

## **BOUNDARY COMMISSION FOR ENGLAND**

Minutes of the meeting held in the 2nd floor meeting room, Cabinet Office, 35 Great Smith Street, London, SW1P 3BQ on Monday 4 April 2011 at 11.30am.

### **Present:-**

The Hon. Mr Justice Sales	Deputy Chairman
Mr D Elvin QC	Commissioner
Mr N Pringle	“
Mr S D James	Secretary (Cabinet Office)
Mr T P Bellringer	Secretariat “
Mr R W Farrance	“
Mr G Reed	“
Mr S Hartley	“
Mr G R Tessier	“

The presence of the Assessors from Ordnance Survey and the Statistics Authority was not required at the meeting.

### **1. MINUTES OF THE MEETING HELD ON 21 FEBRUARY BCE/2011/Paper10)**

1.1 The minutes of the previous meeting were approved by the Commission without amendment and signed by the Deputy Chairman.

### **2. MATTERS ARISING SINCE 21 FEBRUARY 2011 (BCE/2011/Paper 11)**

#### Reaction to Newsletter No.2/2011, including media coverage

2.1 A news release was distributed to the media, MPs and political parties on 3 March 2011, embargoed until 4 March. The Newsletter was sent to MPs and others on the BCE mail list, by post on Thursday and by email on Friday. The electoral figures and the newsletter were both available on the website on 4 March.

2.2 Overall the media coverage was positive in nature. BBC online ran a story and the Guardian Online ran the BCE's story on its home page. Calls were received from both national and regional media outlets. Most of the focus of their enquiries was on the proposed allocation of seats across the English regions and what the impact of the new legislation would be for specific regions.

2.3 There were noticeably very few queries from MPs on the day, and this trend continued in the days following the announcement. There were some very technical queries from members of the public on the detail of the electoral figures.

2.4 It was noted that the following key points and lessons had been learned:

- Journalists need information broken down into small chunks and explained in layman’s terms;
- the interest from journalists and the public is primarily in the local effect of the proposals;
- the timing of the distribution of news releases is crucial in determining the extent of coverage;
- The Central Office of Information (COI - the Commission’s chosen distribution service) uses a standard list of media contacts but it will be necessary for the Secretariat to add its own contacts to COI’s distribution list to ensure media awareness and accurate media coverage;
- relationships with key national and regional journalists need to be established and maintained to alert them to forthcoming stories and ensure they get the right information directly from the Commission.

### Places of deposit

- 2.5 Members had previously agreed that documentation (Information Booklet, reports on the initial proposals, and maps) should continue to be deposited at locations in each review area to allow for full and proper public consultation, particularly for those who do not have internet access.
- 2.6 At the fifth general review a minimum of one Place of Deposit (PoD) was used in each of the existing constituencies (to meet the statutory requirement) and in a number of constituencies (particularly those of a more rural nature), extra PoDs were required. Members agreed to adopt a similar approach for the 2013 Review and noted that section 5(1)(a)(ii) of the Parliamentary Constituencies Act 1986 (as amended by the 2011 Act) requires “that a copy of the proposals is open to inspection at a specified place within the proposed constituency”.
- 2.7 In preparation for the 2013 Review, the Secretariat had written to every local authority requesting their assistance in compiling a list of PoDs. The consultation produced a list of 1,386 PoDs of which 649 were libraries (46.8%) with the rest being Council offices, “One Stop Shops” etc.
- 2.8 Members were aware from media reports that some local authorities had decided to close a number of libraries in their area: some local council services such as One Stop Shops might also be affected. Members considered that it was the Commission’s duty to make their proposals available locally and in view of the possible closure of PoDs, it would be necessary for the Secretariat to ensure that the list was regularly updated (at each round of public consultation) so that the information it held was as accurate and as current as possible.
- 2.9 The current timetable for the review confirms that the Secretariat is scheduled to confirm the availability of PoDs during June and early July. Given the potential closure of a large number of PoDs, this work would assume extra importance. Dr Kikugawa had therefore included reference to this action in the Review Plan and it will be highlighted as a potential risk.

#### Website: development progress and URL

- 2.10 The Secretary confirmed that the website had ceased to be maintained and supported by Ministry of Justice (MoJ) beyond 31 March 2011 and that its transfer to the Cabinet Office (CO) infrastructure on 1 April had been a success. Any user clicking on or typing in the old web address is now automatically redirected to the new website. The redirection will remain in place for at least two years and possibly in perpetuity.
- 2.11 Prior to this, the Secretariat had been working with the CO Digital Media team to build a new site with a design that reflects the Commission's independence. New content had been written to ensure it is up-to-date, accurate and accessible. All the content from the old site has been reviewed and is archived, accessed via a link to the National Archives from the new site. The Secretariat is now also able to edit and maintain the pages independently of the CO web team.
- 2.12 As part of government's web rationalisation policy, which also applies to all "arms-length bodies", the previous URL was no longer permissible. Working in conjunction with CO Elections and Democracy Division (EDD) and the CO web team, a new URL: [www.independent.gov.uk/boundarycommissionforengland](http://www.independent.gov.uk/boundarycommissionforengland) was agreed. Whilst this is 12 characters longer than the previous URL, it has the advantage of leaving in no doubt the independent nature of the Commission.

#### Staffing: recruitment and training

- 2.13 The final vacant Review Team Officer post was filled on 28 March. Induction training – including detailed training on the development of schemes and technical use of the GIS software – was completed by all other staff in week commencing 7 March, with staff currently working with live data in developing schemes for the 2013 Review.
- 2.14 The Secretary informed Members that CO had agreed in full the supplementary bid for public hearings, which included the selection of suitable individuals as Assistant Commissioner (ACs), and additional short-term Secretariat staff to co-ordinate and provide administrative support at public hearings and posts temporarily vacated by those out of the office supporting public hearings.

#### Meeting with the Parliamentary Political Parties

- 2.15 Prior to the Commission meeting, Members had met with the representatives of the Parliamentary Political Parties (PPPs). The meeting had been arranged to answer questions that the PPPs had about the conduct of the review and for the Commission to explain, where it was able to do so, the policies it intended to adopt.
- 2.16 Minutes of the meeting with the PPPs were taken and would be published.

### **3. 2011 ELECTORAL STATISTICS – FINAL FIGURES AND ANALYSIS (BCEE/2011/Paper 12)**

- 3.1 Members noted the electoral statistics obtained from the new electoral registers published by each local authority between 1 December 2010 and 1 February 2011.

- 3.2 The data were compiled using the electronic electoral registers that each local authority is statutorily required to provide to the Commission, and a summary (form RPF29) of the number of electors in its district, which is copied by the Office for National Statistics (ONS) to the Commission. The Secretariat presents the data in a format that allows the Commission's geographic information system (GIS) consultants at ESRI(UK) to match the electoral statistics with digital map data in the Commission's GIS.
- 3.3 In requesting RPF29 forms from local authorities, ONS stressed their importance in relation to the 2013 Review. Each authority (some of whom had to be chased on more than one occasion) eventually submitted a form to ONS. Two authorities submitted ward data in relation to the new wards that are due to be used for the first time at local elections on 5 May 2011. The data relating to the "old" wards were created by Mr Tessier from the electronic copies of the electoral registers that are supplied to the Commission. The collection of the electoral data and the work that has been required to rebase some ward data, demonstrated once again that it is of vital importance that the Commission receives data relating to the number of parliamentary electors in each ward in a format that is easy to use.

#### Total number of Parliamentary electors

- 3.4 As noted at the meeting on 21 February 2011, the number of Parliamentary electors in England has risen again in 2011. The total electorate is now 38,443,481, an increase of 314,399 (0.82%) between 2010 and 2011. Members noted the electoral statistics for each county and London borough in the appendices.

#### Growth and decline in the electorates

- 3.5 Members noted that, as always, the overall trend in the electorates has masked some significant increases and decreases in individual districts. Of the 326 districts in England, the number of Parliamentary electors between 2010 and 2011 increased in 251 districts and decreased in 75.
- 3.6 As with last year, the number of districts that have shown a decline in their electorate (75) in 2011 has fallen. Members considered that the lower levels of decline in a smaller number of districts and the higher levels of growth in a greater number of districts was not unusual given that the electoral registers published between 1 December 2010 and 1 February 2011 almost certainly contained electors who came onto the register for the May 2010 general election.

#### The current constituencies

- 3.7 Members noted that, of the 533 current constituencies, 247 (46.34%) have an electorate that is within 5% of the EQ (76,641) for the 2013 Review.

### **4. ANNUAL REPORT 2010-2011 (BCE/2011/Paper 13)**

- 4.1 Although, as an advisory Non Departmental Public Body (NDPB), the Commission is not required to publish annual reports, it has done so since the 1997/98 financial year.

4.2 Members considered a draft of the annual report for 2010/11 and requested some further amendments.

4.3 The figures required for the financial tables would be included once they had been agreed with the sponsor division of the CO - probably in early to mid May. A copy of the report will be placed on the Commission's website, sent to the usual recipients, and made available to others on request.

## **5. PROGRAMME UPDATE (BCE/2011/Paper 14)**

5.1 Members noted that the Project Plan, Risk Register and Highlight Report had been updated to take account of events and future risks, such as the appointment of ACs and the arrangements that would be required for the public hearings.

5.2 Members formally approved the new version (V3) of the Plan, which differed from V2 in that the initial consultation period had been brought forward two weeks in order to avoid publication of proposals during the party conference season. Members requested that the issuing of the guidance booklet be included in the project Plan.

## **6. PUBLIC HEARINGS (BCE/2011/Paper15)**

### Introduction

6.1 Section 5(1)(b) of the Parliamentary Constituencies Act 1986 ('the Act') requires public hearings to be held during the initial consultation period (specifically during weeks 5-10 of the overall 12-week period). Schedule 2A to the Act makes more detailed provision for these public hearings, but leaves a number of matters within the discretion of the Boundary Commissions and those who chair the public hearings. Members considered a number of issues that needed early policy decisions, factors to be considered in making those decisions, and the recommendations of the Secretariat as outlined in Paper 15.

### Number and location

6.2 The Act provides that there must be a minimum of two and a maximum of five public hearings in each region of England i.e. a minimum of 18 and a maximum of 45 public hearings across the whole of England.

6.3 The Secretariat had given some thought to what would be an appropriate number of hearings for each region, and where those hearings could most usefully be located, taking into account:

- the relative number of electors in each region (relevant to the likely level of demand);
- the relative geographical size of each region (relevant to the distance a potential attendee would have to travel);
- the relative road and rail infrastructure in each region (again relevant to the travel demands placed on a potential attendee);
- the relative complexity and/or contentiousness of the likely scheme in each region (again relevant to likely level of demand);

- the existence of any areas within regions that were known were likely to be particularly sensitive (e.g. possible public hearings in both Devon and Cornwall, even if purely geographical or infrastructure factors did not suggest that this was required);
- the limited resource available to facilitate the hearings within the prescribed timeframe.

6.4 Members considered that the number and location of hearings was likely to come under considerable public scrutiny. There might be calls for the maximum number possible to be held or for the number to be held in each region to be based relative to its size or electorate. They considered that the number of hearings and their location should be based on what was proportionate and took the factors listed above into account in recommending that there should be 36 hearings overall. They also considered the Secretariat’s recommendations for where inquiries might be held, which they agreed with some amendments.

<b>Region</b>	<b>Number of hearings</b>	<b>Agreed locations</b>	<b>Proposed no of constituencies</b>	<b>Proposed no of consts. per hearing</b>
Eastern	4	Colchester, Norwich, Luton, Cambridge	56	14
East Midlands	3	Derby, Lincoln, Northampton	44	15
London	5	North East, North West, South East, South West, Central	68	14
North East	2	Newcastle, Darlington	26	13
North West	5	Manchester, Liverpool, Carlisle, Preston, Chester	68	14
South East	5	Portsmouth, Milton Keynes, Reading, Crawley, Maidstone	83	17
South West	4	Exeter, Bristol, Bournemouth, Truro	53	13
West Midlands	4	Birmingham, Stafford, Warwick, Ludlow	54	14
Yorkshire & The Humber	4	Hull, Leeds, Sheffield, Northallerton	50	13
<b>Total</b>	<b>36</b>		<b>502</b>	<b>Average=14</b>

6.5 The Act provides that the chair of a public hearing “must allow representations to be made by each qualifying party” – i.e. one registered with the Electoral Commission and with at least one MP and/or 10% of the vote in the last general election in the relevant region. Experience from the inquiries held at the fifth general review strongly

suggested that parties will have an overarching region-wide strategy, as well as things to say about specific areas within a region.

- 6.6 Members considered that the Secretariat should explore further the idea of one hearing per region – preferably the first to be conducted - being designated as a “lead” hearing (especially for the presentations by the main political parties). At these lead hearings the PPPs would be given some additional time in which to present their over-arching case for the region, which should then avoid the need for extensive repetition (using up valuable hearing time) at the other hearings in the region. It was considered that, if possible, a “Lead AC” should chair such hearings.

#### Timing of hearings within a region

- 6.7 Members considered whether to seek to group all the hearings in a region together in time – such that most regions could have their hearings completed in a two-week period – or to spread the hearings for a region more widely across the full six-week period.
- 6.8 It was considered that grouping hearings would possibly generate a more focused and coherent understanding of the region on the part of the Lead ACs chairing the hearings in that region, and should generate slightly reduced travel and subsistence costs than the alternative of potentially criss-crossing the country. In addition, there would potentially be a greater sense of “momentum” about the process within the region: local media would be able to generate interest about a process that is taken place over a relatively short space of time.
- 6.9 Members therefore expressed a slight preference for the grouping of hearings within a region, but also considered that the arrangements should be flexible. However, it was their view that whatever arrangements were made, it was important that the lead AC should be able to chair as many hearings as possible.

#### Length of hearings

- 6.10 The Act provides that a public hearing should last a maximum of two days. Members considered that each hearing should be scheduled for the full two days, as expectation and demand is likely to be high.
- 6.11 With regard to the length of the hearing day, Members considered the options provided by the Secretariat and noted the possible limitations that there might be in securing accommodation for an evening hearing. However, they were of the view that the first day of any hearing (including a lead hearing) should be announced as starting in the late morning and extending into the evening. The second day would be held along normal working hours and announced as such, but the AC would have the discretion to extend the hearing (whether by starting early or sitting into the early evening) if it was considered appropriate.

### Procedure at hearings

- 6.12 Schedule 2A to the Act makes some broad provisions relating to procedure, largely leaving most of the detail within the discretion of the hearing Chair. In order to ensure that there is a level of consistency across all the public hearings, Members considered that there should be a common procedural framework which will be publicised in advance (e.g. in the Information Booklet) and to which hearing Chairs will be expected to adhere.
- 6.13 Paragraph 6 of Schedule 2A to the Act provides that the Chair will make arrangements for the hearing to begin with an explanation of the proposals to which the hearing relates and information about how written representations may be made. Members considered that such a presentation should be made by a senior BCE Manager, assisted as necessary on the technical detail by a relevant Review Team Officer with detailed knowledge of the proposals for that region.
- 6.14 Paragraph 7(2) of Schedule 2A provides that the Chair may restrict the amount of time allowed for representations and need not allow the same amount of time to parties and others. Members considered that a qualifying political party ought to be entitled to about 60 minutes at a lead hearing, but less in others. Other individuals wishing to speak would normally be expected to be allocated about 15 minutes each, depending on the nature of the points they might wish to make.
- 6.15 Paragraph 7(3) allows for the Chair to determine the order of speakers, and if necessary not allow individuals to speak if there is a shortage of time. So as to avoid potential difficulties in making these decisions ‘on the day’, Members considered a system of advance booking should be put in place with those wishing to make a representation allocated a time slot. However, there would have to be a caveat that, even if allocated a slot, that time would still have to be at the discretion of the Chair, who would have the responsibility of ensuring that the overall time available for a hearing was used in the most productive manner - e.g. if a person with a slot ran short or simply failed to show up, others should then be expected to proceed with their presentations even though at a different time from their allocated slot.
- 6.16 Members did not make any decisions about there being a booking system for those wishing to attend and not planning to make a representation: they would reflect on this at a future meeting.
- 6.17 Paragraph 8 of Schedule 2A provides that the Chair may put questions – or allow questions to be put – to a person attending the hearing, and may regulate the manner of such questioning or the number of questions. Members considered that questions should generally be made through the Chair and that normally only questions of clarification should be allowed: cross-examination of parties would not be appropriate in light of the nature of the type of hearing introduced in the legislation (though it might be within the Chair’s discretion in exceptional cases to allow some direct questions).

### Record of public hearings

- 6.18 Section 5(4)(a) of the Act requires the Commission to publish “records of public hearings”. Members considered that this requirement should be satisfied by arranging for a full verbatim transcript to be taken, which would be made publicly available.
- 6.19 Members asked the Secretariat to provide a draft of instructions and guidance for ACs, which they would consider further and agreed that they would need to develop further their thinking on these issues ahead of a meeting planned with the PPPs on the conduct of the public hearings.

## **7. ASSISTANT COMMISSIONERS – THEIR ROLE AND RECRUITMENT (BCE/2011/Paper 16)**

### Introduction

- 7.1 At their meeting on 21 February, Members decided that ACs should be appointed to assist the Commission in the 2013 Review to act as Chairs of public hearings during the initial consultation period; to analyse all the representations received during the initial and secondary consultation periods (including verbatim records of public hearings); and formally report to the Commission with their recommendations as to the extent to which initial proposals should be revised in consequence. Depending on the circumstances, they might also be asked to assist the Commission in digesting further written representations received under section 5(5)(c) of the 1986 Act (as amended).
- 7.2 Each region would have a ‘team’ of three ACs, one of whom would be designated the ‘Lead’ AC, chairing as many of the public hearings in their region as possible and being responsible for bringing together a single report and recommendations on that region for presentation to the Commission. Other ACs would chair public hearings that the Lead could not attend, and work with the Lead AC in the analysis of written representations and draft of the report and recommendations to the Commission.

### Approach to recruitment exercise

- 7.3 The Secretariat considered that the resource demands of running a recruitment scheme ‘in-house’ were such that external assistance would be required and suggested that, on the recommendation of the Commissioner for Public Appointments (OCPA), the Appointments Commission was an appropriate body that could assist. The Appointments Commission is a public body that administers the recruitment of senior appointments to a range of public bodies, covering both the administrative support to the exercise, and the provision of assessment panel members, doing so at significantly less cost than a private sector recruitment agency.
- 7.4 The Secretariat had discussed the Commission’s requirements with the Appointments Commission and had been advised that it would be able to complete a full recruitment exercise from advert to reporting recommended names (with assessment summaries) to Commissioners by early July, allowing time to conclude the final stages before the summer holiday period commences. An additional benefit of using the Appointments Commission would be reputational: in using the recognised independent “experts” in public sector recruitment to appoint ACs, the Commission would mitigate the risk of any potential criticism about the transparency or fairness of its recruitment exercise.

- 7.5 The Appointments Commission would work to a very clear brief provided by the Commission on the kind of person being sought. One member of the assessment panel involved in the sift and interviews would be a senior member of Secretariat staff. The Appointments Commission have provided assurances that they are able to pro-actively target a large number of individuals from the legal profession, both via their own categorised lists of individuals interested in public appointments, and via existing relationships with the Bar Council, the Law Society and the Judicial Appointments Commission.
- 7.6 The Cabinet Office had agreed extra funding of up to £70,000 for using the Appointments Commission to recruit 27 posts. Costs for advertising would be charged at cost and met within current budgets.
- 7.7 Members confirmed that they were content to use the Appointments Commission to administer the recruitment process for the ACs, with involvement of senior Secretariat staff on the sift and interview panel.

#### Selection process

- 7.8 The selection process will involve the placing of advertisements, receipt and logging of applications, a paper sift to produce a shortlist of candidates suitable for interview and the interviews themselves. A ranked list of interviewed candidates and their summary assessments would be provided to Members for a final decision as to who to formally request the Secretary of State should appoint. Following such a robust, fair and open process as employed by the Appointments Commission will minimise the possibility that the Secretary of State may decline any particular request for appointment made by Members.
- 7.9 A meeting would be held in July once the recruitment process was complete to discuss the appointment of candidates who had been found suitable and to identify which of these should be appointed as Lead ACs.

#### Job Specification and assessment criteria

- 7.10 Members considered the job specification and person specification/assessment criteria which were provided as annexes to the Paper. Members requested that the requirement to manage public hearings, control questioning, to have good oral presentation skills, and the ability to case-manage the work should in particular be highlighted in the job specification. It was also important that the job specification should make it clear that successful candidates would need to be available for up to five hearings per region. They asked the Secretariat to provide a fresh draft of the person specification which would be sent to them individually by email for agreement.
- 7.11 Members decided that there should not be separate job specifications for the Lead AC: it would be for them to determine, from the list of successful candidates, who to appoint as Lead ACs, depending upon their meeting of the job specification and their availability.

#### Advert and strategy for advert placement

- 7.12 Members considered that the wording of the advert should be kept tight and focussed. It was agreed that the Secretariat will use the expertise within the Appointments Commission to produce a draft advert which will be circulated to Members for comment via email.
- 7.13 In terms of placement, the Appointments Commission will automatically place an advert on its own website and that of OCPA, both free of charge. They also suggest an advert in the Sunday Times, which they can obtain at a discounted price. Members have agreed that the legal profession is the most likely source of suitable candidates and therefore considered that adverts should be placed in Counsel Magazine, the Law Society Gazette, and the Lawyer. Mr Elvin also suggested that the Planning Magazine (for members of the Planning Inspectorate) might be a useful journal. It was also suggested that an email should be sent to all relevant sets of Chambers informing them of the imminent advert.

#### Eligibility criteria

- 7.14 Members agreed that the following criteria which were standard eligibility requirements for public appointments, will suit for the role of AC:
- No (unspent) criminal record;
  - No registered bankrupt; and
  - No-one who is disqualified from becoming a Company Director.
- 7.15 They also considered that an individual should be ineligible if they have been active in support of a registered political party at any time in the last 10 years.

#### Diversity strategy and monitoring

- 7.16 The Commission was committed to making appointments on merit, via a fair and open process. They also wished to be active in bringing the vacancies to the attention of bodies representing the interests of those traditionally less proportionally represented in previous equivalent appointments, e.g. women, minority ethnic groups, and those with physical disabilities, in order to widen the pool from which the most meritorious candidates would ultimately be selected.
- 7.17 In order to assess accurately the extent to which diverse candidates were being selected, Members agreed to use a Diversity Monitoring Form which was attached to the Application Form. Completion would be voluntary, and all data from it would be excluded from the assessment process itself and subject to Data Protection regulation. It was hoped the use of such a monitoring system might help identify lessons to be learnt for the next such exercise.

#### Remuneration and Terms & Conditions

- 7.18 ACs are appointed on terms as to remuneration and other conditions as determined by the Secretary of State, agreed with the Treasury. Members decided that remuneration rates for ACs should be the same as those paid to Commission Members. They also considered that, whether a Lead AC or not, all ACs should receive the same level of

remuneration. They would be paid a daily rate for chairing hearings and an hourly rate for preparatory work and the writing of reports to the Commission. As to other conditions of appointment (e.g. travel & subsistence rates), it was agreed that these should be broadly in line with those that would apply to a Senior Civil Servant employed by the CO.

- 7.19 The terms of appointment will be for around nine months, i.e. from the end of the recruitment process to the end of the analysis period following the secondary consultation period, although it would be prudent to keep the appointments open until the final stages of the review in case any further assistance was required in relation to final written representations under section 5(5)(c) of the 1986 Act (as amended).

#### Information Pack

- 7.20 The Secretariat will use the expertise within the Appointments Commission to produce an information pack which will be given to those responding to the advertisement. This information pack will include information about the role and also standard information about the Boundary Commission and its role. It will be circulated to Members for comment via email.

### **8. FREEDOM OF INFORMATION - REVIEW OF POLICY (BCE/2011/Paper 17)**

- 8.1 The Freedom of Information Act 2000 (the Act) requires public authorities listed within a schedule to the Act, of which the Commission is one, to adopt and maintain a publication scheme that has been approved by the Information Commissioner's Office (ICO). Once the publication scheme has been adopted, the ICO advises public authorities to produce a Guide to information, which can be of varying forms. Members noted that the Secretariat had revisited the Commission's Guide to information and FOI Policy statement.
- 8.2 The Commission had already noted that the 2013 Review will be undertaken under much higher levels of scrutiny than previous reviews. At the same time, since the last review, scrutiny of the public sector in general has led to public authorities taking a significantly more transparent approach to their information and its publication. Wider availability of internet access to the general public has allowed public authorities to publish information on their websites, thereby showing their commitment to the spirit of the legislation while, at the same time, mitigating against the bureaucracy involved in responding to requests for information.
- 8.3 In confirming their agreement with the open and transparent approach required of the ICO guidance for NDPBs, as outlined in the paper prepared by the Secretariat, Members also noted that additionally making use of the new website will allow greater flexibility for the Commission to publish information at greater speed. However, they noted that many of the suggested pieces of information either do not relate to or are not held by the Commission (matters pertaining to corporate bodies, such as capital programmes or employment policies, would be held by the Commission's sponsoring department).

#### Commission meeting minutes and papers

- 8.4 The Commission's current approach is to publish minutes for Commission meetings only at the end of a review, rather than immediately after the minutes have been formally approved. Agendas and papers prepared for meetings are not currently published. In practice, the minutes of the last review are available on demand from the Commission or from the National Archives. Minutes of Commission meetings since the last review are not available on the website, but are available on request from the Commission. Members noted that the ICO guidance to NDPBs states that it expects minutes and papers of senior and board meetings to be readily available to the public.
- 8.5 Having considered all the factors set out by the Secretariat in the Paper, the Commission decided that it is appropriate for it to continue its policy of routinely publishing minutes only at the end of the review to which they pertain, and that this should apply also to related agendas and papers. Members considered that much of what was discussed and considered at meetings related to the formulation of policy decisions which were exempted under the Act and that generally it would not be appropriate to publish such information until the review process was complete. Furthermore, if they had decided to publish minutes which had references to policy matters redacted from the minutes, they considered that the degree of redaction would be so great as to render the remaining minutes of very limited value.

#### Internal handling

- 8.6 It was agreed that the Secretariat would continue to deal with FOI requests, which would be published on the website with their responses, to underline transparency and to reduce the risk of repeated requests. The Commission will continue to be responsible for its own FOI requests, being a named public authority in the Act, rather than adopting its sponsoring department's policies and procedures on information. The sponsor department will continue to be consulted on any request that concerns correspondence between it and the Commission.
- 8.7 Members agreed that they would keep all issues pertaining to the FOI Act and the ICO's guidance for NDPBs under review.

#### Handling of representations for the 2013 review

- 8.8 The Parliamentary Constituencies Act 1986 (as amended) required that representations received in response to the Commission's initial and revised recommendations during the statutory consultation period be published and made freely available. Members considered whether names, addresses and personal details should be redacted from the representations. At the earlier meeting with the PPPs, it was requested that names should be included and made available to those wishing to comment on those representations. Members were persuaded that the origin of representations received might potentially be relevant to assessing the weight to be given to them and so decided that names and addresses should not be redacted from the published representations and that the information explaining the consultation process should make it very clear that the representations received would be published in full, including names and addresses: those who did not wish their names and addresses to be published would be required specifically to request that their personal details should not be made available, and the Commission would consider at a future meeting what the approach should be if such a request were made.

- 8.9 Members also requested that all the documentation should make it clear that, although any representation would be welcome during the consultation, a representation that only considered the individual constituency with which the representation was concerned – and which did not consider the knock-on implications throughout the region of the proposals being put forward in the representation – would be likely to be less helpful to the Commission.

## **9. OTHER BUSINESS**

### Date of the next meeting

- 9.1 The next meeting of the Commission would be held on Wednesday 8 June 2011 at 9.30am, with the following meeting possibly being held on 5 September 2011.
- 9.2 Members agreed that a further meeting would be held with the representatives of the PPPs during the week commencing 16 May to inform them of their policies on public hearings. It was confirmed after the meeting that this would be on Tuesday 17 May at 5.00pm, although Members would convene at 4.30, ahead of the meeting.
- 9.3 At the meeting of the four UK Commissions in Cardiff in March, it had been agreed that there should be a further meeting to discuss the individual Information Booklets that each Commission proposed to issue. However, in view of the very tight and differing timetables of the Commissions it was considered that it would not be feasible to arrange such a meeting. The Commission still considered it would be desirable if the Commissions could arrange to circulate drafts of their respective information booklets to each other in advance of publication, for a final check that they did not create difficulties for any other Commission. The Secretariat was asked to explore with the other Commissions whether that could be arranged.