

Board minutes: 21 March 2018 | Electoral Commission Search

Board minutes: 21 March 2018 You are in the Electoral Commission Board section
Home How we make decisions Electoral Commission Board On this page Apologies
Declaration of interests Minutes Regulatory matter for decision Proposal to provide
indicative funding information to the Scottish Parliament and National Assembly for
Wales May elections update Accuracy and Completeness Study Business Plan 2018-19:
Principles for Performance Measures Chief Executive's Update for March Quarter 3
Finance and Performance Report Annual Review of Corporate Governance Forward Plan of
Board business 2018-19 Decision-tracker for February Chair's and Chief Executive's
meetings, and meetings in devolved legislatures Commissioner wash-up First published:
23 July 2019 Last updated: 23 July 2019 Summary Date: 21 March 2018 Time: 9:30am to
1:20pm Location: Boothroyd Room, 3 Bunhill Row, London Date of next scheduled
meeting: Who was at the meeting Who was at the meeting Sir John Holmes (JEH) Chair
Anna Carragher (AC) Elan Closs Stephens (ECS) John Horam (JRH) David Howarth (DH)
Alasdair Morgan (AM) Bridget Prentice (BP) Rob Vincent (RV) Claire Bassett (CB)
Kieran Rix (KR) Ailsa Irvine (AI) Robert Posner (RP) Craig Westwood (CW) Louise
Footner (LF) Katy Thomas (KT) Polly Wicks (PW) Marcia Owusu-Mfum (MO) Phil Thompson
(PT) Andy O'Neil (AON) Rhyddian Thomas (RT) (by v/c) Niki Nixon (NN) Apologies Sue
Bruce (SB). Elan Closs Stephens (ECS) – item EC 13/18 and item EC 20/18 were
discussed first so that ECS could be present. She left the meeting at 10.15am.
Declaration of interests 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. 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. AC declared her sister was Head of BBC
News in Northern Ireland. 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?' DH had stood for
election on a manifesto supporting an in-out referendum on the European Union. DH was
a council member of Justice, an organisation which had in the past received EU
funding. DH reported that the European Parliament subsidised a regular annual visit
by his Public Policy students to Brussels. DH declared that he had been awarded a
research grant of over €40,000 from the European Parliament. DH declared that he had
been at university with Jon Lansman, but had no current contact with him. JRH 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. JEH reported that he
was Chair of the Advisory Board, Cargo Logic Air (British Air Cargo Company
established in 2015 by the Russian owner of the Volga Dnepr Group) (remunerated).
Minutes Minutes of 24 January 2018 Approved. Minutes of 21 February 2018 Approved. To
note Agenda items were not discussed in the order on the agenda, to allow ECS to be
present for items EC 20/18 and EC 13/18. The late addition to the agenda (EC 20/18)
was taken first and noted below. Regulatory matter for decision RP, as final decision
maker in the investigation, left the room. All present were reminded of the need for
complete confidentiality, the law on actual and perceived bias, conflict of interest
and the Commissioner Code of Conduct. A regulatory matter was considered, discussed
and agreed. During discussion a number of points were touched on, including:
Consideration of previous decisions on regulatory matters, and the importance of

consistency in our approach. The development of our prosecution policy, which, if agreed by the Board, would provide a route for prosecutions in appropriate cases to be brought by the Commission rather than requiring a police referral. Agreed: That: The Board having satisfied itself that the circumstances outlined in the paper met the threshold for referral, the matter be referred to the police for investigation; It be noted that the referral would figure in our press release on the wider investigation, and Commissioners would be notified separately of the press release and statement; RP returned to the room. Proposal to provide indicative funding information to the Scottish Parliament and National Assembly for Wales AON introduced the paper, asking the Board to agree that the figures presented in the paper should form the basis of our advice to the Scottish Parliament (SP) and National Assembly for Wales (NAW) regarding our future accountability to these bodies. Commissioners welcomed the comprehensive work undertaken to date. A question was asked on whether we would change how we managed our budget in future. CB explained that the current approach - event funding which predominately covers electoral events, and core funding which covers permanent resources - worked well and could be easier to manage with the new accountability structure. We could go back to the Speakers' Committee with a Supplementary Estimate if we encountered unplanned events. Questions were asked on whether the proposed request for resources would sit centrally and if further requests would come to this Board. CB responded that requests for additional funding would come back to Board for information, though as the organisation's accounting officer, the request would be under her name. AON advised that for elections taking place in Scotland, funding would come partly from Westminster and partly from Holyrood, according to the electoral event it was required for. The Board agreed to the principles identified in the paper which underpinned the financial modelling and the draft advice to the SP/NAW contained in the report, with an amendment to the wording in section 2.1 by deleting all of the first bullet point after its first sentence. Meeting conclusion With ECS leaving the meeting at this point, the Board was no longer quorate. The Board meeting concluded. There then followed informal discussion on the following agenda items by those Board members remaining present with staff. No decisions were taken. May elections update AI updated on the upcoming elections and highlighted the ongoing work to ensure the delivery of well-run elections through the risk-based approach to profiling local authorities. The Commission had met with those authorities that were rated "red" and "amber", and had this time also had a conversation with all authorities who were rated "green". This support and challenge of Returning Officers and their staff would continue through the electoral period but, as yet, nothing significant had been picked up. PT updated on the ID and postal pilot evaluation preparations. Extensive data collection was being conducted, and we would be gathering feedback from candidates and polling staff during and after the election. The statutory deadline for completing and publishing the evaluation was 4 August 2018, three months after the poll. It would be a challenge to draw conclusions across the different areas due to the variations in form of the different pilots. It was asked whether local authorities had been given any autonomy over the process. PT replied that the Cabinet Office were leading on the pilots, but that local authorities had been given latitude to propose what they wanted to test and the ID to be used. It was noted that evidence from the pilots might not be able to provide information on whether the pilots had had an impact on disenfranchisement. In response to a question on how the Commission intended to address this risk, PT explained that we would incorporate questions in our public opinion surveys to try to get a sense of any potential impact. In response

to a question on the form of the postal vote pilots, PT said that follow-ups either through a phone call or a visit would be carried out after completed postal votes had been received back by the Returning Officer, with a focus on asking voters if they had directly completed their ballots. During the discussion, it was suggested that neighbouring local authorities could be impacted by the pilots, with potential confusion amongst the electorate. Further discussions touched on the likelihood of campaigners against the pilots being present on polling day. CB advised that Commission staff had been working with local authorities to ensure awareness of this risk. Some of them had been in contact with police regarding any potential disruption. In response to a question on whether polling staff were receiving additional training for these polls, AI replied that they would, and that it was the responsibility of the local authority to provide this. PT added that he had seen the training plans that had been established by the local authorities. CB advised that we would be monitoring social media in the run up to the elections and confirmed we would highlight anything significant to local authorities. RP updated on the political finance and regulation work in respect of the May polls, noting that there had been 42 approved applications for new political parties. CW highlighted the organisation's campaign activity and public enquiries work leading up to both the registration deadline and polling day. Campaign beer mats were shared with the Board. They would be distributed to pubs located in student areas as a route to engage this group – recognised as currently under-registered – in the voter registration drive. The fraud campaign had been formally launched with CrimeStoppers. Noted. Accuracy and Completeness Study PT introduced the paper, summarising the background behind the accuracy and completeness study. In response to a question on how the study would be conducted, PT advised that a clustered, quasi-random sample would be used and a house to house survey. PT advised that the overall sample size would consist of around 5,000 addresses, which equated to approximately 9,500 people. Asked whether the issue of double registration would be included in the study. PT advised questions on this topic could be included in the survey (although this might need to be in place of others) but highlighted that data emerging from these questions would be attitudinal, rather than factual. A range of questions were asked around whether we could join together with other studies. PT advised that, although possible, it would take the specific focus away from accuracy and completeness of the register. PT said he would review the research landscape to understand whether compatible studies were being undertaken, with which we could collaborate. A question was asked regarding whether it was more appropriate to undertake the study following the local government elections in May, as opposed to a study in December 2018. PT explained that, at the moment, December was the preferred choice so as to provide a baseline for assessing the impact of any changes to the annual canvass. CB added that there had been delays to proposed changes in the canvass which meant that a May study now felt a bit premature. However, in the long term, a case could be made to consider moving future studies to May. It was noted that the next study would be undertaken in December 2018, and then consideration given to moving to a May timeframe in the future. Business Plan 2018-19: Principles for Performance Measures KR presented a series of slides setting out the principles for performance measurement that would form the basis of measures included in the Business Plan 2018-19. KR highlighted the performance measures already contained in the Corporate Plan, and noted these would provide a framework for additional measures in the Business Plan. The issues of understanding what drove impact, and measuring impact, were discussed by the Board. CB highlighted that some work had been undertaken on this issue already, with the

division of impact indicators (looking at activity with impacts our work but outside our direct control) and performance measures (activity which was within our control). It was noted that it would be beneficial to review and incorporate the policy recommendation tracker in this work on performance measures, to provide a clearer overview of our impact as an organisation. KR thanked Commissioners for their input and advised that further comments from the Board would be welcome outside of the meeting. It was noted that the first draft of performance measures supporting the Business Plan 2018-19 would be reviewed at the June Board meeting (27 June 2018) and that the policy recommendation tracker should be included on a future Board agenda.

Chief Executive's Update for March As noted in the Update, CB welcomed the involvement of Chloe Smith (Minister for the Constitution) in the launch of the anonymous voting changes and the work on electoral fraud. CB advised that the recent publication of UKPGE spending returns for larger parties had gone well, despite a slightly later than planned publication date. Focus was now on the local elections in May. AI updated on electoral registration work, highlighting our ongoing work with Cabinet Office on reforms to the annual canvass, and progress with our modernisation project, looking for example at using data in a more effective way. The Commission had produced guidance, in collaboration with the Information Commissioner's Office, Association of s (AEA) and Society of Local Authority Chief Executives (SOLACE), on the impact of the General Data Protection Regulation which had been well received. AI advised that we were working on responses to two open consultations – the National Assembly for Wales consultation on electoral reform, where responses were due by early April, and the Scottish Government's consultation on electoral reform, where the response was due by 29 March. RP updated the Board on the first publication of political party donations in Northern Ireland on 12 March. RP also advised that, when reviewing the spending returns of parties with spending over £250K relating to the 2017 UKPGE, the team had identified a number of reporting issues with the majority of these returns. These were now subject to investigation. The Commission had been hosting training sessions for police on electoral fraud over the last six months. These had now concluded and had been well received by attendees, with a request for further sessions which we were reviewing. RP said that work was underway to produce a report on digital campaigning that was likely to be published in mid-May. In response to a question around digital campaigning, RP advised that we were working with the relevant authorities as part of our inquiries. LF updated on two legal matters. The judicial review brought by the Democrats had been dismissed. The claimant had now gone to the Court of Appeal to ask for leave of appeal. Judgement had been reserved in relation to the judicial review claim lodged by the Good Law Project. We would continue to monitor both cases. KR updated the Board on the NAO's interim audit update which had been presented at the Audit Committee on 20th March, advising that the interim audit had gone well. Preparations were underway for the year-end audit, which was due to take place in May. Quarter 3 Finance and Performance Report KT introduced the Quarter 3 report, noting that all Key Performance Measures had been achieved in the last quarter, aside from one relating to party registrations. This measure had not been achieved due to the volume of registration applications received. KT highlighted the Q3 financial position, with CB noting the Supplementary Estimate was approved by Speaker's Committee in January 2018. In response to a question on the finance summary and our income, KT undertook to rework the summary table to reflect income in a clearer manner. CB advised that she, Kieran Rix and John Holmes would be appearing before the Speaker's Committee on 27 March to seek approval for the Corporate Plan 2018-19 to 23-24 and the 18-19 Main Estimate. Noted. Annual

Review of Corporate Governance Agreed: That the Corporate Governance Framework be approved, subject to the changes highlighted in the document. Forward Plan of Board business 2018-19 Noted. Decision-tracker for February The Chair discussed the action on the issue of shortage of EMS suppliers arising from the 18 January 2017 Board meeting. Noted. Chair's and Chief Executive's meetings, and meetings in devolved legislatures Noted. Commissioner wash-up