planning and Performance confirmed that we would use impact assessment analyses against each benefit. Action: Director of Finance and Corporate Services to consider how best to ensure Commissioner contribution to the development of the Corporate Plan. Resolved: That the paper be noted.

Chief Executive's update (EC 18/20) The Chief Executive updated the Board on a recent recommendation from the Independent Inquiry into Child Sexual Abuse; "all political parties registered with the Commission in England and Wales must ensure that they have a comprehensive safeguarding policy." It called for the Commission to monitor and oversee compliance with this recommendation. The Board heard that the initial view in response to this recommendation was that it was outside our remit and outside our skills and experience. The Board also noted the large number of political parties, many of which were quite small parties, for whom this obligation would need to be formulated in a proportionate way. The Board heard that staff would be in contact with the inquiry informally regarding this matter, before staff prepared a written response. Resolved: That the paper be noted.

Forward plan of Board business (EC 19/20) The Board considered whether there should be more regular, substantive updates on the wider nation based context of the work undertaken in the devolved offices. This would be considered as part of the Board effectiveness review. Action: Add s10 assessment to March Board meeting. Resolved: That the paper be noted.

Action tracker (EC 20/20) Resolved: That the paper be noted.

Chair and Chief Executive's meetings and meetings of note in Scotland, Wales, and Northern Ireland (EC 21/20) The Chief Executive noted that this paper might be expanded to include details of significant meetings with external stakeholder held by Directors. Resolved: That the paper be noted.