

**Please note that some information in these minutes has been redacted for one of the following reasons:**

**1) Because it relates to the Committee's decision-making process of part of a current review. This information will be released when the relevant review is completed.**

**2) It constitutes legal advice to the Boundary Committee which is privileged and therefore is not disclosed.**

## BCFE (08) 4th Meeting

Minutes of meeting held on Thursday 20 March 2008 at 9.30am at the Enterprise Rooms, 20 Great Peter Street, London, SW1P 2BU

Present:

Max Caller CBE (Chair)  
Robin Gray  
Joan Jones CBE  
Ann Kelly  
Professor Colin Mellors  
Dr Peter Knight

Also present:

Archie Gall	Director
Alison Wildig	Review Manager
Sam Hartley	Review Manager
Tim Kershaw	Review Manager
Bob Posner	Legal Counsel
Claire Sherer	Regional Liaison Officer – South of England
Gennoria Miles	Business Assistant (minutes)

Chris Wheeler                      Independent Financial Consultant

### 1. Minutes of the last meeting: 20 March 2008 - BCFE (08) 4<sup>th</sup> Meeting

1.1 The minutes of the meeting were approved.

## 2. Matters arising

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

## 3. MoJ: Review of boundaries legislation and practice – BCFE (08) 02

- 3.1 The Director said the paper was intended to brief the Committee on a planned review by the Ministry of Justice (MoJ) in relation to the boundary function recommendations made by the Committee on Standards in Public Life (CSPL) in its January 2007 report on the Electoral Commission. Details of the review had been presented at the annual joint meeting of UK Boundary Commissions in Cardiff on 5 March, which the Chair and Director had attended.
- 3.2 The Director said that the terms of reference for the review had still to be agreed by Ministers. However, as currently drafted, there were two major issues for both the Boundary Committee and the Electoral Commission. The first related to the timescale for the separation of the Boundary Committee from the Electoral Commission, a factor the Government had already agreed to in its response to the CSPL recommendations. The second related to the monitoring of boundary review, both local government and Parliamentary, UK-wide.
- 3.3 The MoJ review would have significant implications on the timing of any separation of the Boundary Committee from the Electoral Commission, deferring it at least until after the next General Election and potentially for some considerable time thereafter. So far as the monitoring of boundary review organisations UK-wide was concerned, this appeared to ignore the fact that different boundary commissions took different approaches to their work in each part of the country, and seemed to overlook the devolution settlement.
- 3.4 In considering the issues raised by the MoJ review, the Committee expressed concern over the potential delay in the Boundary Committee

becoming independent of the Commission given the CSPL recommendation, accepted by Government, that Electoral Commissioners with party political affiliations should be appointed to the Commission. In the Committee's view, it was imperative that the electoral review and subsequent decision-making process by the Electoral Commission should be free from party political influence, and perceived to be so by all concerned. This could not be guaranteed if Commissioners with political affiliations were to be appointed to the Commission.

- 3.5 The Committee concluded that, in the circumstances, this pointed to the independence of the Boundary Committee from the Electoral Commission before or at the same time any provision is made in legislation for a relaxation in the current restrictions on the political activities of Commissioners. The Committee also reaffirmed its view that decisions on its electoral review recommendations should be kept independent of the Executive. The Committee would not wish to see a return to the position in England prior to 2002 which involved Ministers taking decisions on electoral review recommendations.
- 3.6 The Committee asked that its concerns over the MoJ review and its implications be drawn to the attention of the Commission.

#### **4. Electoral reviews update – oral report**

- 4.1 The Review Manager (SH) updated the Committee on the progress of the Cornwall electoral review.
- 4.2 The Review Manager (TK) updated the Committee on the progress of Isle of Wight, Wiltshire, Shropshire and West Sussex electoral reviews
- 4.3 The Committee considered the matters arising from the report and commented on the issues raised.

#### **5. Structural reviews update – oral report**

- 5.1 The Review Manager (SH) updated the Committee on the progress of the Devon structural review.
- 5.2 The Review Manager (AW) updated the Committee on the progress of the Norfolk and Suffolk structural reviews.
- 5.3 The Committee considered the matters arising from the reports and commented on the issues raised.

#### **6. Structural review: affordability criterion – Presentation by the Committee's independent financial consultants**

6.1 The Committee's consultant gave a presentation to the Committee on the workbook Section 151 officers would be asked to complete in addressing the affordability criterion during Stage Three of the structural reviews.

6.2 The Committee considered the issues arising from the presentation and amendments to the papers were agreed. It was noted that briefings for Section 151 officers would take place in Devon on 4 April and in Norfolk and Suffolk on 8 April.

## 7. Structural reviews: decision making process – oral report

7.1 The Committee considered the approach to be taken to the structural review decision-making process.

7.2 At its meeting on 7 April the Committee would consider a paper based on the Secretary of State's criteria and the broad questions the Committee had circulated to local authorities in all three counties under review. This would provide the basis for identifying information gaps in the concepts to be received by 11 April. All concepts would be considered at a Committee meeting on 15/16 April and, where appropriate, further information sought. No decisions on potential draft proposals would be taken until after that information had been received; it would be unreasonable for the Committee to take any decisions purely on the basis of initial concepts.

## 8. Any other business

8.1 The Deputy Commissioner availability dates were distributed. It was agreed to hold a two day meeting on the 15 and 16 April 2008 outside London.

8.2 It was also agreed to hold another two day meeting on 29 and 30 April 2008.

8.3 The Chair Noted that this was Ann Kelly's last meeting as a Deputy Commissioner and thanked her for her contribution to the Committee's work since 2002. The Committee wished Ann Kelly every good wishes for the future.

## 9. Next meeting

9.1 The next scheduled meeting of the Committee will be on 7 April 2008 and will be held in the Boothroyd Room, Trevelyan House at 10:30am.

**The Boundary Committee for England  
April 2008**