

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 Wednesday 8 June 2011 at 9.30am.

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	“

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 4 APRIL 2011 (BCE/2011/Paper 21)

- 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 4 APRIL 2011 (BCE/2011/Paper 22)

Appointment of Assistant Commissioners

- 2.1 The Appointments Commission have been contracted to administer the recruitment process for Assistant Commissioners (ACs). The Appointments Commission began advertising the vacancies on 21 April in a number of websites and print publications. The application period closed on 18 May: 1025 applications were received. Following a sifting process, formal decisions on which applicants to invite to interview will be taken on 15 June and notifications sent out for interviews, to be held 27 June – 8 July. It is expected that about 50 candidates will be invited for interview. The results will be submitted to Members in order for them to be able to make final decisions on who to recommend to the Deputy Prime Minister for appointment.
- 2.2 The sift and interviews will be conducted by a three-member panel consisting of Tony Bellringer and two representatives from the Appointments Commission, Penny Bennett and Helen Yarrow.

Update from Elections and Democracy Division (EDD)

- 2.3 Members noted that Mark Sweeney, who as Director of EDD – the Commission’s sponsor – had direct responsibility for managing the Government’s relationship with the Commission, left EDD on 13 May to take up the post of Principal Private

Secretary to the Secretary of State for Justice. His line manager, Vijay Rangarajan, Constitution Director, will also be leaving the Cabinet Office in July to return to the Foreign and Commonwealth Office. It was expected that Mr Rangarajan's successor would be announced shortly, though Mr Sweeney's replacement may not be confirmed for some time. The Secretary did not consider that these personnel changes posed any risk to the review.

- 2.4 A note setting out a chronology of actions that would be required of Members over the coming weeks was provided at the Meeting.
- 2.5 On Monday 6 June the Guardian newspaper gave prominent coverage to modelling carried out by Lewis Baston of Democratic Audit which suggested how constituencies might change in the review. The Secretariat had noted that, although much of the modelling was speculative, its suggestion that only 10% of constituencies would remain unchanged was very close to the figure for the Commission's initial proposals, which was 11%. Members considered that the article would help to reinforce the message that there would be significant change to most constituencies.

3. PROGRAMME UPDATE (BCE/2011/Paper 23)

- 3.1 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 and the tender for the verbatim transcription service. It was noted that some risks had been reduced since the previous meeting.

4. CONFIRMATION OF THE INITIAL PROPOSALS FOR ENGLAND (BCE/2011/Paper 24)

Background

- 4.1 Members had attended the Secretariat's offices during May to consider the options (schemes) prepared by the Secretariat for the distribution of 502 constituencies across the nine electoral regions in England as set out in Schedule 1 to the European Parliamentary Elections Act 2002.
- 4.2 Prior to attending, Members were supplied with BCE/2011/Paper 20 setting out the options prepared for each electoral region by the Secretariat. The options were prepared in full accordance with the Parliamentary Constituencies Act 1986 (as amended) and, in particular, the "Rules for Distribution of Seats" set out in Schedule 2 to the Act, and with special attention being paid to the factors set out in Rule 5(1)(a-d), particularly to the boundaries of the existing constituencies.
- 4.3 During the visit to the Secretariat's office, Members confirmed their preferred options for constituencies in each sub-region and the name and designation of each constituency. Following the Deputy Chairman's visit and suggestions, Members were informed about proposed changes to the constituency boundaries from those initially proposed by Members, in two sub-regions:-
- Cumbria and Lancashire (affecting seven constituencies)

- North East Lincolnshire, North Lincolnshire, and South Yorkshire (affecting two constituencies).

Members had concurred with the changes proposed following the Deputy Chairman's visit and his suggestions and they were incorporated into the draft proposals.

- 4.4 Additionally, a number of changes of names from those initially suggested by Members were proposed by the Deputy Chairman for 52 constituencies. Those changes were accepted and the Commission reiterated its view that this was in any event an area where the Commission were minded where possible to give weight to coherent local opinion.
- 4.5 Members noted in Appendix B the list of the selected schemes for each sub-region that result from the process set out, the names and designations, and in Appendix C, the 2011 electorates for all 502 constituencies that they agreed should form the initial proposals.
- 4.6 They also noted the list in Appendix D of every constituency and the wards that comprise each of them and how many of the selected constituencies have electorates that are within 1%, 2%, 3% etc of the electoral quota (76,641) in Appendix E. It was noted that 291 constituencies (57.97%) have electorates that are within 3% (2,299 electors) of the electoral quota.
- 4.7 Isle of Wight North CC (56,253) and Isle of Wight South CC (54,671) are the only constituencies that have electorates that are outside the 5% parity target (72,810-80,473): these two low electorates are permitted by Rule 6(3) which states that "Rule 2 [Electorate per constituency] does not apply to these constituencies". No constituency straddles an electoral region boundary and it has not been necessary to divide a ward to ensure that all constituencies (except those on the Isle of Wight) are within 5% of the electoral quota.

Decision

- 4.9 Members confirmed their provisional decisions taken during May, as modified following consideration by the Deputy Chairman, in respect of the 502 constituencies. In taking their decisions, members gave specific consideration to the general duty placed on them by the Equality Act 2010 (as outlined in paper 28 and considered at this meeting). They concluded that they were not aware of any significant issues relating to detrimental effects on any of the protected characteristics outlined in the Act resulting from their proposals, and that they would continue to give consideration to their equalities duties throughout the review process.
- 4.10 The Deputy Chairman asked whether it would be possible for the public to be provided with the options on the GIS so that they could manipulate the data to create their own options for constituencies. The Secretary said that the Commission's GIS was based on bespoke software and that ESRI had previously confirmed that it would not be possible to provide it to the public by means of the website. This would be an issue that would be considered as part of a procurement exercise for a replacement GIS for the future. The Secretariat confirmed that the constituency maps produced by Ordnance Survey would also show the wards.

Next steps

- 4.11 The Secretariat will now commence drafting the nine regional initial proposal reports that will explain the Commission's reasons for the distribution of constituencies in each region. It is expected that the draft reports will begin to be sent to Members at the start of July with the last report being returned by 22 July.

5. PUBLIC HEARINGS (BCE/2011/Paper 25)

Background

- 5.1 Members had previously noted that 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.
- 5.2 In consequence of the Commission's current planning assumption that it will publish its initial proposals in the week commencing 12 September, public hearings will therefore take place from the week commencing 10 October, and conclude mid-late November.
- 5.3 Members recalled their provisional decisions regarding public hearings that they took at their meeting on 4 April 2011 and which were recorded again in Paper 25.
- 5.4 Members had subsequently met with the political parties on 17 May to discuss with them the initial proposals for public hearings. The anticipated number of hearings and distribution between regions were disclosed, but not the likely locations. They noted that the points raised by the political parties had been noted in the separate minutes taken of that meeting and which were reproduced in Paper 25.

Number of hearings

- 5.5 Members considered that the proposed number and distribution of hearings across the regions represents a broad parity between the regions in the ratio of hearings to electors/proposed constituencies. There are no particular issues of significant complexity or controversy in regions allocated fewer than the maximum number of hearings and, with a limited resource, the most effective deployment of that resource was to target efforts towards those areas where there are the greater number of proposed constituencies. Members agreed the number of hearings in each region as set out at Annex B.
- 5.6 They agreed that the number of hearings in each region should be published in the Information Booklet. It was decided that publication of the designation of "lead" hearings (which were discussed separately, below), locations and venues of hearings would be published on the website and in a Newsletter before the summer recess. The venues were discussed and agreed.

5.7 Members noted the legal advice that confirms that the interpretation and application of a “week” (the Act refers to public hearings taking place beginning with the fifth week of the initial consultation period and ending with the tenth) should be interpreted as ‘seven consecutive days’. As it is currently planned to launch the initial proposals on Tuesday 13 September (to enable embargoed advance copies to be issued the day before), this would mean the first week of the hearings would strictly only commence on Tuesday 11 October. They agreed that hearings should be held on Monday/Tuesday and Thursday/Friday, but as hearings will be built up slowly (in part to avoid lead hearings clashing), there is only one hearing proposed for the start of the first week, which will be held on Tuesday/Wednesday.

Lead Hearings

5.8 Members also confirmed their decision to have a system of ‘lead hearings’. The Act recognises ‘qualifying parties’ have a special status that gives them a right to speak at a hearing. They agreed that, at the discretion of the Chair, this can be used to justify the provision of an extended time slot of 30-40 minutes to qualifying parties to present a regional view at lead hearings.

5.9 Members recognised the importance of having the key individual present to make the most effective case for their respective parties and decided it should be possible to establish a plan of locations and dates that avoid overlapping lead hearings. They considered that lead hearings should be held in what would be likely to be the most popular venue (i.e. the biggest urban centre of the hearings, or, where no obvious choice existed, in a location that was central within the region). In considering the venue locations at Appendix B they decided that the lead hearings should be in the following locations:

Region	Lead hearing
Eastern	Colchester
East Midlands	Derby
London	Central London
North East	Newcastle upon Tyne
North West	Manchester
South East	Reading
South West	Bristol
West Midlands	Birmingham
Yorks and the Humber	Leeds

Timing of hearings

5.10 Members decided that each hearing should be held on two consecutive days (thus avoiding the additional costs of duplicate travel or extended subsistence). This would exclude the first day of a hearing taking place on a Friday with the second day on the following Monday. They also decided that hearings in the same region should not overlap.

5.11 Members decided that the first day of the lead hearing should commence at 10.00am and run to 8.00pm. The first day of a non-lead hearing would commence at 11.00am

and continue to 8.00pm. The second days of all hearings (whether lead or non-lead) would commence at 9.30 and continue until 5.00pm. Breaks would be held at the discretion of the Chair, although it was recognised that extended breaks would be required for the hearings that would close at 8.00pm. The Chair would have the flexibility to slightly lengthen or shorten the day, depending upon the circumstances.

- 5.12 To conduct some hearings at weekends would present serious resource issues, due to the greatly restricted availability and increased cost of using staff, as well as the availability of ACs. Members therefore decided that no special circumstances warranted the holding of weekend hearings.
- 5.13 The message that it was not necessary for someone to attend a hearing in order to make their views known and that a written representation would carry equal weight, would be reinforced in the supporting documentation that the Commission published.

Chairs

- 5.14 Members confirmed their preferred use of the lead AC to chair as many of the hearings as possible in a region.

Presentations

- 5.15 Members asked the Secretariat to establish an advanced booking system for provisional ten-minute time slots, whereby a presenter will need to register their interest with the Secretariat at least seven days before the hearing is due to take place. The Secretariat would then agree with the relevant Chair the allocation of time slots based upon the level of interest shown in making a presentation. The Chair would retain the flexibility on the day to allow a speaker who has not pre-booked (or indeed to curtail or lengthen the time slot of a pre-booked speaker), but there would be no obligation on them to do so. They considered it would be appropriate to allow for a slight over-booking in the event that a presenter did not turn up or spoke for less than their allocated time, to ensure the smooth running of the hearing.
- 5.16 Members also decided that people could ask to pre-book to speak at more than one hearing, and could ask to book more than one slot at a single hearing (noting that, if someone has particularly well thought out, coherent and comprehensive counter-proposals to make, it might be better for them to be allocated more time to present them at a single hearing). However, this would have to be done in agreement with, and at the discretion of, the Chair to avoid repetition.
- 5.17 Notification of the pre-booking system for allocating time slots would appear in the Information Booklet. The details of how the system will work would be published alongside the initial proposals themselves, and the system for booking would open at the same stage.
- 5.18 Members decided that, in order for the Secretariat and Chair to be able to gain a good understanding of how long a time slot might be appropriate, a presenter be asked to provide a synopsis of their presentation, rather than a full representation, at the time they make their booking. However, whilst it would be at the individual's discretion, they would be discouraged from submitting written representations at the hearing.

- 5.19 Members agreed that the use of visual aids would be promoted and a laptop and projector would be provided at hearings. There was a strong preference for those submitting a visual representation to use Powerpoint. Support for other specific visual aids or programs will need to be requested in advance, but it was considered that it would not be possible to guarantee that other methods could be accommodated.
- 5.20 The statutory initial presentation by the Commission itself would be relatively brief, setting out the overall picture for the region and focusing on those key points where there is believed to be the greatest likelihood of complexity or controversy (as well as outlining how to make a written representation). Printed copies of the presentation would be available at every hearing.
- 5.21 Guidance material for the induction and training of AC Chairs in the weeks leading up to the hearings, including dealing with issues that might arise from synopses, would be drawn up by the Secretariat for Members' consideration. It was also considered that a meeting between the Commission and the nine lead ACs would be useful.

Questioning

- 5.22 Members agreed that questions, subject to the discretion of the Chair, should generally be of clarification only and directed through the Chair to avoid 'cross-examination'. They considered that non-direct questioning would help underpin the difference between new public hearings and old local inquiries.

Transcripts

- 5.23 Verbatim transcripts would be taken and any visual aids used at a presentation would be appended to the relevant transcript. The Act requires that the record of the hearing be published after the end of the overall initial consultation period. In order to reinforce the equivalent weight and status of the transcripts and written representations, Members decided that the transcripts be published at the same time as the written representations, at the start of the secondary consultation period.

Next Steps

- 5.24 The Secretariat would now map out the matrix of dates and locations of hearings, book appropriate venues and draft guidance for the AC Chairs on the procedure at and surrounding the public hearings (including matters such as agreeing speaking slots). The draft guidance will be ready for Members' approval by the end of July, in time for the commencement of the appointment of ACs and the start of induction and training in September. Members noted that they may wish to attend some of the hearings to observe only, in order to gain some impression of how the new system of hearings was working.

6. DATA PROTECTION AND PUBLICATION OF PERSONAL DETAILS ON REPRESENTATIONS (BCE/2011/Paper 26)

- 6.1 The Data Protection Act 1998 (DPA) imposes an obligation upon the Commission (as a public authority) that, among other things, 'personal data shall be processed fairly

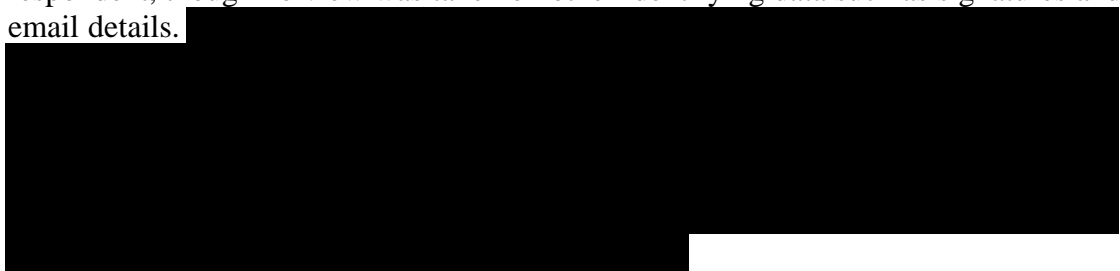
and lawfully'. The Secretariat had identified four types of personal data held or collected during the course of a review.

- 6.2 The Secretariat had considered further the issue of the treatment of personal data contained in representations received during the consultation periods. Following legal advice from the Treasury Solicitor's Department (TSol), the Commission considered the options regarding personal data, and the approach it intends to take.
- 6.3 The policies considered apply only to matters relating to the Commission's obligations in the conduct of the review. Data protection matters relating to issues such as employment, recruitment and staffing are covered by the policies of the Commission's sponsoring body, the Cabinet Office.

Data held by the Commission

- 6.4 The four types of personal information that the Commission does, or will, hold during the course of a review of parliamentary constituencies are:
- a. electoral registers;
 - b. names, addresses and other contact details of respondents to the consultations, or who contributed at public hearings;
 - c. names, addresses and other contact details of people on (or requesting to be on) the Commission's mailing lists; and
 - d. names, addresses and other contact details of people wishing to attend a public hearing, collected during the organisation of the hearings.
- 6.5 In relation to a), the Commission is entitled under the Representation of the People Act 2000 to hold electoral registers for the conduct of its work. They are kept in electronic format only on its secure network. The registers will never be released to a third party.
- 6.6 In relation to c) and d), these details are held in electronic format on the Commission's secure network, and are used only for the purposes of mailing information to those who have made enquiries to the Commission. The personal information will never be released to a third party.

Representations

- 6.7 The question of whether to redact personal information contained within representations and, if so, how much was considered by members at their meeting on 4 April 2011. At the time, they were minded to publish the full name and address of the respondent, though no view was taken on other identifying data such as signatures and email details.
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6.8 The Secretariat had taken into account the legal advice provided and had considered the various options for the treatment of personal data contained in representations, bearing in mind the Commission's requirement under the 1986 Act to publish representations on the initial proposals, and its commitment to publish representations received during the other consultation periods. It was considered that there would typically be up to five different pieces of personal data received in a representation:

- a. Name
- b. Signature
- c. Address
- d. Telephone number
- e. Email address

6.9 In order to adhere to its obligations under the DPA, to avoid discouraging participation in the review by publishing personal contact details to an undue extent, and its commitment to the transparency of what is a public consultation, Members reconsidered whether some elements of the personal data in some representations should be redacted and decided that:

- names are not redacted from representations (although consideration would be given to redaction in wholly exceptional cases: see paragraph 6.13 below);
- all signatures would be redacted from every representation;
- MPs and those submitting representations in an official capacity (e.g. councillors) would have only their signatures redacted;
- officials who submitted a representation in a personal capacity would additionally have their email addresses and telephone numbers redacted, but not their postal address;
- all members of the public who submitted a representation would additionally have their email addresses and telephone numbers redacted, but not their postal address.

6.10 These principles would be set out clearly so the public could understand the approach which would be adopted to any written representations made by them. Members noted that the intentions among the three Commissions for the other parts of the UK are mixed: The Boundary Commission for Scotland (BCS) redacts all personal data except names from individual representations, but publishes all data from 'organisations', and Northern Ireland expects to take the same approach. Wales currently intends to redact all personal information from every representation.

Special cases

6.11 In considering the potential requests for special treatment in relation to representations; for example, for non-publication, anonymity, or in the case of offensive, defamatory or potentially libellous material, Members recalled the obligation placed on the Commission in section 5(4)(a) of the 1986 Act:

'After the end of the initial consultation period the Commission-
(a) shall publish, in a manner as they think fit, representations made as mentioned in subsection (1)(a) above and records of public hearings held under subsection (1)(b) above;'

- 6.12 In this regard, they considered that a request for representations not to be published (or a decision that a set of representations could not be published on grounds of offensive, defamatory or potentially libellous material) would mean that they would have to reject and disregard the representations, given their duty to publish all representations.
- 6.13 However, they considered that there could be rare occasions where to publish a name or an address could put an individual at some risk. They therefore decided that where anonymity is requested, the individual would be required to make such a request for anonymity in advance to the Secretary and that the decision whether or not to grant anonymity, or to redact an address, would be at his discretion, subject to reference to the Commission where the circumstances made that appropriate. Strong justification would be needed for the request to be granted.
- 6.14 If someone were to request anonymity at a hearing at the start of an oral presentation they were making, it would be at the discretion of the Chair whether to allow an individual not to identify their name or address. If they did not wish their personal details to appear in the transcript or report, the Chair would inform the individual that they should make such an application to the Secretary to the Commission in the same way as for written representations (paragraph 6.13 above), that the Chair would make a recommendation to the Commission (in favour of or against redaction) and would indicate what that recommendation would be before the individual spoke (so they would be assisted in deciding whether they wished to proceed to make their oral representations), and that the Commission would make a final decision prior to publication of the transcript or the Chair's report.
- 6.15 In cases where representations contain material that is judged to be offensive, defamatory or libellous, the Secretary would have the discretion (subject to reference to the Commission where the circumstances made that appropriate) not to accept, and hence not publish (nor consult on) any such representations.
- 6.16 Members asked the Secretariat to draft and publish a 'Data Protection and Privacy Statement' which will reflect the Commission's decisions and will appear in all the Commission's key documents. This will be published on the Commission's website.

7. INFORMATION BOOKLET (BCE/2011/Paper 27)

- 7.1 Members noted the revised draft of the Information Booklet at Appendix A to the paper. The Information Booklet is the primary source of printed information about the 2013 Review, setting out comprehensively the detailed process for the review, including the relevant statutory framework, and policy decisions taken by the Commission within that. It will be used by various parties wishing to understand the Review process and the Commission's approach to it: not only those directly wishing to make representations during the consultation periods, but also the media, and – potentially – a court in the context of a judicial review.
- 7.2 Members considered that the booklet must fulfil two key aims: to explain accurately both the statutory requirements and any policy decision made by the Commission in a manner that will withstand legal scrutiny and potential challenge; but to be written in a manner that is accessible and readily understandable to the public, to enable them to be clear about the process and how they can most effectively participate in it.

7.3 As a matter of general principle, Members considered that additionally:

- it needed to highlight that this was a new exercise and that it should not be conducted in the same way as the 5th review;
- that it should more closely reflect the language and terminology used in the newsletters; and
- it needed to be clear and specific about where individuals can get the basic information on which to make their own considered representations with reference included to sources of further information.

7.4 Members had seen the final draft of the equivalent booklet being published by the BCS and noted that, in general terms, it took a fairly restricted factual approach, thus going into a little less detail on a number of matters than the Commission's draft. They had not seen the drafts of the equivalent booklets to be published by the Boundary Commissions for Wales or Northern Ireland.

7.5 Members considered the draft Information Booklet in detail. They made a number of suggestions and amendments and requested that the Secretariat redraft particular sections.

Separate summary leaflet

7.6 Whilst the Information Booklet will be the Commission's definitive 'guide to the review', it was also proposed that a very short summary leaflet should be produced and published alongside the full booklet. This will summarise the process and key policies, but omit the detailed background and explanations contained in the booklet. This leaflet could be made more readily available in printed form and may well be more accessible for most individuals who merely want a basic guide on how to participate and when key stages of the process take place. Members considered a "mock-up" of a draft leaflet that had been prepared by the Secretariat and gave their approval for its production, subject to their being provided with the text of the leaflet for clearance at a later date.

Next stage

7.7 The Secretariat would make the changes requested by Members and would circulate a revised draft to Members by the end of the week. Following any final changes by Members the text of the Information Booklet, which would also include the draft of passages dealing with matters on which policy was settled at the meeting, would be agreed by 17 June and published on the Commission's website on 27 June 2011 (i.e. before summer recess). A hard copy would be produced soon after.

8. EQUALITY ACT 2010 (BCE/2011/Paper 28)

8.1 Members noted that The Equality Act 2010 (the 2010 Act), having replaced previous separate pieces of legislation in relation to equalities, introduces a general equality duty on public authorities. It also introduces specific duties on public authorities specifically named in Schedule 19 to the Act (and accompanying secondary

legislation). However the Commission is not a named body and therefore only the general duty on the Commission exists.

- 8.2 The Secretariat had considered the implications for the Commission's work of this general duty, and had sought legal advice from TSol.

The 2010 Act

- 8.3 The general duty on public authorities is set out in section 149 of the 2010 Act, and states that 'a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.'

- 8.4 Members agreed that the general duty set out in the 2010 Act does apply to the Commission. Therefore, where there is scope for the Commission to take into account the general duty in the exercising of its functions, then the Commission should do so. However, the recommendations and policy prepared applies only to the Commission's exercise of its functions in dealing with the public. Corporate issues, such as the application of the duty in relation to staffing, recruitment, procurement etc are covered by the policies of the Commission's sponsoring body, the Cabinet Office.

The application of the general duty

- 8.5 The general duty refers to 'protected characteristics', which are defined in section 4 of the 2010 Act. The legislation is not prescriptive about the approach public authorities should take to the general duty. However, the Equalities and Human Rights Commission (EHRC) has issued guidance to public sector authorities to explain how authorities can meet the requirements of the 2010 Act. Members agreed that the Commission would follow this guidance in its application of the general duty.
- 8.6 The guidance states that 'the broad aim of the public sector equality duty is to integrate consideration of equality and good relations in the day-to-day business of public authorities ... It requires equality considerations to be reflected in the design of policies and delivery of services ... and for these to be kept under review'. The guidance suggests that public bodies should conduct an 'equality analysis' of their policies – and act on the outcomes of that analysis – in order to fulfil their obligations under the 2010 Act. The analysis should be proportionate to the size of the organisation and scope of the policy, and should be made available (on the internet and otherwise publicly on request).
- 8.7 There were two discrete aspects of the Commission's functions to which it would be appropriate to apply the general duty (leaving aside matters of a corporate nature that are covered by the Cabinet Office's policies):

- a) decisions taken relating to the initial, revised (where appropriate) and final proposals; and
- b) the manner in which the Commission engages, communicates and consults with its stakeholders and the general public.

Decisions taken relating to proposals

8.8 It was considered that there could be potential conflict between the factors contained in the rules in the 1986 Act to which the Commission must have regard when making recommendations and the obligations placed upon it by the Equality Act 2010. For example, arguments might be put to the Commission during the consultation periods to the effect that placing a boundary in a certain place may detrimentally (or indeed positively) affect race or religious relations in the area (one of the protected characteristics).

8.9

A large rectangular area of the document is completely redacted with black ink, covering the text for paragraph 8.9 and the beginning of paragraph 8.10.

8.10 Members concurred that the Commission must have due regard to its duty under the Equality Act 2010 when taking decisions on its initial, revised and final proposals, but should not be led by it. They asked the Secretariat to draft a paragraph explaining the Commission's due regard to its general duty as set out in the 2010 Act which would be reproduced in the review documentation and in the brief provided to ACs.

The manner of engagement, consultation and communication

8.11 In conducting an initial review of the types of issues that might be expected to be identified in an equality analysis of the way in which the Commission communicates and engages with the public, the Secretariat had identified issues such as accessibility of documents and public hearings as likely key issues, though the list of issues would be more exhaustive as it considered such matters more fully as the review progressed. Members asked the Secretariat to conduct an equality analysis of the way in which it intends to engage with the general public – the scale and scope of which will be proportionate to the size of the Commission, to be undertaken by three members of the senior management team. The findings of this analysis will be acted upon and displayed on the Commission's website, and made otherwise publicly available. Members agreed that it would be appropriate for the Secretary should sign-off this analysis, given the issues being considered.

9. OTHER BUSINESS

Date of the next meeting

- 9.1 The next full meeting of the Commission would be held on Monday 5 September 2011 at 9.30am. Mr Bellringer would contact Members about a special meeting to select candidates to recommend for appointment as AC.
- 9.2 A draft internal guidance for ACs would be produced by the Secretariat and sent to Members for their consideration ahead of the next meeting.