

POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2000



THE SPEAKER'S COMMITTEE

THIRD REPORT 2009

**Work of the Committee in
2009**

*Presented to the House of Commons in pursuance of
paragraph 1(1) of Schedule 2 of the Political Parties,
Elections and Referendums Act 2000*

*Ordered by The House of Commons
to be printed 5 January 2010*

HC 205

Published on 5 January 2010
by authority of the House of Commons
London: The Stationery Office Limited

£0.00

The Speaker's Committee

The Speaker's Committee is appointed in accordance with the provisions of section 2 of the Political Parties, Elections and Referendums Act 2000 to perform the functions conferred on it by that Act.

Current membership

Rt hon John Bercow MP, *Speaker of the House of Commons* (Chairman)
Rt hon Sir Alan Beith MP, *Chairman of the Justice Committee*
Lady Hermon MP
Rt hon Sir Gerald Kaufman MP
Mr Humfrey Malins CBE MP
Rt hon Jack Straw MP, *Secretary of State for Justice and Lord Chancellor*
Mr Gary Streeter MP
Sir Peter Viggers MP
Rt hon Rosie Winterton MP, *Minister for Local Government*

Previous Reports in the current Parliament

Second Report 2005 was published in July 2005 as House of Commons Paper No. 435 of Session 2005–06.

Third Report 2005 was published in December 2005 as House of Commons Paper No. 783 of Session 2005–06.

First Report 2006 was published in August 2006 as House of Commons Paper No. 1581 of Session 2006–07.

First Report 2007 was published in August 2007 as House of Commons Paper No. 996 of Session 2006–07.

Second Report 2007 was published in August 2007 as House of Commons Paper No. 997 of Session 2006–07.

Third Report 2007 was published in February 2008 as House of Commons Paper No. 288 of Session 2007–08.

First Report 2008 was published in July 2008 as House of Commons Paper No. 961 of Session 2007–08.

Second Report 2008 was published in December 2008 as House of Commons Paper No. 109 of Session 2008–09.

First Report 2009 was published in April 2009 as House of Commons Paper No. 385 of Session 2008–09.

Second Report 2009 was published in December 2009 as House of Commons Paper No. 137 of Session 2009–10.

The Committee's Reports are available on the internet at www.publications.parliament.uk/pa/cm/cmspeaker.htm

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Introduction

1. Under paragraph 1(1) of Schedule 2 to the Political Parties, Elections and Referendums Act 2000 (PPERA), the Speaker's Committee is required to report to the House of Commons not less than once each year on the exercise by it of its functions. The last such Report covered the period from January 2008 to the end of the 2007-08 Parliamentary Session on 27 November 2008.¹ This Report covers the period of the 2008-09 Parliamentary Session, which ended on 12 November 2009.

Meetings

2. The full Committee met five times and the informal sub-Committee met twice in the period covered by this Report. The minutes of the meetings are reproduced at Appendix 3. The Chair and officials of the Electoral Commission attended parts of some of these meetings, at the invitation of the Committee.

Membership

3. Appendix 2 gives details of the membership of the Committee over the period covered by this Report. The decision in June 2009 by the former Speaker, now Lord Martin, to step down led to the first ever change of Chairman of the Committee. Lord Martin guided the Speaker's Committee through its formative years. He goes to the Upper House with our best wishes. Following changes to ministerial responsibilities, in October the Prime Minister nominated Ms Rosie Winterton to the Committee in place of John Healey. We are grateful to Mr Healey for his service on the Committee and in particular for his important contribution to the work of the informal sub-Committee, which carries out much of the detailed scrutiny of the Electoral Commission's draft Estimates and five-year plans.

4. Membership of the informal sub-Committee also changed in 2009. The sub-Committee is now chaired by Mr Gary Streeter; the other members are Mr Humfrey Malins and Ms Rosie Winterton. The Committee is grateful to Sir Peter Viggers for chairing the sub-Committee throughout the first three years of its existence.

Parliamentary accountability

5. During the 2008-09 Parliamentary Session, the Member answering on behalf of the Committee replied to nine Questions on the floor of the House and to eighty Questions in writing. Overall, these numbers represent a reduction of about half compared to the previous Session. Of the ten Questions that were put down for answer on a named day, eight received a substantive reply on that day. This represents a considerable improvement over performance in 2007-08.

6. With effect from June 2009, Mr Gary Streeter succeeded Sir Peter Viggers as the Member answering on behalf of the Committee. The Committee is grateful to Sir Peter for

¹ Second Report from the Speaker's Committee, 2008, HC 2008-09 109

dealing with hundreds of Parliamentary Questions on its behalf and representing it both in the House and elsewhere. We also wish to record our thanks to those officials of the Commission who, under great pressure of time, assist by preparing draft replies and briefing.

7. Parliamentary Questions provide an important channel of accountability for the Commission. However, they are not the only such channel. We support initiatives that are being taken by the Commission to engage with Committees of the House and to seek further opportunities for Parliamentary scrutiny.

Changes to the Committee's remit

8. In the past year, the Speaker's Committee has gained important new powers and responsibilities, following the passage through Parliament of the Political Parties and Elections Act 2009 and the Local Democracy, Economic Development and Construction Act 2009. Together, these Acts have brought about the biggest changes to the Committee's functions since it was created under PPERA. A full summary of the statutory functions of the Committee following the coming into force of the 2009 Acts is given at Appendix 1. The more significant changes are described below.

The Political Parties and Elections Act 2009

9. This Act made important changes to the law concerning political donations and expenditure, elections and electoral registration. It also implemented a recommendation made by the Committee on Standards in Public Life in its Eleventh Report, that the Board of the Electoral Commission should include persons with political experience—a recommendation that had the support of this Committee.

10. Under the Act, provision is made for the appointment of four nominated Commissioners, who are selected from names put forward to the Speaker by the leaders of political parties that meet criteria specified in the Act. The Act also explicitly provides for all Commissioners to be selected according to a procedure put in place and overseen by the Committee, thus enshrining in law a practice that had previously been put in place administratively.² The number of Commissioners will be increased in order to ensure that nominated Commissioners are not in the majority.

11. The Act also requires the Chief Executive of the Commission to consult the Committee before designating posts on the staff of the Commission which are to be subject to a restriction on political activity undertaken by the post-holder before taking up the post.

12. Other, more far-reaching changes are made to the powers and responsibilities of the Electoral Commission which do not directly engage the responsibilities of this Committee. Among these, we note in particular the provision made in the Act for the phased introduction of individual voter registration, for which the Commission and the Committee alike have previously called.

² See also paragraphs 29 and 30, below

The Local Democracy, Economic Development and Construction Act 2009

13. Under this Act, the Boundary Committee (which carries out administrative, electoral and structural reviews of local authority boundaries in England) becomes a separate body corporate from the Electoral Commission. The Speaker's Committee is now responsible for examining and approving the draft Estimates and five-year plans of the new body, which is named the Local Government Boundary Commission for England, and has gained other responsibilities analogous to those it has in respect of the Electoral Commission. These are listed in Appendix 1.

14. By agreement with the Department for Communities and Local Government, the Committee also assumes a role not set out in the Act, but arising from it. The Act introduces a system of orders for the implementation of recommendations arising from a review carried out by the new Commission. Under this procedure, the orders are to be laid in draft before both Houses and cannot formally be made until a period of 40 days has passed, beginning with the day on which a copy of the draft order is laid in Parliament. If during that 40-day period either House of Parliament were to resolve that the order be not made, the Commission would not be able to make the order.

15. This 'draft negative resolution' procedure provides for a Member of either House to table a Motion in the form of a 'prayer' that an order be not made. If tabled in the Commons, such a Motion could be considered either in Committee or on the floor of the House. As a non-ministerial public body, the Local Government Boundary Commission is not accountable to Parliament through a Minister of the Crown. The Committee has therefore agreed that it would be appropriate for one of its members to participate in any debate on an order in the Commons, to acquaint the House with the views of the Commission and to deal with any questions about the order. However, as with any legislative proceeding in Parliament, a Minister of the Crown will also take part in these debates.

16. The Committee notes that no arrangement has yet been made for dealing with such Motions in the House of Lords.

Financial scrutiny

Draft Main Estimate 2009–10 and draft five-year plan 2009–10 to 2013–14

17. In the first part of 2009, the Committee's principal business was to consider the Commission's draft Estimate for 2009–10 and its draft corporate plan for the five years beginning 2009–10.

18. In reaching its decisions on these documents, the Committee had regard to the advice of the Treasury, which was set out in a letter from the Chief Secretary to the Speaker of 10 March 2009. The Committee also had regard to the report of the Comptroller and Auditor General, also dated 10 March, which constituted 'the most recent report' for the purposes

of paragraph 15(3)(a) of Schedule 1 of the Political Parties, Elections and Referendums Act 2000, and which we published as an Appendix to the Committee's First Report of 2009.

19. The Committee agreed a Net Resource Requirement for the Electoral Commission for 2009–10 of £23,468,000, with Operating Appropriations in Aid of £18,000, as being consistent with the economical, efficient and effective discharge by the Commission of its functions in that year. It also agreed, on the same basis, a Net Cash Requirement for 2009–10 of £23,395,000, to include net capital expenditure of £777,000. The Committee also agreed, as in 2008, that the Electoral Commission may, without further reference to it, make such minor and insubstantial adjustments to the Estimate as may be required for technical reasons, subject to Treasury agreement in each case.

20. In relation to the resource implications of the corporate plan, the Committee agreed a Net Resource Requirement of £24,155,000 for 2010–11 (the fourth and final year of the budget agreed in 2007), excluding any increase from the use of End-Year Flexibility or switches between resource and capital budgets, and excluding also provision for the “issues of uncertain scale, timing or likelihood” listed on page 22 of the corporate plan. The Committee noted that, should these issues materialise, additional funding would be required if the Commission's agreed priorities were to be maintained. The Committee also approved, as a basis for forward planning by the Commission, indicative Net Resource Requirements of £23,995,000 for each of 2011–12, 2012–13 and 2013–14 subject again to the exclusions noted above.

21. The Estimates for future years of course remain subject to annual approval by the Committee. In this context, it expected any variation in future Estimates and plans from the Net Resources and Capital figures for 2010–11 onwards, set out on page 23 of the corporate plan, to be drawn to its attention at the appropriate time and properly justified. On that basis, the Committee approved the corporate plan for 2009–10 to 2013–14, without amendment.

Supplementary Estimates

22. In February 2009, the Commission submitted a Spring Supplementary Estimate to increase its net cash requirement for 2008–09 after some delay, and then had to submit a revised version after taking advice from the Treasury and the House of Commons Scrutiny Unit. The Commission has since updated its financial procedure manual.

23. The Committee welcomed agreement on a protocol governing use of End-Year Flexibility and resource/capital budget switches, produced by the Commission in consultation with the Treasury and Scrutiny Unit. The Committee noted that in accordance with that protocol, the Commission planned to submit a Supplementary Estimate during 2009–10 comprising a further net resource requirement of £2,000,000 and £285,000 of capital expenditure, completing provision for its expenditure plans for 2009–10. The protocol provides for the Committee to consider any such Supplementary on the basis that the Commission might reasonably presume the Committee's consent, provided that when a Supplementary Estimate is presented there are no significant changes from the earlier plans for how EYF and resource/capital switches are to be used, and no significant increase in their scale.

24. The Commission submitted a draft Supplementary Estimate in September 2009 for the Winter round, which was considered in October by the sub-Committee. The Commission later withdrew the draft Supplementary Estimate, following advice from the Treasury.

Draft Main Estimates 2010–11 and draft five-year plans 2010–11 to 2014–15

25. During the period covered by this Report, the Committee also began its examination of the draft Estimates for 2010–11 and draft five-year plans of both the Electoral Commission and the Local Government Boundary Commission for England. These were submitted early, in order to assist planning and preparation for the 'divorce' with effect from 1 April 2010 of the Boundary Committee from the Electoral Commission.

26. For the first time, the Committee arranged for a full transcript to be prepared of the exchanges between the sub-Committee and Commission officials. This is appended to the minutes of the meeting of the sub-Committee of 26 October 2009. The full Committee's consideration of the draft estimates and five-year plans took place after the period covered by this Report.

Appointment of Electoral Commissioners

Appointment of the Chair of the Commission

27. Following a procedure put in place and overseen by the Committee and statutory consultation carried out by Mr Speaker with leaders of political parties, we were delighted that Jenny Watson was endorsed by the House as the next Chair of the Electoral Commission in December 2008. Ms Watson was formally appointed by Her Majesty and took up her duties in January 2009.

Appointment of a Commissioner

28. Also in 2009, the Committee has put in place and overseen a procedure for the appointment of a Commissioner in place of Mr Karamjit Singh, whose term of office ends in January 2010. We wish to place on record our thanks to Mr Singh for his long and distinguished service as a Commissioner.

Nominated Commissioners

29. The new procedure for appointment of nominated Commissioners with recent political experience, introduced by the Political Parties and Election Act 2009, has been considered at several of the Committee's meetings in 2009, as the appended minutes show. Following Royal Assent to the Act, the Committee agreed that party leaders' nominations should be considered by a panel appointed by Mr Speaker, chaired by an independent figure and including the Chair of the Commission, plus members of the Committee.

30. The Committee further adopted a set of criteria against which to judge the nominations and in October 2009 the Speaker wrote to party leaders, inviting them to put names forward for these posts. The Committee hopes to be able to complete the process of considering the nominations early in 2010. As with any appointment of an Electoral Commissioner, it will then be for the House to approve the nominations, before the four nominated Commissioners are appointed by Her Majesty.

Appendix 1: Powers and Duties of the Speaker's Committee

The following table summarises the principal powers and duties of the Speaker's Committee, with reference to the relevant provisions of the Political Parties, Elections and Referendums Act 2000 as amended (PPERA) and of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA). As at December 2009, not all the relevant provisions of the LDEDCA were yet in force.

To put in place and oversee a procedure for selection of persons to be put forward for appointment or re-appointment as Electoral Commissioners (including the chair)	PPERA Sections 3(2) and 3(5A)
To report to the House that one or more of the statutory grounds for removal of an Electoral Commissioner has been made out before a Motion for an Address for the removal of a Commissioner can be made	PPERA Schedule 1, paragraph 3(5)
To designate the Commission's accounting officer and to specify his responsibilities	PPERA Schedule 1, paragraph 19(1) and (2)
To receive the Electoral Commission's annual accounts	PPERA Schedule 1, paragraph 18(1)(b)
To report to the House, at least once a year, on the exercise of its functions	PPERA Schedule 2, paragraph 1
To examine the Electoral Commission's estimates; decide whether the Committee is satisfied that they are consistent with the economical, efficient and effective discharge by the Commission of its functions; and modify them as necessary to make them consistent	PPERA Schedule 1, paragraph 14(3)
To lay before the House of Commons, with or without modification, the Electoral Commission's estimates	PPERA Schedule 1, paragraph 14(5)
To examine the Electoral Commission's plan of aims and objectives over the next five years and its estimated requirement for resources during that period; decide whether the Committee is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of its functions; and to modify the plan as necessary to make it consistent	PPERA Schedule 1, paragraph 15(2)
To lay before the House of Commons, with or without modification, the Electoral Commission's five year plan	PPERA Schedule 1, paragraph 15(4)

To consult the Treasury, and have regard to any advice it may give, before reaching decisions on the Electoral Commission's estimates and five year plan	PPERA Schedule 1, paragraphs 14(4) and (6); and 15(3) and (5)
To receive the Comptroller and Auditor General's reports on the economy, efficiency and effectiveness with which the Commission has used its resources, and to have regard to the most recent such report when considering the Commission's estimates and five year plan	PPERA Schedule 1, paragraphs 16(1); 14(4) and (6); and 15(3) and (5)
If the Committee modifies an estimate or five year plan, or does not follow any recommendation in a report of the Comptroller and Auditor General, or any statutory advice from the Treasury, to include a statement of the reasons in its next report to the House	PPERA Schedule 1, paragraphs 14(6); and 15(5)
To put in place and oversee a procedure for selection of a person to be put forward for appointment as chair of the Local Government Boundary Commission for England	LDEDCA Schedule 1, paragraph 2(2)(b)
To recommend for re-appointment the chair of the Local Government Boundary Commission for England	LDEDCA Schedule 1, paragraph 2(2)(b) and (11)
To report to the House that one or more of the statutory grounds for removal of the chair of the Local Government Boundary Commission for England has been made out before a Motion for an Address for the removal of the chair can be made	LDEDCA Schedule 1, paragraph 2(9)
To designate the Local Government Boundary Commission for England's accounting officer and to specify his responsibilities	LDEDCA Schedule 1, paragraph 16(1) and (2)
To receive the Local Government Boundary Commission for England's annual accounts	LDEDCA Schedule 1, paragraph 15(1)(b)
To be consulted by the Speaker on the exercise of his power to determine the remuneration of the members of the Local Government Boundary Commission for England	LDEDCA Schedule 1, paragraph 4
To examine the Local Government Boundary Commission for England's estimates; decide whether the Committee is satisfied that they are consistent with the economical, efficient and effective discharge by the Commission of its functions; and modify them as necessary to make them consistent	LDEDCA Schedule 1, paragraph 11(3)
To lay before the House of Commons, with or without modification, the Local Government Boundary Commission for England's estimates	LDEDCA Schedule 1, paragraph 11(5)

To examine the Local Government Boundary Commission for England's plan of aims and objectives over the next five years and its estimated requirement for resources during that period; decide whether the Committee is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of its functions; and to modify the plan as necessary to make it consistent	LDEDCA Schedule 1, paragraph 12(2)
To lay before the House of Commons, with or without modification, the Local Government Boundary Commission for England's five year plan	LDEDCA Schedule 1, paragraph 12(4)
To consult the Treasury, and have regard to any advice it may give, before reaching decisions on the Local Government Boundary Commission for England's estimates and five year plan	LDEDCA Schedule 1, paragraphs 11(4)(b); and 12(3)(b)
To receive the Comptroller and Auditor General's reports on the economy, efficiency and effectiveness with which the Local Government Boundary Commission for England has used its resources, and to have regard to the most recent when considering the Commission's estimates and five year plan	LDEDCA Schedule 1, paragraphs 13(1)(b); 11(4)(a); and 12(3)(a)
If the Committee modifies an estimate or five year plan, or does not follow any recommendation in a report of the Comptroller and Auditor General, or any statutory advice from the Treasury, to include a statement of the reasons in its next report to the House	LDEDCA Schedule 1, paragraphs 11(6); and 12(5)

Appendix 2: Membership of the Speaker's Committee in the period covered by this Report

1. The membership of the Speaker's Committee is determined in accordance with the provisions of section 2 of the Political Parties, Elections and Referendums Act 2000. It consists of nine members as listed below: three *ex officio*, and six appointed—a Member of the House of Commons who is a Minister of the Crown with responsibilities in relation to local government, appointed by the Prime Minister, and five Members of the House of Commons who are not Ministers of the Crown, appointed by the Speaker. Appointed members serve for the duration of the Parliament, unless they cease to be Members of the House, resign from the Committee, or another member is appointed in their place, and are eligible for reappointment.

Ex officio members

By virtue of section 2(2) of the Political Parties, Elections and Referendums Act 2000

The Rt hon Michael Martin MP, Speaker of the House of Commons (until June 2009).

The Rt hon John Bercow MP, Speaker of the House of Commons (from June 2009).

The Speaker is also the Chairman of the Committee.

By virtue of the provisions of sections 2(2)(a) and 2(6)

The Rt hon Sir Alan Beith MP, as Chairman of the Justice Committee.

By virtue of the provisions of section 2(2)(b)

The Rt hon Jack Straw MP, as Lord Chancellor.

Appointed members

Appointed by the Prime Minister, by virtue of section 2(2)(c) and 2(3)

John Healey MP, Minister for Local Government (until October 2009).

The Rt hon Rosie Winterton MP, Minister for Local Government (from October 2009).

Appointed by the Speaker, by virtue of section 2(2)(d) and 2(4)

Lady Hermon MP

The Rt hon Sir Gerald Kaufman MP

Mr Humfrey Malins, CBE MP

Mr Gary Streeter MP

Sir Peter Viggers MP

Appendix 3: Minutes of the Speaker's Committee

Minutes of the meeting of the full Committee on 25 February 2009 in Speaker's House

Members present

Mr Michael J Martin, Speaker, in the Chair
John Healey
Sir Gerald Kaufman
Mr Humfrey Malins
Mr Gary Streeter
Sir Peter Viggers

Apologies for absence

Sir Alan Beith
Lady Hermon
Mr Jack Straw

Remunerated appointments of Chairman of the Electoral Commission.

Mr Speaker noted that the Chairman of the Electoral Commission, Jenny Watson, had originally been recruited on the basis of an annual salary of £150,000 for a three-day week. A reduced salary of £100,000 was agreed by the House on 17 December 2008 and had been accepted by Ms Watson. Ms Watson had since requested that she be allowed to maintain her role as Non-Executive Director (NED) at the Waste and Resources Action Programme (WRAP), as well as her role on the Board of the Audit Commission, which it was agreed she could continue with at the time of her appointment.

Sir Peter Viggers stated that, as the Member who had moved the Motions to appoint and to remunerate Ms Watson and who had participated in the panel that undertook the recruitment process, he considered that it was not appropriate for him to participate in the decision on this matter.

The Committee agreed that the Chairman of the Electoral Commission could continue to hold her post as a Non-Executive Director (NED) of the Waste and Resources Action Programme (WRAP). Sir Gerald Kaufman dissented from this. The Committee further agreed that it would not expect Ms Watson to take on any further remunerated positions without first consulting the Committee; that the Committee was entitled to review the matter in the future; and that the Committee should be further consulted before any of the periods of employment ended and were up for renewal. Mr Speaker would write to Ms Watson, informing her of this.

The Committee discussed a draft Parliamentary Question on this matter, which would be further revised before being tabled.

Date of next meeting

The informal sub-committee would meet immediately in Room 13 to consider the Electoral Commission's draft Main Estimate 2009–10 and draft Corporate Plan.

The Committee adjourned to 5.30pm on 23 March.

Minutes of the meeting of the Informal Sub-Committee on 25 February 2009 in Committee Room 13

Members present

Sir Peter Viggers, in the Chair

John Healey

Mr Humfrey Malins

Also in attendance: Simon Fiander and Aruni Muthumala, House of Commons Scrutiny Unit, and Aileen Murphie, National Audit Office.

Consideration of the Electoral Commission's draft Main Estimate 2009–10 and draft Corporate Plan.

It was noted that the figures contained in the draft Main Estimate were based on a budget agreed two years ago and that the figures would need to be revised to reflect more accurately planned spending. In particular, the current draft Main Estimate did not include additional costs in relation to the next general election or for Boundary Committee reviews slipped from 2008–09. The Commission's current financial plans for the next five years also did not take account of the possible separation of Boundary Committee functions into a new body. The Electoral Commission had agreed to provide a revised draft Main Estimate for consideration at the next meeting of the full Committee on 23 March.

Peter Wardle, Chief Executive and Carolyn Hughes, Finance Director, Electoral Commission, joined the meeting to answer Members' questions.

Sir Peter Viggers noted that the proposed Main Estimate for next year included lower resource figures than the Commission actually expected to spend [£25.435m] and asked what the probability was that the Commission would need to submit a Supplementary Estimate during the year.

Carolyn Hughes answered that it was quite likely that a Supplementary Estimate would be needed and stated that the Commission had discussed its planned approach with the Scrutiny Unit and the Treasury. The intention was to include items that were certain in the Main Estimate, dealing with other spending, where the precise amount was currently less certain, through Supplementary Estimates. In some cases "less-certain" items were capital projects for which business cases had yet to be agreed. In respect of general election expenditure, money could be moved between years.

Peter Wardle noted that, on advice, the 2009–10 Estimate had been split between a Main and Supplementary Estimate, the Supplementary being used for authorising precise spend on preparation for the forthcoming general election; some of the costs of the Boundary Committee's likely work programme; and capital projects for which business cases had yet to be agreed. If general election expenditure had been included in the Main Estimate, a top-end predicted figure would have had to be included at this stage in the year, rather than a refined, more accurate one later in the year when the likely costs of the election (which depend critically on timing) could be predicted with more certainty. Regarding Boundary Committee work, some projects, such as the unitary authority review, were taking longer than planned, which could have a knock-on effect on the programme of work for the rest of the year. The Boundary Committee was due to meet soon to discuss their work programme for 2009–10; but experience in recent years suggested that external factors, such as the level of engagement from local authorities under review, could have a significant effect on the progress of the Boundary Committee's work. So might the need for the Boundary Committee to prepare during 2009–10 for the proposed split from the Electoral Commission, alongside completing its planned work programme.

Sir Peter Viggers noted that the Commission had sent the Scrutiny Unit a table showing resource plans for the next 5 years, and how it planned to draw-down EYF in particular years. That table indicated that the Commission expect there to be £1.741m unspent resource budget at the end of the current multi-year settlement period, and Sir Peter asked whether the Commission was intending to surrender that surplus sum when a follow-on multi-year deal is struck?

Peter Wardle agreed that this would certainly be an issue to be examined carefully alongside discussions on a follow-on multi-year deal. He committed to look at the issue in detail in advance of the Committee's next meeting, but said that his current opinion was that some or all of the current surplus might be required to fund any new direction which the new Chair of the Commission proposed to take. The view of the new Chairman would therefore, of course, need to be considered.

John Healey noted that in last year's financial plans, it was assumed that the general election might take place in 2009 and that this year's plans assume a general election in May 2010. Mr Healey asked whether the Commission was assuming that the general election would be combined with the May 2010 local elections, and if so what the additional costs were expected to be.

Carolyn Hughes stated that in previous years the Commission had costed different scenarios for general types of combinations of elections rather than specific dates. The overall estimated cost to the Commission relating to an electoral event remained around £3.7 million although this would vary depending on the specific date and other factors noted last year. In this year's plans the planning assumption was for a general election in May 2010 combined with the local elections. The comparison of additional costs between those discussed as part of general scenarios last year and the specific planning assumption this year was complicated by the split of expenditure over two financial years. The spending on a general election which took place in May would start around March 2010 (approximately £1m in 2009–10), with the remainder being spent in the subsequent financial year.

Mr Healey asked why there would be additional costs if a general election was held on the same day as local elections.

Carolyn Hughes noted that the most significant element of the Commission's costs in relation to an electoral event is the advertising campaign and the main factor in determining the cost of the advertising campaign is the proportion of the UK taking part in the elections. Therefore the most significant additional costs if a general election was held on the same day as local elections would be the UK wide advertising re registration and voting information. The additional costs of combining elections would be more than the £1 million estimated in the broad scenario planning last year, but this was because a specific election date had now been costed not because the total estimated cost had changed.

Peter Wardle offered to send the Committee a note on the costings for single and combined elections.

Mr Healey asked why the additional cost of combining the local and general elections appeared to have increased from the £1 million in last year's assessment to £1.6 million now.

Peter Wardle again offered to provide details in a note.

Mr Humfrey Malins commented that as of January, the Commission's forecast of the cost of its Capital programme over the four-year budget period was £2.9m. This was greater than the projection of £2.6m a year ago, and greater still than the Commission's original budget at the start of the multi-year settlement period, of £2.2m. Mr Malins asked whether the cost of the capital programme was expected to continue to rise. He further noted the plan to transfer about £0.6m from the resource budget to the Capital budget in 2010–11, and questioned whether that meant capital expenditure was expected to be significantly higher in that year than the currently scheduled £380,000 expenditure.

Carolyn Hughes stated that the overall spend, particularly in respect of infrastructure, was now fairly stable. It was clear what was in the capital programme over the next few years. Budgets had been updated and the current expectation was for £380,000 expenditure in 2010–11.

Mr Malins asked why the Commission had set up the Capital Programme Board and what difference it had made.

Peter Wardle said that he had set up the Programme Board because when he took over as chief executive, he had not been convinced that the Commission had had a sufficient grip on its programme of capital investment. While individual projects were managed adequately, the strategic overview had been lacking. It was necessary to have a clear process for deciding to deploy a limited capital budget. The questions of whether capital resources were properly prioritised and whether capital investment was not being made until there was certainty that those investments would be well managed were now being addressed by the Programme Board, which was making a real difference.

Sir Peter Viggers noted the suggestion of delays on the electoral and structural reviews resulting in an under-spend on the boundary review work in 2008–09 by nearly £500,000. Sir Peter asked why the under-spend was not bigger if the structural reviews in Norfolk,

Suffolk and Devon (expected to cost £1m this year) had not yet taken place and whether delays in the review programme would increase the overall costs of the reviews.

Peter Wardle clarified that the reviews mentioned had largely taken place and that the bulk of the planned expenditure had occurred. The under-spend arose because the original estimates were on the high side – the Boundary Committee had succeeded in conducting some aspects of its review programme more cheaply. But the overall programme of structural reviews had proved more complicated than anticipated and there had been delays for various reasons including as a result of legal challenges to the process which had been brought against both the Government and the Committee. The extra money that the Committee had earmarked/ring-fenced for the purpose of conducting reviews arising from the Local Government & Public Involvement in Health Act would still be needed, but some of the spend would be incurred later than originally expected – in other words, the profile of the spend would be flatter across years.

John Healey asked about the disaggregation of the budgets of the Electoral Commission and the Boundary Committee.

Peter Wardle said that his understanding of the government's proposed legislation was that, although at Royal Assent the Commission's role in taking decisions on recommendations from the Boundary Committee would cease, the Boundary Committee would remain part of the Electoral Commission (and he would continue to account to Parliament for its expenditure as part of the overall Commission budget) until the organizational split took place (expected on 1 April 2010). He said that he would expect the Boundary Committee to put forward its own Estimate, Corporate Plan and 5-year forecast of resources to the Speaker's Committee as part of the planning round for the 2010–11 financial year – and added that the Electoral Commission's own plans for 2010–11 and beyond would of course reflect a reduced resource cost as a result of the establishment of the Boundary Committee as a separate body.

Peter Wardle added that he was confident that the set-up costs in preparation for the separation of the Boundary Committee from the Electoral Commission could be met from within the Estimates put forward by the Commission for 2009–10. Any set-up costs for the Boundary Committee in 2010–11, its first year of operation as a separate body, would have to be set out by the Boundary Committee in its first bid for resources to the Speaker's Committee and the Speaker's Committee would no doubt consider them accordingly. He said that the Commission was currently working on what the costs of a separate Boundary Committee after April 2010 would be, but that work had not yet produced any firm numbers. He would keep the Secretary to the Speaker's Committee in touch with this work.

John Healey said that he would expect the costs of the two organisations to be disaggregated, but that they would remain within the currently expected total of the Electoral Commission's costs.

Peter Wardle stated that he did not accept the proposition that the separation of the function would have nil cost impact overall. The new Boundary Committee would have to have its own Accounting Officer and financial systems, as well as other net additional costs arising from payroll systems etc. Whether the additional costs of running the Boundary Committee as a separate organization might be higher or lower than any unrelated savings

that might be achievable from the Electoral Commission's residual budget would need to be considered as a separate question.

The sub-Committee agreed to seek to clarify the question of the separation of the Electoral Commission and Boundary Commission finances and whether this would be effective from Royal Assent or from April 2010.

Mr Humfrey Malins asked about the £610,000 savings envisaged in the Efficiency Plan.

Carolyn Hughes stated that of the £610,000 (3%), half was included in the current plans as recurrent cash-releasing savings and that the remaining savings were non-recurrent, capital or productivity savings. The envisaged level of recurrent cash-releasing efficiency savings would not produce an under-spend as they were already built into the plan.

Peter Wardle stated that he was confident that the Commission could continue to make efficiency savings on, for example, accommodation costs.

Carolyn Hughes noted that the end of the lease on the Commission's headquarters could provide opportunity for significant efficiency savings at that time, which could help offset the extra accommodation costs that may be involved. She confirmed that the staffing levels remained at roughly the same levels.

Sir Peter Viggers asked when the Commission expected to be able to identify all of the measures they will need to take to meet the 2009–10 efficiency target in full. He also asked how confident the Commission was of finding those new savings and what checks there were to ensure that their efficiency savings do not reduce the quality or quantity of the Commission's work.

Peter Wardle said that some savings were dependent on new tenders (procurement), and some were dependent on capital projects. There was a sound basis for predicted efficiency savings. He noted that by 2010–11 or 2011–12 the Commission might be running out of new areas of efficiency potential, although the accommodation changes at that time could help. Concerning the need to maintain the quality and quantity of work while achieving savings, he said he regarded this as an ongoing management responsibility and that the Commission would be in touch with the Committee promptly if there was any concern in that area. If the core work of the Commission was threatened there would be an obvious issue.

Peter Wardle, Chief Executive and Carolyn Hughes, Finance Director, Electoral Commission, withdrew.

In the subsequent discussion the following points were made:

- It was noted that the transition costs of separating the Electoral Commission and Boundary Committee functions were likely to be for more than just a consultant. The Scrutiny Unit would investigate further.
- The Norfolk, Devon and Suffolk boundary reviews had been started but not completed.

- Aileen Murphie (NAO) commented that finding efficiency savings in an organisation the size of the Electoral Commission would be understandably difficult.
- There was a need to clarify the details of the separation of Electoral Commission and Boundary Committee functions and finances. The Electoral Commission's preference seemed to be for release of the Boundary Committee functions on 1 April 2010. However, the point at which the Boundary Committee is vested as an independent organisation should not prevent adequate financial planning. It was noted that if the planned Supplementary Estimate during 2009–10 did not include costs for the Boundary Committee, it may prove difficult to have a streamlined process of approval by the Speaker's Committee in the autumn. The process sought by the Commission envisaged a streamlined approval of Supplementary Estimates, provided that they essentially reflected changes put forward when the Main Estimate was approved, and if proposals for Boundary Committee set-up costs were not presented next month the Commission should expect scrutiny of such figures when they were aired for the first time in the Supplementary.

Date of next meeting

The sub-Committee adjourned to the next meeting of the full Committee, at 5.30pm on 23 March 2009.

Minutes of the meeting of the full Committee on 23 March 2009 in Speaker's House

Members present

Mr Michael J Martin, Speaker, in the Chair
John Healey
Mr Gary Streeter
Sir Peter Viggers

Apologies for absence

Sir Alan Beith
Lady Hermon
Sir Gerald Kaufman
Mr Humfrey Malins
Mr Jack Straw

Also in attendance: Simon Fiander and Aruni Muthumala, House of Commons Scrutiny Unit, for Item 1; and Aileen Murphie, National Audit Office, for Items 1 and 4.

Consideration of the Electoral Commission's revised draft Main Estimate 2009–10 and revised draft Corporate Plan.

Jenny Watson, Chairman, Peter Wardle, Chief Executive and Carolyn Hughes, Finance Director, Electoral Commission, joined the meeting to answer the Committee's questions.

Mr Speaker noted that the Electoral Commission's submission of 16th March (page 3) indicated that in 2009–10 the Commission planned to absorb £500,000 of additional expenditure arising from the Political Parties & Elections Bill. The Bill's Impact Assessment had envisaged higher costs, including £650,000 a year higher running costs. Mr Speaker asked why there was a difference between the two figures and whether the Commission had fully taken into account the potential additional costs that might arise from the Bill.

Peter Wardle noted that that date on which the Bill received Royal Assent would impact upon the Commission's expenditure in 2009–10. Royal Assent was expected by the Summer recess. The planned expenditure would cover staff costs and dealing with appeals against the Commission's exercise of its new powers. The Impact Assessment's figures covered a full year's costs.

Mr Speaker asked what the implications would be if Royal Assent was not received before the Summer recess.

Peter Wardle stated that costs in 2009–10 would be reduced if Royal Assent was later than expected, although there would be no cost impact if Royal Assent was received earlier than anticipated because that would not affect plans to recruit additional staff over the summer.

Sir Peter Viggers noted that the Government had announced its intention to amend the Political Parties & Elections Bill with the intended result that individual registration may begin in autumn 2010. Sir Peter asked what the Commission would do in 2009–10 to prepare, what the costs would be and whether the £870,000 set aside for extra research was connected with the move to individual registration. Sir Peter also asked why the Commission was keeping back a third of the research sum for the Supplementary Estimate later in the year and what the estimated costs of individual registration might be in the longer term, if applied across the board.

Peter Wardle said that in 2009–10 activity on individual registration would be preparatory and that the first canvas was likely to be in autumn 2010 which fell into the 2010–11 financial year in which it was also anticipated an advertising campaign would be required, as well as work to inform those in the community who were hardest to reach. The preparatory work in 2009–10 would be absorbed within the existing budget.

Jenny Watson noted that the preparatory work would involve work on performance standards for electoral administration officers.

Peter Wardle further noted that part of the extra research budget was connected to individual registration but that as much as half of the total research budget was already connected to the register. This included investigation of the number of people illegitimately on the register. In respect of holding money back for the Supplementary Estimate, the total costs were not known yet as they depended on the shape of the Act when it received Royal Assent. There were currently around 45 million people on the Electoral Register, arising

from around 19 million registration forms. Closing the gap between 19 and 45 million was likely to require increased advertising, perhaps running for over a 4 year period. A precise figure would be calculated next year, but it could be as much as £10 million over a four year period. It may be possible to find ways of designing the registration system to reduce the need for advertising, and potentially reducing that cost, by, for example, taking information from other sources such as the Driving Licence register. The Ministry of Justice were investigating this possibility and would ensure that any plans were to the satisfaction of the Information Commissioner.

John Healey noted that individual registration was a huge undertaking and that based on the experience of the census, advertising might not be enough on its own.

Jenny Watson agreed and noted that that was why the Commission had to consider other possibilities. The Commission would need to work with local authorities and electoral administration officers. It was likely that directive and prescriptive guidance to electoral administration officers would be necessary. The system of performance indicators for Electoral Registration officers would help. These officers were ultimately the people who would have to deliver on individual registration and it was important that they started to analyse the make-up of their register in order to understand the likely issues that would arise with the move from household to individual registration. There would not necessarily be a cost impact for the Commission for this type of work.

Peter Wardle stressed that if individual registration was implemented, the entire voting population would effectively have to re-register. If Parliament did give the go-ahead it should consider careful analysis of progress, which the Commission would be required to supply.

Gary Streeter noted that the Commission planned to submit a Supplementary Estimate later in the year seeking £2.285m and asked how the Commission had decided how much of the planned 2009–10 expenditure to hold back until the Supplementary, and in particular why £878,000 of the 'core' budget was being held back until the Supplementary Estimate stage.

Peter Wardle noted that the costs falling in 2009–10 of a general election, work on which was classified as "core", would vary depending on the exact timing. If figures for this work had been included now, in the Main Estimate, an upper-end estimate would have had to have been given. Cost variation was connected to the date of the local elections and the pre-election registration drive. At the moment it was anticipated that the Commission would ask for £2.285m in its Supplementary Estimate, but it was possible that the final figure would be less. The progress of boundary reviews would also have an impact on expenditure. Different factors had conspired to delay these reviews and so there was still some uncertainty about the overall workload and costs for 2009–10. By splitting the cost between the two Estimates, the Commission would be able to take stock of the programme and its cost at mid-year. Regarding capital spending, one or two of the planned programmes were currently "gleams in the eye" but had not yet been rigorously evaluated and costed.

Carolyn Hughes noted that spending on a general election was considered "core" but boundary reviews were not. With regard to spending on research, that distinction

remained: boundary work was not core, almost everything else was. The £878,000 'core' expenditure held back to the Supplementary Estimate included the additional research connected to individual registration discussed earlier in the meeting.

Gary Streeter asked why it was important to agree the protocol that was under discussion with the Treasury and Scrutiny Unit.

Peter Wardle said that the process was important to give effect to the Committee's previous intention that, having agreed a cash-flat sum for a four-year period, the Commission should be able to benefit from some flexibility between years while adhering to all the necessary procedures required in terms of accounting for public money and securing parliamentary approval of each year's estimate. This year the Commission was bidding to use some of the cash-flat sum agreed in previous years, but which was not so far spent. All parties would benefit from clarity over the process which the protocol would deliver.

John Healey recognised that at the previous Sub-Committee meeting Peter Wardle had challenged the proposition that the separation of the Boundary Committee from the Electoral Commission would have a nil cost impact. A letter had since been received from the Treasury stating that it expected the establishment of a separate Boundary Committee to be cost-neutral for the Exchequer. Mr Healey asked what progress had been made on working out what the cost implications were really likely to be and whether transitional or set-up costs had already been subsumed in the 2009–10 draft Estimate. He further asked whether there was a risk that the Commission would need to request additional funds for this purpose in the Supplementary Estimate later in the year.

Peter Wardle said that he was not surprised by the Treasury's view, which he understood; nevertheless, it remained his view that the combined costs of two separate organisations were likely to be greater than the cost of a single organisation combining both functions, for the reasons he had discussed at the Sub-Committee meeting. The Boundary Committee would, for example, need to employ its own Chief Executive and Finance Director, and this would mean extra costs which are not currently incurred. Nevertheless, the Commission accepted the desire to keep any such additional costs to a minimum. He was not yet able to provide an answer on the exact cost implications.

John Healey asked what preparatory work had been done and whether any indication of costs was available.

Peter Wardle said that the legislation required a transfer agreement to be in place by 31 December 2009 and that the Commission expected to have figures available before the summer, which it would share with the Committee and with Mr Healey's department. The current cost of the Boundary Committee was relatively easy to establish; the more difficult part of the exercise would be establishing the financial implications of the Boundary Committee having to obtain services in its own right which it currently shares with the Electoral Commission.

Jenny Watson stressed that the Commission was taking the matter seriously—for example, the Boundary Committee had been directed to reconsider its proposed programme of reviews for 2009–10 to ensure that it left sufficient capacity to deal with preparations for

the transfer. Transition costs during 2009–10 had been completely subsumed within the current bid for resources.

John Healey asked whether there was a risk additional money would be needed.

Jenny Watson said that the assumption was that the split would be effective from 1 April 2010. The Commission was confident that it could finance and prepare for the split of the Electoral Commission and Boundary Committee within the current 2009–10 budget, and that they wouldn't need more money for this purpose.

Peter Wardle did not expect the Supplementary Estimate later in 2009–10 to include additional expenditure for preparing for the split. He noted that there was a further assumption, however, that at this time next year the two separate organisations would each would be submitting its own 2010–11 Estimates for approval. It would be for the Boundary Committee, rather than the Electoral Commission, to make a case to the Speaker's Committee for any set-up costs which it expected to incur beyond 31 March 2010.

Sir Peter Viggers noted that in January the Commission had told the Scrutiny Unit that it was expecting a resource budget under-spend of £2.2m for 2008–09. That now seemed to have grown to an under-spend of £3.3m. Sir Peter asked what the cause of the larger under-spend was and how much of this extra under-spend was a result of programme slippage or additional efficiency savings, rather than difficulty in spending what might look like an over-generous budget.

Carolyn Hughes said that there had been further slippage on grants payments of £200,000 and another £200,000 of additional efficiency savings. The rest reflected revised end-year flexibility (EYF) draw-downs.

Peter Wardle highlighted that the Commission was two years into a four-year settlement and that in the first two years the Commission had not spent all the funds it had been allocated. It was now asking to draw down some of that under-spend, not least to help fund the expected costs of work around a General Election. Nevertheless, it remained possible that the Commission would manage to deliver its functions successfully throughout the four-year period without needing to spend the full amount envisaged in the four-year settlement—the Commission was continuing to identify efficiencies and savings. The Commission would continue to report the details of its under-spends. What was clear was that if the Commission didn't need the money, it would not spend it for the sake of it. It may be the case that more resources would be needed next year because of the Boundary Committee separation.

John Healey asked what would happen to the potential £1.8 million under-spend at the end of the four-year settlement period.

Carolyn Hughes said that as part of the protocol agreed with the Treasury, any under-spend would go back to the Exchequer.

Peter Wardle suggested that when the Speaker's Committee came to consider the Commission's proposed Estimate for 2010–11, alongside the first proposed Estimate from an independent Boundary Committee, there would be a good opportunity to draw together a number of threads, including the questions of:

- whether the Electoral Commission is in fact likely to need the full amount envisaged in the four-year settlement (of which 2010–11 will be the final year);
- the level of funding which the independent Boundary Committee will require to deliver its functions in 2010–11 and beyond;
- whether the Speaker's Committee wishes to consider a further multi-year settlement for the Electoral Commission and/or the independent Boundary Committee from 2011-12 onwards.

Jenny Watson, Chairman, Peter Wardle, Chief Executive and Carolyn Hughes, Finance Director, Electoral Commission, withdrew.

The Committee noted that Mr Speaker had sought the views of the Treasury on the draft documents and that its expectations of the Electoral Commission were consistent with those expressed by the Chief Secretary .

It was further noted that the recent agreement of a protocol on end-year flexibility with the Treasury and the Scrutiny Unit had indicated a need for the Treasury to support the Commission. The terms of the protocol required the Commission and Treasury to consult on end-year flexibility (EYF) draw-downs and switches between capital and resource budgets, which should prompt closer Treasury involvement in submitting correctly formulated Supplementary Estimates in future.

Aileen Murphie, NAO, confirmed that nothing in the NAO's report related directly to the Estimate and that the recommendations of the Report were reflected in the Commission's revised Corporate Plan.

The Committee **approved** the Electoral Commission's revised draft Main Estimate 2009–10 and revised draft Corporate Plan. It also welcomed the protocol governing end-year flexibility and resource/capital budget switches, produced by the Commission in consultation with the Treasury and Scrutiny Unit.

Local Democracy, Economic Development and Construction Bill [Lords]

John Healey briefed the Committee on the implications for its work of the Bill, which provided the legislative basis for the independence of the Boundary Committee.

Appointment and remuneration of members and the Chair of the Boundary Committee

The Committee agreed that it would appoint the Chair of the Boundary Committee using a similar process to the appointment of the Chair of the Electoral Commission. There would not be a requirement to consult party leaders (the Boundary Committee being of a different nature from the Electoral Commission, which dealt with party funding) The other members of the Boundary Committee and the Deputy Chair would be appointed by the Secretary of State using a process approved by the Office of the Commissioner for Public Appointments. The Committee agreed the proposal in the Bill that Mr Speaker should set the remuneration of the Chair and Members of the Boundary Committee, in consultation with the Speaker's Committee.

Implementation of recommendations of the Boundary Committee

The Committee agreed that the procedure proposed in the Bill (draft Orders subject to negative procedure within 40 days) for statutory instruments implementing Boundary Committee recommendations was appropriate. In part, this was because of the anticipated volume of instruments.

It was agreed that Sir Peter Viggers, in his capacity as a member of the Speaker's Committee, would present the views of the Boundary Committee in the House or in Committee. It was noted that as a member of the Speaker's Committee he would not have access to the same level of resources (civil servants etc.) as a Minister answering questions or participating in a debate (in Committee or on the floor of the House), and neither would he be able to set out the Government's position. It was therefore agreed both that official support would be provided to Sir Peter and that a Minister must attend all relevant proceedings to represent the Government. The Secretary to the Committee confirmed that there was no procedural impediment to this arrangement. It was further noted that in due course a separate arrangement may need to be made for a spokesperson in the House of Lords.

Appointment of an Electoral Commissioner

The Committee considered a note prepared by the Secretary (SC2009-14). It was agreed that Mr Streeter would represent the Committee on the appointment panel for a new Electoral Commissioner and that Mr Speaker would appoint the full panel, which would include the Chair of the Electoral Commission, a regulator and an independent assessor.

National Audit Office Report

The Committee agreed to publish the most recent report of the Comptroller and Auditor General on the Electoral Commission, by appending it to a short Report of the Committee.

The Report was published on 2 April 2009 as the Committee's First Report of 2009, HC385.

Date of next meeting

The next meeting of the Committee would be on 13 May 2009 with Sir Peter Viggers in the Chair, to consider the appointment of Electoral Commissioners with political experience and the report of the Comptroller and Auditor General.

Minutes of the meeting of the full Committee on 13 May 2009 in Committee Room 13

Members present

Sir Alan Beith
Sir Gerald Kaufman

Mr Humfrey Malins
Mr Jack Straw
Mr Gary Streeter
Sir Peter Viggers

Apologies for absence

Mr Speaker
John Healey
Lady Hermon

In the absence of the Speaker, Sir Peter Viggers took the Chair pursuant to the decision of the Committee of 13 December 2005.

Also in attendance: Fran Oram, Ministry of Justice.

Appointment of Electoral Commissioners

Mr Gary Streeter updated the Committee on the process of appointing a new Electoral Commissioner to succeed Karamjit Singh from January 2010. The appointment panel appointed by Mr Speaker was chaired by Baroness Fritchie. The other members were Jenny Watson, Dame Denise Platt, Cindy Butts and Gary Streeter. The panel had held its first meeting and expected to complete its part of the process by the end of September.

Political Parties and Elections (PPE) Bill

Fran Oram presented a paper from the Ministry of Justice (SC 2009 16) and highlighted the following points:

- a) The PPE Bill was in its final day of Grand Committee stage in the Lords, report stage was expected in early June, and, following ping-pong, the Bill was expected to receive Royal Assent by the summer recess;
- b) Clause 4 of the Bill clarified, and provided a statutory basis for, the involvement of the Speaker's Committee in appointing Electoral Commissioners;
- c) Clause 5 of the Bill provided for the appointment of four Commissioners with political experience and charged the Speaker's Committee with initiating the selection process and assessing the suitability of those nominated. The Bill provided for the leaders of political parties to make nominations, but the exact process of appointment was to be determined by the Committee;
- d) Clause 6 of the Bill increased the overall number of Commissioners to nine to ten, to ensure that politically experienced Commissioners were not in a majority. The commencement of this Clause would not be on Royal Assent and the Committee and the Ministry of Justice would need to be in communication to determine when the Clause should be commenced; and

- e) Clause 7 of the Bill would allow the Chief Executive of the Electoral Commission, in consultation with the Committee, to designate specific staff posts within the Commission that could be filled by people with political experience.

In the discussion that followed the following points were made:

- The importance of ensuring a diversity of representation amongst the Electoral Commissioners was stressed;
- The Speaker's Committee would need to communicate with party leaders and to set out criteria against which nominations would be judged, which should include diversity;
- Achieving a single nomination from the minority parties (all those with at least two MPs) was likely to be difficult and the minority parties should be encouraged to consult one another, and possibly agree an informal rota system;
- The Committee's deliberations would be in the public domain through the publication of informal minutes of the Committee's meetings. However, personal information about nominees would be exempt from disclosure under the Freedom of Information Act;
- The *per diem* of Commissioners with political experience would be the same as for other Commissioners;
- The Bill clarified the role of the Speaker's Committee in the appointment of all Commissioners (Clause 4). The earlier Act (PPERA 2000) provided for these appointments to be made "with the agreement of the Speaker" but in practice the Speaker's Committee was involved. Clause 4 formalised the status quo and was based on a recommendation made by the Committee on Standards in Public Life.

Fran Oram, Ministry of Justice, withdrew.

Report of the Comptroller and Auditor General

The Chairman noted that this item of business provided an opportunity to investigate what the Electoral Commission had done in response to the National Audit Office's (NAO) findings on its performance. The NAO had a statutory responsibility under PPERA to conduct an annual value for money study of the Electoral Commission. The NAO had proposed that its next report would be a follow-up review of its reports over the past four years.

Aileen Murphie and Jon Cable, National Audit Office, and Peter Wardle and Lisa Klein, Electoral Commission, joined the meeting to answer the Committee's questions.

In the discussion that followed the following points were made:

- The Report related to the Electoral Commission's work in respect of regulation of political party finances and made four recommendations for making the Commission more effective in this area;

- The regulatory context that the Commission operated within was complex compared with, for example, that of Ofcom. The Commission had to regulate small and large political parties with different structures, histories and internal politics. The NAO had looked at international comparators;
- The Act governing the Electoral Commission (PPERA) was inflexible, although changes would be made via the Political Parties and Elections (PPE) Bill;
- The NAO had suggested that the Commission should have a risk-based strategy for enforcement which meant that risk should be used to determine priority areas of activity;
- The NAO had also recommended that the Commission develop a comprehensive and transparent enforcement policy;
- NAO reviews of the Commission were an important part of the audit process and created a closed feedback loop;
- Reporting compliance activity had been identified as an area for improvement. This included communicating policy changes and reporting publicly on compliance activity;
- Reporting by regulators on activity to enforce compliance could act as a powerful deterrent and was important to those who had been subject to compliance investigations in understanding the process—for example, where no further action was to be taken, it needed to be clear why. Introduction of end of case reports could help to provide closure for those involved and spread knowledge of compliance requirements to others;
- The Commission had included compliance reporting in the new Corporate Plan. It planned to make more effective use of its website and had developed compliance performance indicators which included the timing of putting information into the public domain, how quickly the Commission responded to queries from political parties, and the percentage of information that came to the Commission in the correct form;
- The PPE Bill would provide the Commission with a range of sanctions. End of case reports would therefore be even more important as the choice of sanction would need to be justified;
- In some areas of work (such as compliance investigation) it was a challenge for the NAO to determine whether the Commission delivered value for money, but it was not impossible. The Commission was currently working on benchmarking the cost of compliance cases. In comparison to police investigations the Commission's work did provide value for money;
- In the future the NAO may wish to examine how the Commission used the new powers it would be given under the PPE Bill, and how the performance standards for election managers were working; and

- The work of the NAO was a useful challenge to the Commission and there was agreement that it was a good time to take stock of the NAO's work over the past four years. The Commission's Audit Committee did track the Commission's response to NAO recommendations, as well as responses to recommendations made by the Audit Committee itself.

The Committee agreed to the NAO proposal to carry out a follow-up review of its work in relation to the Commission since the last General Election as set out in SC2009–17.

Date of next meeting

The Committee adjourned to a date and time to be fixed by the Speaker.

Minutes of the meeting of the full Committee on 15 July 2009 in Speaker's House

Members present

John Bercow, Speaker, in the Chair
Sir Alan Beith
Sir Gerald Kaufman
Mr Humfrey Malins
Mr Gary Streeter
Sir Peter Viggers

Apologies for absence

John Healey
Lady Hermon
Mr Jack Straw

Also in attendance: Jenny Watson, Chairman, Electoral Commission.

Presentation of the Royal Warrant

Mr Speaker presented the Royal Warrant of appointment to Jenny Watson, Chairman of the Electoral Commission.

Jenny Watson withdrew.

Membership of the Committee

Mr Speaker thanked Sir Peter Viggers for his outstanding service to the Committee in chairing the informal sub-Committee, chairing the full Committee in the Speaker's absence and comprehensively and efficiently answering Parliamentary Questions on behalf of the

Committee. The Committee agreed that Mr Gary Streeter should succeed Sir Peter in these roles.

It was noted that Ms Rosie Winterton MP was expected to replace John Healey on the Committee. Ms Winterton had indicated that she was willing to succeed John Healey as a member of the informal sub-Committee.

Mr Humfrey Malins indicated that he was content to continue in his role on the informal Sub-Committee, but noted that he would be standing down at the election.

Appointment of Nominated Commissioners

The Political Parties and Elections (PPE) Bill was expected to receive Royal Assent either just before the Summer recess or in October. Following an amendment to the Bill in the House of Lords, each of the three major parties would be required to put forward at least three candidates. The Committee discussed how the Committee should exercise its functions in selecting nominated commissioners from the candidates. In the discussion the following points were made:

- Disappointment was expressed that the process would not follow the pattern, originally suggested by the Justice Secretary and agreed by the Committee, of each major party nominating one candidate;
- Requiring three nominations from each party would disappoint and potentially embarrass two candidates from each party's nominations;
- The change in approach toward competition for nominated Commissioners had been promoted by the Electoral Commission;
- Some concern was expressed that the Electoral Commission was acting beyond its remit in seeking to influence the process of appointment of nominated Commissioners. Nevertheless, the desire for the process to be subject to competition was understandable;
- One option would be to arrange for an independent panel or *ad hoc* appointment committee to assess the candidates' suitability for the role;
- There was a need to be seen to be acting in accordance with modern best practice for public appointments;
- Some concern was expressed about whether a panel could have sufficient knowledge and understanding to recommend a political appointment;
- Any panel or appointment committee would have to work to specified criteria (which would be similar to those used for the appointment of other Electoral Commissioners);
- *Curricula vitae* and interviews should be used in the assessment of potential Commissioners;

- It was likely that any cost of an appointment panel would be borne by the Electoral Commission. For nominated Commissioners, with no advertising or headhunting being necessary, this should be no more than £2500 per day;
- However, there was no maximum number of nominations specified in the Bill and the workload of a panel could therefore be considerable. Strong concern was expressed about the potential cost to the public purse.

The Secretary clarified that Electoral Commissioners are appointed by Her Majesty following an Address from the House. The House considers only those candidates whose nominations have been approved by the Speaker, following consultation with the Committee and with party leaders, based on a recommendation from a panel appointed by the Speaker.

The Committee agreed in principle that the Speaker should appoint a panel to consider the suitability of the candidates put forward by the major parties to be nominated Electoral Commissioners, subject to further consideration of the cost of such an arrangement.

There remained questions concerning the appointment of a Commissioner nominated by the smaller eligible parties. No minimum number of nominations was specified in the PPE Bill. As previously suggested by the Committee, the other parties could be invited to agree a rota for the fourth Commissioner on the basis of a shortened term and a single agreed nomination.

Electoral Commission draft Estimate for 2010–11 and draft Five Year Corporate Plan

The Electoral Commission's main Estimate would need to make separate provision for the Local Government Boundary Commission for England, which would be created as a separate body from 1 April 2010. The Committee agreed to the request from the Chief Executive of the Electoral Commission to consider the Commission's draft Estimate and corporate plan before the rise of the House for the Christmas recess 2009, on condition that both documents were received by the end of September.

Date of next meeting

The Committee adjourned until 28 October. The informal Sub-Committee would meet on 26 October to question Electoral Commission officials on the Commission's draft Estimate for 2010–11 and draft corporate plan.

Minutes of the meeting of the informal Sub-Committee of the Speaker's Committee on 26 October 2009 in Committee Room 13

Members present

Mr Gary Streeter, in the Chair

Mr Humfrey Malins
Ms Rosie Winterton, Minister for Local Government

Also in attendance: Simon Fiander and Ian Hart, House of Commons Scrutiny Unit

Scrutiny of draft main Estimates and Corporate Plans, and a draft Winter Supplementary Estimate

The informal sub-Committee was briefed by Simon Fiander and Ian Hart of the Scrutiny Unit of the House of Commons.

The Chief Executive and Finance Director of the Electoral Commission and the Chairman and Director of the Boundary Committee were called in and answered questions put by members of the sub-Committee. A full transcript is appended to these minutes.

Date of next meeting

The sub-Committee adjourned to the next meeting of the full Committee, at 3.30pm on 28 October 2009.

Appendix: transcript of exchanges

In attendance: **Archie Gall**, Director, Boundary Committee for England, **Carolyn Hughes**, Director of Finance and Corporate Services, Electoral Commission, and **Peter Wardle**, Chief Executive, Electoral Commission.

Q1 Chairman: Welcome to your annual grilling. There are just a couple of points before we begin. As you probably know, a *Hansard* note is now being made of these proceedings, and it would be helpful for all of us—not least Rosie Winterton, who is here for the first time—if you could kindly introduce yourselves for the record. If you then have a prepared statement, that is fine; if not, we will leap straight into questions.

Peter Wardle: Good afternoon. Thank you very much. I am Peter Wardle, the chief executive of the commission. On my left is Carolyn Hughes, who is the director of finance and corporate services. On my right is Archie Gall, who is the director of the Boundary Committee for England.

By way of brief introduction, there are probably three main points to mention. First, the Electoral Commission, this year, is seeking a supplementary estimate totalling £884,000, which is, I am pleased to say, a significant reduction on the potential figure that we discussed with the Speaker's Committee during this process last year. We've managed to identify a number of savings, which we agreed with the Committee that we would look at. I can give you a bit more detail about the make-up of those figures later.

As far as next year and beyond are concerned, the average cost of the Electoral Commission over the last three years has been around £24 million. We now have the Electoral Commission, and, separately, the new Local Government Boundary Commission

for England. I'm very mindful of the words of the Speaker's Committee this time last year. We've done our best to keep the total cost of the two new organisations within the same sort of figures. The average cost of the Electoral Commission was around £24 million a year previously; we are now looking at an average cost of between £20 million and £21 million a year over the next five years. The cost of the Local Government Boundary Commission for England will be about £3 million a year, which gives us a figure of £23 million to £24 million. That excludes the cost to the Electoral Commission of general elections and referendums, and we may want to talk about that in a bit more detail.

The only other thing to say is that, in relation to the corporate plans for both organisations, the Committee will see that the Electoral Commission has tried to sharpen the focus. We've now reduced to two main objectives—one around party finance and the other around the running of elections. As I noted in our submission, we are still considering the precise performance indicators, not least because the National Audit Office's most recent value-for-money audit—if you remember, it was a review of our progress against its previous recommendations and is due to come to the Committee imminently—will make some recommendations about which performance indicators we should include in our new corporate plan. We'd hope to firm up on some of that by the time we come to the full Committee. Thank you.

Q2 Chairman: We have some questions for you and we will divide them into three groups—first, the supplementary estimates, then the Electoral Commission corporate plan and main estimate and then the corporate plan and main estimate for the new body, the Local Government Boundary Commission for England.

We obviously like the fact that the supplementary estimate is less than we had expected, but we have a couple of questions on it. You talked about the work to establish the set-up costs of the LGBCE early in 2009. We were told then that you would not need additional expenditure to prepare for the split, so why were you not in a position to give a more accurate assessment of the capital costs of establishing the new commission when you submitted your main estimate for 2009–10? What has changed?

Peter Wardle: All I can say is that we have done a lot more work since than we had been able to do at the time. Certainly, I said to the Committee—it was round about February 2009 when we had the discussions on this year's main estimate—that I would hope not to have to come back for additional money overall to fund the establishment of the LGBCE. You will see from the papers that there will certainly be costs, and we discussed that in the Committee. We've been able to absorb all the revenue costs in the Electoral Commission budget for this year. The difficulty has been on the capital costs. I'm afraid that my only explanation is that I've had a more robust estimate since then, and the cost—all for IT and accommodation—has come out higher than we could afford by reprioritising where our capital was going to be spent. So, we have delayed some of our capital investment projects as a contribution towards that, but it has left a net additional figure. I should say, however, that these figures are all high-end estimates and we are looking at options, some of which, we hope, could reduce the figures quite significantly. These are very much top-end figures and I would expect to come in a little below them, but

until the Bill has Royal Assent I cannot enter into any firm contracts, and so we are still slightly working on estimates.

Q3 Ms Winterton: So, the capital we are talking about is £326,000.

Carolyn Hughes: It is £400,000.

Q4 Ms Winterton: Okay.

When you talked about equipment, is this new equipment? Is it possible for the new commission to take some of the existing equipment, or is it being retained for use by the Electoral Commission staff?

Peter Wardle: I'm afraid that the answer inevitably is a bit of both. Wherever we can, we are sending equipment with the Boundary Committee. To give a concrete example, the Boundary Committee uses very large plotters—printers—to print maps. They will go with the Boundary Committee because it will need them. They are not for the Electoral Commission particularly. The plan is that all the existing equipment that we can transfer will go with the Boundary Committee. IT servers, however, are relatively expensive and the committee currently uses a little corner of one of the Electoral Commission servers. We cannot hand that over to the Boundary Committee, so it will have to buy that service. It will either buy its own server or a service from somebody else's server. That's an example of equipment that it would have to buy new.

The other point is that on the back of the Boundary Committee staff moving elsewhere—into a separate existence—the Electoral Commission is having to recruit staff, as a result of the Political Parties and Elections Act 2009. So it's sort of swings and roundabouts. If we send the equipment with the Boundary Committee staff, which is the basic plan, we are going to have to buy new equipment for the Electoral Commission staff coming in. We have made decisions in conjunction with Archie and the Boundary Committee on each item. In some cases the equipment will go with the Boundary Committee staff and be used by them, and in other cases the existing equipment, or the furniture—the desks—will stay behind to be occupied by the new Electoral Commission staff, and in those cases we may have to buy fresh equipment for the Boundary Committee staff. I am sorry that it is not an easy answer, but that is it, balancing those two points.

Q5 Chairman: The Local Democracy, Economic Development and Construction Bill has not yet had Royal Assent, as I think you mentioned, yet the boundary commission is going to be operational on 1 April. Is all this money going to be spent in that time?

Peter Wardle: As I said, these are top-end estimates and they depend on two main assumptions. The first is that Royal Assent comes through reasonably soon—certainly within November. I think that before the summer recess it was thought that it would be in early November, but I think that we are now probably looking at mid-November. If there is a delay to that, then that would make it more difficult. There is an inevitable lead time—we were discussing this earlier this morning—and we think that there is no more than a month's contingency within this. So, if we are already looking at a slippage of a week or two

on Royal Assent, we are getting quite close to the point at which it will be hard to make all the preparations and hit the 1 April date absolutely dead on.

The other main assumption that contributes to the numbers we have here is that the worst case is that the boundary commission has to pay full market rate for both the services it takes and for the accommodation. We will of course try to secure a much better deal than that, particularly on the accommodation. If, for example, we can get a rent-free period, it will not cost anything this year for the rent of the accommodation. I would be pretty confident that we could do that sort of deal.

Q6 Ms Winterton: I have a question on litigation. There are costs in the estimate for funding ongoing litigation. Is there an estimate? Do you have the funds to cover any possible litigation from Breckland and East Devon?

As for my second question, the corporate plan and making use of the party and election finance online programme is one of the key activities under support priority 2. Is that likely to be ready from the start of 2010–11?

Peter Wardle: On the boundaries litigation, the main element of that cost is a potential judgment in the Suffolk case. It is a worst-case assumption. It is the sort of cost we would face were we to lose. It could be anything from zero—if costs were all awarded to us—to 100% if the costs go the other way. Archie, I am not sure whether we have the figures for further legal challenges.

Archie Gall: Not particularly, no. The Breckland and East Devon challenges—if they arise—are likely to be after any advice is provided by the Boundary Committee to the Secretary of State. That is certainly the case in relation to Breckland. We have been informed of that. We expect the Boundary Committee and the Electoral Commission not to be defendants in that case, but perhaps interested parties.

The Boundary Committee and the Electoral Commission are working through the scheme of transfer for all property rights and liabilities. The Boundary Committee has agreed to look very carefully at each review it has undertaken and determine, in relation to each review, any contingent liability that might be associated with either ongoing or forthcoming judicial actions against the organisation. In relation to Breckland and East Devon, if they arise after advice has gone to the Secretary of State on structural change in the counties of Norfolk and Devon, there is nothing that Boundary Committee could do to affect the outcome. It would simply be an interested party. In that case, it is likely, depending on when the challenges are brought, that the cost of defending those actions as an interested party would probably fall with the Electoral Commission rather than with the local government Boundary Committee.

Peter Wardle: We think that we have the main risks covered, but that depends largely on the actions of the various local councils and so on. We focus fundamentally on the Suffolk challenge at the moment, which is the one we know about. We will have to deal with any further challenges from other counties where there is a structural review and as they come.

PEF online—party and election finance online—is an IT project and therefore beset with difficulty. The commission has run since its inception online databases that hold the registers of all the information declared to us by political parties and individuals in relation to the donations they receive and their expenditure in election campaigns. There are also registers of all the parties, their registered names and their registered descriptions and emblems. That information is very widely used by political parties, commentators and returning officers at the point of nomination when checking that people are using the correct registered descriptions and so on for inclusion on the ballot paper.

Eight or nine years on from having set up those registers, they are getting creaky. They were getting creaky and we had spotted that already, so the main purpose of the PEF online project was to stabilise the registers and make sure that a sound base was going forward because they were starting to get too long in the tooth to be reliable.

On top of that, we also wanted to develop some online functions so that, for example, local party treasurers could submit their accounts and donation returns online to us, rather than having to do it all on paper and get it re-entered, with all the scope for mistakes that could happen. Secondly, we wanted to allow people who were looking for the data to pull it out in all sorts of different ways, which has been quite difficult up to now.

I am quite confident that we will achieve the main objective, which is to put the registers on to a secure and stable footing going forward. We have had some problems, which is why an element of the supplementary estimate bid is to increase our funding for the project. The problems relate to the difficulties with our supplier in getting the system built correctly. It is a fiendish piece of legislation, as most people who have to deal with it will acknowledge. We have had some problems in getting the supplier to deliver a system that works. I would not sit here today and say that I am 100% confident that all the functions that we are trying to build for the PEF online system will be operational by April 2010. I am confident that the main risk, which is about the registers being stabilised, will be covered. It might be that we will have to work longer and harder with our supplier to get the rest of the system built. Possibly, we will have to transfer that part of the work to another supplier, or take it back in-house. The priority for me is to ensure that the registers do not fall over.

Q7 Mr. Malins: You have decided to cut back on public awareness campaigns in 2009–10. Why is that?

Peter Wardle: Two reasons. One relates to the first question about needing to absorb some of the costs of the set-up of the new commission in the current year, when the Electoral Commission has to fund that. Those savings on public awareness have made a contribution to that. We have been able to make those savings due to two main drivers. First, we had originally planned to develop a whole new public awareness advertising campaign for the general election. However, it turned out that the work we did for the European elections worked so well with the public that we do not think there is any need to invent a new theme.

Q8 Mr. Malins: So, you planned for some work, but you don't need to do it. Are public awareness campaigns good news or not? Is it a good plan, or not a good plan, to have them?

Peter Wardle: It is a good plan to have them.

Q9 Mr. Malins: So why not have them?

Peter Wardle: We are still going to have them, but we will have them more cheaply than originally envisaged. The biggest cost is a TV, radio and nowadays online advertising campaign. We developed a theme for the European elections, and we originally thought that that theme would be fairly short-lived and get stale. To attract people's attention a second time round for the likely 2010 general election, we thought that we would have to spend more money on developing a new theme. In fact, the campaign worked very well—I think it scored something like second best in all public sector advertising, in terms of the cheapness of getting people to do what we wanted them to do, which was to download a registration form. This is about electoral registration. Because of that, we decided that there was no need to redevelop the campaign, and we will be using the same theme going into the general election that we used for the European election. There will be just as much advertising, but the savings are on the preparatory work and the behind-the-scenes cost of developing that.

The second reason for being able to save money is to do with a specific campaign targeted at students, which we have run at previous elections.

Q10 Mr. Malins: You are not going to run the student registration campaign?

Peter Wardle: No, we are not.

Q11 Mr. Malins: Will that have an impact on the number of students registered to vote?

Peter Wardle: I doubt it. There is so much awareness out there anyway around a general election. We know that groups such as the National Union of Students and local student unions are already planning to do a lot of work in registration, and students will get picked up by the general efforts.

Mr. Malins: So, not running the student registration campaign will not have an impact on the number of students registered to vote.

Peter Wardle: It will probably have an impact on the number of students registered to vote, but we are limited in how much we can spend overall.

Q12 Mr. Malins: Do you have a view on the impact that it will have? A guess—I simply don't know how many students vote.

Peter Wardle: We have a target. There are no figures saying how many students vote. There are estimates based on asking students whether they voted or not, but some will say that they did vote when they didn't really, and so on. Of people in their age group,

students are relatively likely to vote. There is a much bigger problem with people in the 16-to-24 age group who are outside education not registering or not voting.

Q13 Mr. Malins: True, but among students—we all recognise what a student is—if the student registration campaign is not run, would that cut the numbers back by 20%? I don't know.

Peter Wardle: It is difficult to say, because it is a long time since the last general election and the approach was different. We had a target, I think, of something like 9,000 student registrations from our campaign, and that was a lower number of registrations per pound that we were spending than some of the other groups that we were targeting, such as home movers. Home movers are another group that we target. They are easy to do; we do it through the Royal Mail redirection service—when the Royal Mail is directing anything. That has a very high strike rate, because it is very targeted on people moving.

On this question, perhaps I could get some more detail for you on the actual estimates for students that lie behind this—I do not have it with me today, I am afraid. I will happily provide you with a note.

Mr. Malins: Thank you.

Q14 Chairman: To follow up on the same line of questioning and the decision to start the advertising campaign on 1 April 2010—if we have a 6 May or June election. That coincides with the new financial year, but is that just a coincidence? It is not as if you are seeking to save money and move it from one year to the next.

Peter Wardle: It is about saving money. This is about facing the dilemma that we discussed at the beginning, of not wanting to come back with a bid for extra funds in relation to setting up the local government boundary commission that was any greater than it had to be. There will be an impact by starting a week later—it is difficult to measure the impact, because we shall go full out for the period that we run the campaign.

There is a combination of factors. First, we have a total ceiling on our expenditure for the year of £7.5 million. We have spent quite a lot already this year, on the European elections at the beginning of the financial year, so we have to be careful that the cumulative effect of the general election campaign on top of the European elections does not reach the statutory cap of £7.5 million. We are not in great danger of doing that, but it is one aspect of why we had to look at making sure that costs were controlled.

Secondly, it is about trying to find some areas in which we could safely save some money without an unacceptable impact on the number of registrations. So, what we are doing is accepting an element of risk by taking a week off the campaign, but putting more effort into the weeks when we do run it.

Q15 Ms Winterton: Following up on that again—I am sorry to come back to the issue of your imminent divorce—but there are obviously some difficult decisions here. If we were to look at the issue of the commission moving out in April, which is obviously where a lot of the delays and changes in prioritisation are occurring, what would be the

contingency plans if you cannot find anywhere else to go? Is it absolutely necessary to make the change at that exact date? What is the exploration that has been done about sharing other back-office services? I know, for example, that you have offices in Coventry and various places, where you share back-office functions. Has that been absolutely explored, in terms of cost saving, when weighing it against some of these other issues?

Peter Wardle: If I may, I will take those questions in reverse order. On sharing back-office services, it is absolutely our intention that the new local government boundary commission will not run its own back offices. It will look very similar to the group of staff in the Electoral Commission who currently do the boundaries work, and it will depend on someone else for its back-office services: personnel, finance, IT, accommodation.

Quite how it does that is still being explored. We have a shortlist of three options, which range from a fully serviced one at the more expensive end of the spectrum—renting an office and buying in the service from an office management company—to the cheaper end of the spectrum, which is moving in with some other part of the public sector and taking back-office services as part of that deal. That is likely to be the cheapest and quite likely the preferable option, but we need to examine that in a bit more detail to see precisely what costs people are quoting to us. However, there is no suggestion that we would be setting up a new set of back offices. We'd be taking back offices from some existing source, without a doubt.

On the timing of the transfer, my own view—although ultimately this is for the Secretary of State—is that a short delay would not be the end of the world for anybody concerned. A lot of the main changes take place on Royal Assent to the Local Democracy, Economic Development and Construction Bill. For example, one of the big changes, which is the order-making procedure, comes into place, as I understand it, after Royal Assent. What changes on transition day, which is a date to be set by the Secretary of State—we're working on the assumption of 1 April, but that's not in statute—is the constitutional nature of the local government boundary committee. It's the decree absolute, if you like, to continue your analogy. To be honest, if we are working on an assumption that we're working for 1 April, things can go wrong with new buildings and new arrangements—people drill through wires and so on. If we're talking about a six-week delay, I would much rather say to the Secretary of State, "Can we do this a little later?" There would be risks with that. It is less clean and there are some difficult accounting problems because the committee would be funded as part of the Electoral Commission for the first few weeks of the financial year, but assuming we could get over that, achieving a clean break on a sensible day seems perfectly feasible.

It's very different if we simply can't find any way of setting up the new commission as an independent body for months and months into the new financial year. At that stage, we would certainly be talking to the Department about how to resolve that, but I don't see any risk of that at the moment.

Q16 Ms Winterton: What I'm really talking about is the use of the same premises, as opposed to—

Peter Wardle: I see—staying with the Electoral Commission.

Ms Winterton: Yes. On that, if there was difficulty in finding new premises, what would be the issues about staying in the current premises and thereby perhaps saving money? Also, even with the separation, what are the issues about still using back-office support—the Electoral Commission providing that back-office support? I know you talked about either a private company or another public sector organisation. Is there absolutely something that stands in the way of the Electoral Commission providing the back-office support, given that you're quite used to each other?

Peter Wardle: There are two themes to my answer: one is principle and one is practicality. On the question of principle, it's worth reminding ourselves why this is being done in the first place. It was a recommendation from the Committee on Standards in Public Life, which the Government accepted and it was about the Electoral Commission concentrating on its core activities, which are the two key themes of the corporate plan that you have before you. It was a very clear recommendation, accepted by the Government at the time, that the two organisations should be separated. There is a clear view among the Electoral Commissioners at the moment and, I think, the Boundary Committee members as well that a clear separation would be the best solution, for that reason, so if the commission were to continue to provide service to the Boundary Committee, it would actually mean that the commission was developing a new line of business, which is providing back-office services to a small public sector organisation, which we haven't done before. It wouldn't be the same as now, because there'd be an arm's length relationship with contracts between the two organisations. We, the Electoral Commission, have no experience and no expertise at the moment in managing that sort of contract. It is not to say it's impossible, but it's not absolutely straightforward.

Having said that, if we were in the sort of situation I discussed a little earlier, which is a shortish delay of a month or two, I don't think there'd be any difficulty with the Electoral Commission continuing to house—we wouldn't in any way be turfing out the Boundary Committee and saying, "It's 31 March. Off you go." However—this is on the practical issue—if that situation were to go on for too much longer, we would have to incur the cost another way, because the commission, as I mentioned, has to hire new staff to implement the provisions of the PPE Act and they have to go somewhere, and where we're hoping they will go is into space vacated by the Boundary Committee. So it's very much swings and roundabouts. If the Boundary Committee stays in the commission's building, then we have to buy some space somewhere else for the new staff to do party and election finance work. If the Boundary Committee moves out, we have to pay the cost of that new accommodation, but we don't have the extra cost of incoming staff.

Q17 Ms Winterton: But essentially your argument is that the principle of separation means that it's difficult to retain the same back office providers, if you like.

Peter Wardle: It's not impossible.

Q18 Ms Winterton: The other argument is that it is the same statutory basis: both bodies are going to be accountable to Parliament through the Speaker's Committee, and so

the question might be, if there were things like IT, HR and finance that were provided from you to the boundary commission, would that be impossible, and wouldn't it be cheaper?

Peter Wardle: It wouldn't be impossible. It might not necessarily be cheaper than some of the options we're exploring at the moment; but I suppose, to come back to the very simple answer to your question, we are looking at all the options, and we are not on principle saying we're not going to consider the option of staying there. But there are costs associated with the Boundary Committee staying in the accommodation. There would be a very direct cost to the commission of having to find additional accommodation for these incoming staff, totally separate from the Bill that the Department for Communities and Local Government is putting through, but related to the Bill that the Ministry of Justice has put through. Even if the Boundary Committee moved elsewhere, it would not be a nil cost option for the commission, because we would effectively be developing a new line of business, which is providing our services to somebody who would be in a different building, on a contract. Now, if that's cheaper than other options we will consider it, but it's by no means a nil cost option.

Q19 Ms Winterton: You do it with these regional offices, don't you, in terms of providing back office functions?

Peter Wardle: Yes, but although they're geographically separate they are part of the same organisation. They all report to me; they are my employees. There is a difference, I think, in having an arm's length contract relationship with a separate public sector body, and I would, for example, be coming to you, as chief executive of the Electoral Commission, asking for resources which might be driven by demands placed upon us by a separate public body—again, not impossible, but somewhat more complicated than the situation we've got in relation to our offices in, say, Scotland or Wales.

Q20 Ms Winterton: One other point. It's probably related, in the sense that the additional costs were £1.217 million rather than £1.35 million as planned in March, and the issue there was about whether that was a delay to the review programme. It looks the other way round to me.

Peter Wardle: There's a line in our winter supplementary which has come down, as far as the boundary reviews programme is concerned, from the March estimate, and that is essentially to do with delays in the programme, and then on top of that we've got the litigation costs added on.

Q21 Chairman: Just a word on this occasion, if I may, and I declare an interest as a Devon Member of Parliament—it's not been our finest hour, I think. Very briefly, because I want to move on to other things, was some of this litigation expected? Did you budget for it? Have we made a hash of it? Just give me a very short response, please.

Archie Gall: I think every time that one enters into a structural review process, the potential for litigation will raise its head. I was head of policy at the Local Government Commission for England during the 1990s. We had 15 actions against the local government commission in a three-year period, over restructuring. Yes, it will always rear its head, for various reasons—various understandable reasons, I think.

This time round it's been rather more contentious than we had hoped, and part of that is, I suspect, around the length of time it's taken the Boundary Committee to complete its work. If we had been able to report to the Secretary of State by the original date—the end of December 2008—I think we would have seen a lot less of this litigation going on.

Chairman: We'll return to this, perhaps, on another occasion. Thank you.

We're going to have to speed up a little, I think. Humfrey, your next question, please.

Q22 Mr. Malins: Back in March, your guesstimate was that moving to individual electoral registration might cost as much as £10 million over a four-year period, but your latest plans seem to show that it could be quite a lot less than that: £2.5 million over the next five years. Are you confident about that figure at this early stage?

Peter Wardle: Yes. I think we're as confident as we can be. There is one major point, which is that I think in March it was not terribly clear what the period for the introduction of individual electoral registration was going to be. We now have that in statute and it is somewhat longer than perhaps we were thinking then. So we're now in a position when the crunch point—the point at which, if you, as an elector, haven't registered your personal details, which are your signature, date of birth, national insurance number, on the electoral register, you are denied the vote—is now 2017 or beyond.

It featured large in the debates on the PPE Act. The discussion in Parliament was around the fact that this is something that's not going to happen, with any teeth, until after the next general election. That's outside the five-year period of this plan. So part of the answer to your question is that I would still expect a spike in expenditure as we hit that point, where it really becomes crucial that all electors know about this change, because if they don't provide their information they will be effectively disenfranchised. But because that's now right at the end of the period, it's not showing up in these numbers at the moment. However, I would expect there to be quite a spike of expenditure. As far as the five years here are concerned, I am pretty confident that this is going to work.

Q23 Mr. Malins: Following on from that, you identified the need for extra costs for a mass general public campaign in 2015-16—

Peter Wardle: Yes.

Mr. Malins: —which is quite a long way away; will there be extra ongoing costs beyond that?

Peter Wardle: There could be. The difficulty with this whole exercise is that until we've been through the first year, it's quite hard to see. If you take a figure of 45 million or so people on the electoral register, it may be that 30 million people in year one voluntarily give their information, and then it's a question of picking off those who haven't—and we know who they'll be, because it's quite clear from the register. Alternatively, everybody may say, "Well, this is not something that's going to happen very quickly. There's no need to worry about it yet," and we get a very small response rate in year one.

That initial year is going to be important in determining how we respond in terms of advertising beyond there. But our thinking at the moment is that whatever that first year response is, we should go for a fairly gradualist approach and build it up towards the time when it really matters, which is 2015-16 and possibly the year after that.

Q24 Chairman: Thank you. You've already mentioned the new set of performance indicators. The corporate plan sets out some. I noticed, with some interest, that your new list doesn't include the percentage of the investigations resolved within 12 months of identification. I have just signed off some answers, recently, about the time it is taking to carry out these investigations. I have to say I was slightly horrified by what I was signing off. Are you saying, "We can't hit that. We're underperforming in this area, so we won't have it any longer as a performance indicator"? That doesn't seem to be good governance. Why is it taking so long and why have you dropped that performance indicator?

Peter Wardle: Sorry, I am not sure which performance indicator we've dropped.

Q25 Chairman: The percentage of investigations resolved within 12 months of identification, unless I've got that wrong.

Peter Wardle: Looking at last year's—the current year's—corporate plan, we had a target on six months, but I don't see a target on 12 months. I'm not sure.

Let me take the other point. Yes, I was no happier than you with the figures in the recent parliamentary question. I think, broadly speaking, we're performing pretty well in terms of the initial assessment of allegations. We're performing reasonably well in terms of those that proceed to—I'm sorry, I forget the categories we have—the review stage. Where we have performed really badly against our targets is in relation to full investigations. All I can say is that that is very heavily skewed by a couple of very complex cases of which you may or may not be aware—they have both been in the press—where I think they are outliers. The difficulty is that because so few of our initial inquiries end up as full investigations, the numbers are heavily skewed. However, what we are not doing, is seeking to extend our timetables. We are intending to deliver more of our work within the existing timetables. I do not think we have changed our target.

Q26 Chairman: So you are not deliberately trying to drop that indicator just because it is embarrassing?

Peter Wardle: Not at all.

Chairman: All right. We are moving on.

Q27 Ms Winterton: One of the indicators is the number of electors on electoral registers. But if this were, in a sense, turned the other way around, and an indicator were the number of eligible voters missing from the electoral register, would that be more effective, or as effective? What kind of difference do you think that would make and have you considered it?

Peter Wardle: I'm quite happy to go away and think about that. It's the same number looked at from the other end of the telescope, in a sense. We would certainly

always say that, in relation to electoral registers, our targets are both “accurate” and “complete”. “Accurate” means that there is no one on there who should not be on there and that the information we have got about entries is correct, and “complete” means that all the people eligible to be on the registers are on there. It is about picking up the under-registered—the non-registered—people who ought to be there. We would always look at that figure from both those perspectives.

If you turn it around and say, “Who’s not there?”, the difficulty is that, of course, we don’t know the denominator for the fraction. We don’t have a firm figure. Until we get the next census, which will have a citizenship question in it, we haven’t got a firm figure for the number of people eligible to be on the register. So, it’s possible to measure—because it is an absolute number—the number of people registered and whether that is going up. By and large, if it is going up, that’s probably a good thing. However, the number is actually the number of entries, not necessarily the number of people on the register. There are all sort of ifs and buts around the matter, and it is a different register for different sorts of elections, because of the difference in the franchise. All I can say is to reassure you that our focus is just as much on closing the gap, but it would be quite difficult to measure absolutely what the gap was because we don’t even know what the target is.

Q28 Ms Winterton: It is interesting, psychologically, and in relation to the alarming number of people who are not exercising their right.

Peter Wardle: Yes. There is a clear estimate in the number of people who are not registered. Certainly, our target would be to see that estimate coming down. That is perhaps the way that we could incorporate it.

Chairman: Thank you. We will move on to the new boundary commission.

Q29 Mr. Malins: Are the planned resources for the new boundary commission sufficient to tackle the inherited work load—work programme—and keep pace with the future need for reviews?

Archie Gall: In developing the budget for the new organisation, we have sought to be proportionate in terms of the work load that we can see for future years, and the needs of the organisation in terms of devoting as much resource to the front end—the review side of the organisation. We believe that the resources we are seeking for the next financial year are certainly sufficient for the ongoing work of the organisation. But the new commission will clearly want to look very closely at what further work emerges, not least from the Secretary of State, who may well ask us to undertake some work on admin boundaries or on any other Government initiatives. But we believe that the sum we have come with at this time is sufficient to enable us to address the backlog of reviews over a number of years.

Q30 Mr. Malins: Given the tensions that might increase your work load in future, what extra resources do you think you might require in future years?

Archie Gall: That’s the \$64,000 question, really. The commission will want to look in more detail in the next financial year at just what those pressures are. Clearly, any organisation would welcome more resources being provided to it, but we’re trying to keep

within a reasonable sum that we think is proportionate to the amount of work that, at this moment in time, we can see coming up.

Q31 Mr. Malins: All right. Finally, you are going to review 16 local authority areas with significant imbalances in 2010–11. Am I not right in saying that 50 or 55 local authorities already meet the criteria for being unbalanced? How quickly do you think you can tackle the backlog?

Archie Gall: Certainly, we estimate, and you are right to say, that the number of authorities that have imbalances is in the mid-50s. Next year, for example, we will be starting 14 new electoral reviews and completing 10. The following financial year, we will be starting another 10 electoral reviews. We will be getting the number down over a period of time, without taking a big-bang approach, as might be the case in relation to what we call a periodic electoral review, where we go round the whole country. We've got to be methodical about where we address the imbalances, bearing in mind the fact that different authorities have different electoral cycles and different dates for the implementation of changes to electoral arrangements. For authorities that hold whole council elections, we can change the electoral arrangements only once every four years, so it is a question of getting the priorities right between those authorities and the authorities that have elections by thirds.

Q32 Ms Winterton: In the 2007 Act, there was the facility to have shorter reviews, going from four stages to two stages. I understand that little advantage has been taken of that so far and I wondered what the issues around that were. Looking forward, are there more plans under the commission to shorten the process?

Archie Gall: The commission will clearly want to review all its review-related policies and procedures. It basically inherited a procedure from the former Local Government Commission for England and it ran with it. But it will certainly want to look at all processes to see whether it will speed up the reviews for the future.

Q33 Chairman: Have you picked up on the fact that the leader of the main Opposition party has talked about reducing the cost of politics, which means reducing the number of MPs, which presumably means reducing the number of constituencies? I think that that would be within the first Parliament—at least, it is an early pledge. Is that anywhere in your budgeted plans? That could send you into some kind of spasm, could it not?

Archie Gall: We have no involvement whatever with parliamentary constituency reviews.

Peter Wardle: It won't affect the boundary commission for England, because it's dealt with by a separate body—

Q34 Chairman: Is that body still within—

Peter Wardle: No, it's entirely separate—a non-departmental public body, I think.

Chairman: Yes, of the Ministry of Justice.

Peter Wardle: There will be a relatively small impact, in that fewer constituencies means fewer returning officers for us in the main Electoral Commission to deal with, and we may be able to reduce the cost of some of our guidance and advice, but it's relatively small.

Q35 Chairman: Forgive me, but the body reviewing parliamentary boundaries reports to the Ministry of Justice?

Archie Gall: Yes. To Parliament via the Secretary of State.

Peter Wardle: Chaired by the Speaker. The deputy chair is a High Court judge. It is funded by the Ministry of Justice.

Q36 Chairman: Thank you.

The final questions are about the performance indicators for the new boundary commission. Obviously, they are at an early stage of development. When do you expect them to be finalised? Will there be one about completing boundary reviews on time—and without litigation? None of the Boundary Committee's objectives appears to have targets yet. When will they be formulated?

Archie Gall: Certainly by the time the Speaker's Committee meets these performance indicators will be in the document. Boundary reviews are difficult in terms of timing because not all the time scales are within our gift. If we, for example, need to go out to further consultation on any review, it is important that we do go out to consultation, rather than simply meet a timetable. It's important that we make sure that everyone in the local area has a full opportunity to comment on what the committee, or the boundary commission, is coming up with.

Chairman: Indeed. Thank you.

Q37 Ms Winterton: In relation to that question, on the shorter reviews, you did not really come back on why there had not been many of those so far.

Archie Gall: We undertake a four or, effectively, six-stage review process at the moment. The first stage is to seek views on what the appropriate council size should be for the authority. We then publish a minded letter saying, "This is the number of councillors that we think everyone in the area should be aiming at when coming up with proposals to us for warding patterns." So we issue a minded letter saying, "This is the start of our consultation on warding patterns", and everyone has a target to aim at. We receive the proposals on warding patterns, the committee takes a view on them, publishes draft recommendations on the warding patterns, the number of councillors to be returned from each ward and the boundaries of the wards, and receives representations on those. Curtailing the review process to two stages would be a radical step, given what local government has expected of the reviewing body over the past 10 or 15 years. We would certainly want to consult very widely before actually adopting that approach.

Q38 Ms Winterton: Even though you said that you were going to look at it going further, your instinct is that it is rather radical.

Archie Gall: The commission does need to look at all its policies and procedures to make sure that they are fit for purpose for the new organisation. We will also have new commissioners coming into the new organisation, who may have different views on review processes. This is an ideal opportunity to review everything across the piece.

Chairman: Thank you. Any other questions? No. In that case, thank you very much for coming and we shall see you again soon.

Minutes of the meeting of the full Committee on 28 October 2009 in Speaker's House

Members present

John Bercow, Speaker, in the Chair
Sir Alan Beith
Lady Hermon
Mr Humfrey Malins
Mr Gary Streeter
Ms Rosie Winterton

Apologies for absence

Sir Gerald Kaufman
Mr Jack Straw
Sir Peter Viggers

Appointment of an Electoral Commissioner

Mr Speaker noted that Speaker Martin had appointed a panel chaired by Baroness Fritchie to recommend a candidate for the post of Electoral Commissioner in succession to Karamjit Singh, whose term of office would expire in January. Mr Speaker had received a letter from Baroness Fritchie on 6 October, recommending that Anthony Hobman go forward to the next stages of the process.

The Committee agreed to proceed to the next stage of the appointment process. Mr Speaker would consult the Party leaders and seek their agreement to Anthony Hobman's name being put to the House for appointment as an Electoral Commissioner.

Appointment of 'Nominated Commissioners'

Mr Speaker noted that the Political Parties and Elections Act had received Royal Assent and that the political parties were keen to proceed with nominating the politically-

experienced Commissioners. The Committee considered a note from the Secretary setting out the cost of various options for appointing the nominated Commissioners. Appended to the paper was a draft of the information the Speaker proposed to send to Party leaders when inviting nominations, setting out the criteria for appointment.

Mr Speaker noted that the Committee needed to take a view on the 'fourth' Commissioner, who would represent the smaller parties. The Committee discussed how the nomination process could ensure that nominees were truly representative. Lady Hermon was concerned that Northern Ireland could be under-represented, and asked about the consequences of the alignment of the Ulster Unionists with the Conservative Party. Mr Speaker confirmed that, as per paragraph 21 of the Secretary's note and paragraph 5 of the appended document, the Speaker's Committee would take care when considering nominees to have regard to the overall composition of the Commission, taking into account both political and geographical representation.

Mr Streeter expressed concern that the parties might struggle to find willing candidates who matched the criteria, especially given the low level of remuneration that was on offer. Mr Malins said that many prospective candidates might be dissuaded from applying on the grounds that there was no guarantee they would be chosen. Mr Speaker said he was aware of concerns that it may be difficult to find people who both had the necessary political skills and fully met the criteria. He said that it was nevertheless important that, so far as possible, the nominated Commissioners were no less qualified than other Electoral Commissioners. The Committee agreed to Mr Speaker's suggestion to make clear that these criteria were desirable rather than mandatory.

The Committee proceeded to consider the different options for the appointment process, as set out in the Secretary's note. Mr Speaker noted that all the options set out in the note embodied the principle (accepted by the Committee at its previous meeting) that there should be some external, independent involvement in the process. Mr Speaker also noted that the Lord Chancellor had written to the Committee, expressing his preference for a panel chaired by an independent figure (Option 1). Mr Malins indicated that he also supported Option 1, in particular because it involved the least cost.

The Committee agreed that Option 2 (a fully independent panel) was too expensive and confused the nature of the appointment.

Ms Winterton expressed concern about the role of the independent chair proposed under Option 1. She noted that the whole point of the process was to have political representatives. She said it was important to avoid a situation whereby the independent chair vetoed the favoured candidates of the party leaders and the Speaker's Committee. Ms Winterton said she supported Option 3 (a Speaker's Committee augmented by two or more lay persons, who would be unpaid), and said she did not believe it would be difficult to recruit the lay persons to be involved in the process. She suggested that if the Committee decided on Option 1, the terms of reference for the independent chair should make clear that his or her powers were restricted to ensuring the Speaker's Committee had had full and fair regard to the appointment criteria.

Mr Streeter said he was confident that any independent chair would be fair and would take his or her lead from the Speaker's Committee. Sir Alan Beith said he was confident that the

independent chair would use the authority of a chairman to ensure that the panel appointed by the Speaker's Committee had taken full account of the criteria, but would not veto any fair decision the panel had reached.

Mr Speaker confirmed that under any of the options in the paper the Speaker's Committee would still have the key deciding role, but under Option 1 it would also have the benefit of a panel with an independent chair. He said it was important not to overestimate the powers of the independent chair, and he trusted that the chair would be willing to work with the Committee on a collegiate basis. The Secretary noted that the whole panel, rather than just the chair, should consider candidates on the basis of whether they met the criteria, rather than making subjective judgments.

Lady Hermon said she agreed with Ms Winterton that it was important that an independent chair respected the fact that the candidates would have been very carefully selected by party leaders. She said that in reaching a decision the Committee needed to focus above all on cost and the importance of the appointments being seen as sound, independent appointments. She said that she would be content with either Option 1 or Option 3, but on balance supported Option 1 because it might be difficult in the current climate to find lay persons to be involved in the process.

The Committee agreed to proceed with Option 1—a panel consisting of an independent chair, two members of the Speaker's Committee and the Chair of the Electoral Commission—on the understanding that the powers and role of the independent chair would be clearly defined.

The Committee also reaffirmed its view that the leaders of the smaller parties should be invited to consider agreeing an informal rota whereby they could nominate Commissioners in turn, possibly for a shorter term of office.

The Committee agreed that Mr Speaker should begin the process by writing to party leaders, inviting their nominations by the end of November.

Any other business

The Speaker noted that on Monday 26 October the informal sub-Committee had examined the Chief Executive and other officials of the Electoral Commission on its draft Estimates and Corporate Plans. The full Committee would continue this process on 25 November. As part of this exercise, the sub-Committee had questioned the Electoral Commission on their draft Winter Supplementary Estimate and satisfactory answers had been given.

The Committee agreed to give contingent approval to the bid for the Winter Supplementary Estimate, subject to any comments that might be received from the Treasury.

Date of next meeting

The Committee adjourned until 25 November, when it would consider the draft Main Estimates and Corporate Plans of the Electoral Commission and of the Local Government Boundary Commission for England.
