

BCFE (09) 13th Meeting

Minutes of meeting held at 10.30 am on 29 July 2009, at
Barnett Hill Conference Centre, Guildford

Present:

Max Caller CBE (Chair)
Joan Jones CBE
Professor Colin Mellors
Dr Peter Knight CBE DL
Jane Earl

Also present:

Archie Gall	Director
Andrew Scallan	Director, Electoral Administration and Boundaries

1. Declarations of interest

- 1.1 There were no declarations of interest that had not already been recorded throughout the process.

2. Consideration of the Electoral Commission's decision in relation to the Suffolk Appeal

- 2.1 The Chair said that the Electoral Commission had now decided to appeal the judgment given down by Mr Justice Foskett on 10 July 2009, quashing the Committee's draft proposals for Suffolk. The Commission's decision was very much welcomed by the Committee.
- 2.2 Given the circumstances relating to the Commission's decision, there was a clear need to consider how the Committee's relationship with

DCLG and the Commission should be managed and improved in the coming months. The Committee agreed that it should seek to work with the Chair of the Electoral Commission to that end.

- 2.3 The Committee agreed to adjourn its meeting until the following day, by which time it was hoped that draft minutes of the Electoral Commission's last two meetings would be available to it. These would set out the rationale for the Commission's decisions in relation to the Suffolk appeal.

The meeting was adjourned. It resumed at 3.30pm on 30 July 2009

- 2.4 The Chair said that he had now received the draft minutes of the Electoral Commission's last two meetings. These confirmed that the Commission was supporting an appeal by the Boundary Committee. The Chair of the Commission had also now written to the Secretary of State for Communities and Local Government confirming that an appeal would be pursued.
- 2.5 The Committee welcomed the Electoral Commission's decision. It acknowledged that the issues were complex and recognised how difficult a decision this had been for Commissioners.
- 2.6 It was agreed that the Chair should write to the Chair of the Electoral Commission, expressing the Committee's thanks and inviting her to the October meeting of the Committee.

3. AOB

- 3.1 The Committee considered that it needed a better understanding of the choices and risks associated with the Suffolk appeal proceedings, particularly if the Court of Appeal did not overturn the Divisional Court judgment. It was agreed that the Committee's legal advisers should provide a report for consideration at the Committee's next meeting on 2 September.
- 3.2 The Committee also asked to see all relevant documentation relation to the appeal proceedings, including skeleton arguments and particulars of claims.
- 3.3 If the Court of Appeal were to overturn the Divisional Court's judgment, the Committee agreed that should seek to provide any advice to the Secretary of State as soon after judgment had been handed down as was as practicable. To that end, the Director was asked to provide a schedule for the finalisation of structural review reports.

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