

## **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 5 September 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 G Reed	“
Mr S Hartley	“
Ms A Richards	“

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

The Deputy Chairman welcomed Anna Richards who had joined the Secretariat with responsibility for media relations.

### **1. MINUTES OF THE MEETING HELD ON 8 June 2011 (BCE/2011/Paper 30)**

1.1 The minutes of the previous meeting were approved by the Commission without amendment and signed by the Deputy Chairman, as were the minutes of the meeting held on 18 July 2011 on the appointment of Assistant Commissioners.

### **2. MATTERS ARISING SINCE 8 June 2011 (BCE/2011/Paper 32)**

#### Publications

2.1 The Annual Report for the financial year 2010/11, *Our Year in Review*, was published on the Commission's website at the end of June with hard copies sent to key stakeholders. The Annual Report was the first BCE publication to use the new corporate “look and feel”.

2.2 The *Guide to the 2013 Review* was published on 28 June. All MPs representing constituencies in England were sent printed copies and a press release was distributed to announce its publication. Electronic copies were sent to those who had registered an interest in receiving notification of its publication. Informal feedback on the booklet – including from Treasury Solicitor lawyers and political party representatives – had been very positive.

### Appointment of Assistant Commissioners (ACs)

- 2.3 The selection panel for ACs completed its interviewing and presented a merit list to Members, from which 27 names were selected for recommendation for appointment. Members also made provisional selections of which individuals to allocate to which region, and which to designate as the Lead AC for each region. This selection relied on the assessment provided to the Commission as part of the interview process. The formal request for the appointments to be made was submitted to the Cabinet Office on 20 July. One of the recommended individuals subsequently withdrew, and Members agreed a substitute recommendation and some re-allocation of individuals to regions. The appointments had now been made by the Minister and had formally commenced on 1 September. At the time of the meeting one prospective AC has still to confirm their appointment. The Secretariat confirmed that a news release will be issued confirming the appointment of ACs.

### Public Hearings

- 2.4 The Secretariat had now organised venues for all 36 public hearings. Details of the dates of the hearings and the associated locations and venues were published on the Commission's website on 15 July.
- 2.5 A thorough procurement process had also been conducted to identify an appropriate transcription service provider for the public hearings, resulting in the selection of Merrill Legal. Merrill Legal provide transcription services for Parliamentary hearings, the Greater London Assembly and the Iraq Inquiry, amongst others. Additionally, a Public Hearings Co-ordinator had been recruited to the Secretariat team until 16 December. The Co-ordinator, Ged Robinson, will be responsible for finalising the detailed practical arrangements for delivery of the public hearings, successfully implementing those arrangements, and providing an overarching report after the hearings have concluded, reviewing the process and identifying lessons to be learned for the next review.

### Handling of representations

- 2.6 The Secretariat had continued with work to establish a system for handling representations made during the consultation. The consultation website will "go-live" at 00.01 hours on 13 September. It will be used as the tool (and master database) for storing all paper, email and online submissions and will allow the Secretariat to tag and categorise representations, thereby making their analysis more speedy and effective. Paper and email representations received in the office will be uploaded through the back-end of the consultation website. The Secretariat had requested additional IT hardware to allow this exercise to proceed without disruption to existing staffing arrangements and hardware. The system will be separate from the Commission's existing website.
- 2.7 Paper and email copies of representations will be stored securely in the Secretariat's offices and electronic copies of all representations will be stored in secure off-site storage, which will be regularly backed up to mitigate against data loss. At the end of the consultation period, the Secretariat will receive a master copy of the database containing all representations. In addition, the Secretariat will be able to access any

representation (including those made through the website) at any time of the consultation period, using a secure log-in to the consultation website. This will allow ongoing analysis during the consultation period, rather than having to wait for the close of the consultation.

- 2.8 The Secretariat would arrange for Members to have access to the site.

Update from Elections and Democracy Division (EDD)

- 2.9 Members recalled the departure of Mark Sweeney, who as Head of EDD had direct responsibility for managing the Government's relationship with the Commission, and the imminent departure of Vijay Rangarajan, whose responsibilities as Constitution Director included line management of Mark and strategic oversight of EDD's work. Cabinet Office had since announced the appointment of Ciaran Martin as a direct replacement for Vijay as Constitution Director. Ciaran's previous roles include Principal Private Secretary to the Cabinet Secretary, and experience in HM Treasury. Ciaran will be making an appointment to replace Mark Sweeney in due course, though this is not now expected to be within the next few months.

**3. PROGRAMME UPDATE (BCE/2011/Paper 33)**

- 3.1 Members noted that the Project Plan, Risk Register and Highlight Report had been updated to take account of latest events and future risks.

**4. INITIAL PROPOSALS LAUNCH ARRANGEMENTS (BCE/2011/Paper 34)**

- 4.1 Members considered the arrangements for publicising the Commission's initial proposals, due to be formally published on Tuesday 13 September.

Embargoed information prior to 13 September

- 4.2 The Secretariat will send the following materials to around 1400 public 'places of deposit' in England:

- a copy of the initial proposals report for the region corresponding to the particular place of deposit;
- one copy of the booklet of A3 maps that accompanies that report;
- one A0 regional map for that region;
- one copy of A Guide to the 2013 Review booklet;
- multiple copies of the summary sheet from the initial proposals report; and
- multiple copies of the summary leaflet about the 2013 Review process.

- 4.3 This package of materials will be despatched to arrive at the place of deposit by 12 September, so as to ensure they will be available for public inspection on 13 September, but clearly embargoed not for release until that date.

- 4.4 Each MP will also receive a package of information on 12 September (around midday) clearly embargoed until one minute past midnight on 13 September. A room had been booked in Portcullis House to enable MPs, or their representatives, to pick up the

information pack in person. A team from the Secretariat will oversee the distribution. The MPs' package will consist of a hard copy of:

- the initial proposals report for the region corresponding to that MP's current constituency;
- the booklet of A3 maps that accompanies that report; and
- the A0 regional map for that region.

- 4.5 An embargoed package of the documents for every English region will also be sent to the House of Commons Library and the national headquarters of the Conservative, Labour, and Liberal Democrat parties. The timing for receipt of these packages is expected to coincide with those being sent to MPs.
- 4.6 It was considered that there was little that the Commission could do in practical terms or would wish to do if an MP chose to break the embargo.
- 4.7 A package containing the proposals for the whole of England will also be delivered to the Speaker and the Deputy Prime Minister.
- 4.8 A national press release will be issued on 12 September, again embargoed until one minute past midnight on 13 September. The regional sections of the press release will highlight the key messages the Commission wishes to communicate in terms of the changes proposed in each region. The press release will focus on transmitting factual information, such as the way in which the Commission has undertaken its task in a fair and impartial manner, according to the rules as set down by Parliament, and will highlight the importance of involvement in the consultation process.

#### 13 September and beyond

- 4.9 On 13 September the initial proposals packages will be made available to the public.
- 4.10 The initial proposals reports for all nine regions and all associated A3 and A0 maps will also be published at one minute past midnight on 13 September on a new 'consultation section' of the Commission's website. This will include detailed information about how to respond to the consultation either in writing or at a public hearing or directly through the website itself.
- 4.11 Mr Elvin confirmed that he would make himself available by phone on the launch day so that the Secretariat could provide updates and alert Members should any major issues arise.
- 4.12 Beginning on Tuesday 13, and continuing on 14, 15 and Sunday 18 September, there will be quarter page adverts in all the main national daily and Sunday newspapers covering England. The adverts are designed to bring people's attention to key messages, rather than to attempt to inform them of the details of the proposals themselves. These messages include where people can find further information, the importance of participation in the consultation exercise, the ways in which people can respond and the closing date for comments.

- 4.13 For a period of two weeks beginning 13 September, a 30 second radio advert will run on local radio stations, the aim of which will be to raise awareness and direct people to where they can find out more information. Taken together, it is expected that the press and radio activity combined should reach of 77% of all adults in England.
- 4.14 For the whole 12-week period of the initial proposals consultation, a modest fee has been paid for ‘search optimisation’ in relation to internet search engines. This facility significantly increases the likelihood of the returned list of matches on an internet search featuring the Commission’s website as the top (or near the top) result and/or appearing as a ‘sponsored link’ on the results page for the search. The service has been secured in relation to a number of words connected with boundary changes for the 12-week period.
- 4.15 The Secretariat will produce a schedule of interviews for media-trained Secretariat staff to give in response to requests from print, radio or television media. As with press releases, these interviews will focus on providing factual information and highlighting the importance of involvement in the consultation exercise. Interviews will be agreed on the basis that they will emphatically not be an opportunity for commentators and others to enter into debates with the Commission on the detail or political implications of the proposals.

#### Approvals, management and evaluation

- 4.16 All this activity is being conducted within previously agreed budgets and in line with the internal approvals processes as stipulated by the sponsor department, Cabinet Office.
- 4.17 The press and radio advertising campaigns are being managed by COI (the Central Office of Information). The COI is also managing the development of the consultation section of the Commission’s website, and the online search optimisation. This work is being carried out under the Secretariat’s direction and with its direct involvement in supplying and checking content and providing approvals.
- 4.18 The Secretariat is also working with COI to ensure a comprehensive evaluation process for the whole of the campaign, with discrete evaluations of each distinct element of the promotional activity. As well as complying with best practice for any public sector advertising campaign, this will also ensure that the Commission has an evidence base to inform future decisions about advertising spend for later during this review and for future reviews.

### **5. ASSISTANT COMMISSIONERS INDUCTION ARRANGEMENTS (BCE/2011/Paper 35)**

#### Introduction

- 5.1 As previously noted, Members selected 27 individuals on 18 July to recommend for appointment to the Secretary of State. These appointments commenced in early September and the ACs will be suitably trained and briefed prior to the first public hearings in October and November. Members considered the paper which set out the detail of the arrangements for that induction process, and the text of the overarching

briefing document (incorporating formal guidance to the ACs on the chairing of public hearings).

- 5.2 The Secretariat confirmed that the induction and briefing of ACs would consist primarily of written material, but would also include a face-to-face session, likely to last around half a day and planned for mid-late September.
- 5.3 Members asked the Secretariat to amend certain sections of the draft induction pack to highlight more markedly the difference between the old-style local inquires and the new public hearings. They also asked that the material be more specific in making it clear that the conduct of the hearings was at the discretion of Chairs and that each hearing must be conducted in accordance with the statutory requirements: it was the Chair's responsibility to ensure that these objectives were met.
- 5.4 Members also requested that the draft text should provide more specific guidance on how to handle questions that the Chair might wish to ask to aid clarification and understanding, and of those attending the hearing who might want to ask of someone giving a presentation. It would be for the Chair to determine how individuals at the hearing should ask questions through the Chair. However, the guidance should make it clear that, whilst allowing questions would be at the discretion of the Chair, a large number of questions would be likely to jeopardise the tightly scheduled timetable.
- 5.5 Members agreed the arrangements proposed for settling the provisional timetable for a hearing between the Secretariat and the hearing Chair some two weeks before the hearing. It was noted that, whilst advance written information would be requested from a prospective presenter about their proposed presentation, this might not always be received. Members decided that a provisionally agreed timetable should be published.

#### On publication ('The Induction Pack')

- 5.6 The Secretariat will send an induction pack to all ACs during the week commencing 12 September. It will contain various chapters and annexes for material relating to stages throughout the period of their work, the final version of the material relating to the later analysis and report work should only be sent closer to the time it is needed.
- 5.7 In addition to general information about the Commission, and specific information about the role of an AC, the pack will include information specific to the region to which the AC has been allocated. This section will include general background briefing on the region; the initial proposals report for their region (including the A3 and A0 maps); and a short covering paper for the proposals, highlighting the main likely issues in a region and key alternatives that were considered, including the notes that were taken as the proposals for the region were discussed with Members and alternative schemes approved or rejected.
- 5.8 Members agreed, with amendment, the Guidance on chairing public hearings. They considered that, whilst respecting the wide discretion given to Chairs by the Act, it would nevertheless be appropriate for them to provide Chairs with some light touch standardised guidance, so as to seek to achieve a reasonable level of consistency across the delivery of all public hearings. The pack therefore makes a distinction

between practical arrangements surrounding the administration of a hearing, which the Commission itself will have established – and publicise – well in advance of hearings commencing, and the guidance to Chairs as regards procedure ‘on the day’, which falls within the ambit of the chair’s discretion.

- 5.9 The pack will also include technical factual information about travel and subsistence rates, and the process for making claims for fees and reimbursement.

Weeks 2-3 of the initial consultation period (19-30 September)

- 5.10 The newly-appointed ACs will have a few days to read through their initial induction pack material before attending the Secretariat offices for a short face-to-face briefing session. Initially, they will be offered one of two sessions to select which would be the most convenient for them.

- 5.11 This session is expected to last half a day, which will be an opportunity to:

- a) meet the senior management team and the specific Review Team staff; and
- b) talk through the material sent already in written form (particularly the initial proposals for a region, and how our policies have been applied), and answer any specific questions that the individuals have on that.

- 5.12 The Deputy Chairman requested that arrangements be made for him (and, if available, the other Commissioners) to meet each of the Lead ACs during the week commencing 3 October 2011.

Prior to a hearing

- 5.13 A week or two before a public hearing, the Chair of that hearing will receive a short written briefing from the relevant Review Team Manager, summarising the general tone of the written representations received so far on that region. This note will not be overly detailed, but will give a flavour of the issues that are likely to be raised at the hearing.

After initial and secondary consultation

- 5.14 As soon as possible after each consultation period has closed, the AC will be sent all the written representations received (and public hearing transcripts) for their designated region. This will be covered by an insert for their Induction Pack, drafted by the relevant Review Team Manager, summarising the key themes and counter-proposals emerging from those written representations and transcripts.

- 5.15 This will also be the point at which the final version of the chapter of the Pack dealing with the analysis and representation work will be sent out. However, Members decided that the current draft of that chapter should be sent now to give ACs a feel for the later part of the process and allow the Commission to resolve at an early stage any questions they may have about that aspect.

## **6. OPENING STATEMENT FOR PUBLIC HEARINGS (BCE/2011/Paper 36)**

- 6.1 Members considered draft opening statements to be made at the start of each public hearing. The Secretariat would produce opening statements relevant to each specific hearing to be conducted.
- 6.2 An opening statement by the Chair of the hearing is necessary as an introduction and welcome for attendees at the hearing and an opening statement by a member of the Commission's senior management team to explain the Commission's initial proposals is necessary to ensure that the provisions in Schedule 2A to the 1986 Parliamentary Constituencies Act are complied with.
- 6.3 The opening statement by the Chair of the hearing includes an introductory welcome and detail about the conduct and process of the hearing itself. The opening statement from the member of the Commission's senior management team explains the initial proposals and the consultation. The draft of the Chair's statement was for guidance only, as the Chair would retain discretion over the length and content of their opening statement.
- 6.4 Members approved the draft opening statements without amendment. They considered that the opening statement for the Commission fulfils the statutory obligation, and properly avoids going into excessive detail about the initial proposals (so avoiding eating unduly into the time available for the public to make representations at the hearing). Members considered that the draft statements also struck the right note, by avoiding any invitation to enter into a debate with the AC or member of the senior management team on them.
- 6.5 Copies of the opening statement for the Commission would be available during the course of the hearing itself, to act as an aide-memoire for attendees who were not present at the start of the hearing. Members asked that the A0 size regional map of constituencies be made available on a laptop presentation so that the Secretariat could highlight areas on the map as they gave their opening statement.
- 6.6 The Secretary asked Members for their views should an AC be unable to chair a meeting at very short notice. They decided that, in the following order, the person to take responsibility for chairing the hearing should be:
- another AC from the same region (if available);
  - an AC from another region (if available);
  - the senior management team member who would be at the hearing;
  - if there were no other feasible solution, one of the Commissioners.
- 6.7 As the Chair of a hearing was required to be appointed by the Commission, any change in the arrangements for a hearing would have to be confirmed by the Commission in writing.
- 6.8 Only as a last resort should a Commission Member chair a hearing.
- 6.9 Members also decided that, should there be some form of severe disruption, e.g. bad weather, transport disruption or a security incident, it would be necessary to review



the situation on the day. However, they would be very reluctant for a hearing to be cancelled as it would be extremely difficult to arrange another hearing within the statutory framework. In the event that it was considered that a hearing might have to be cancelled at very short notice, any such decision would have to involve Members.

- 6.10 The Secretariat also asked whether there should be any guidance given to ACs on the amount of time they should allow to non-qualifying political parties to make a presentation. Members considered that this should be left to the discretion of the Chair, but asked the Secretariat to amend the ACs' brief in this respect to the effect that the decision to allow extra time to such parties was at the discretion of the Chair, but that they would wish to weigh up the relative strength of the party in a particular region.

## **7. DESIGNATION OF LEAD ASSISTANT COMMISSIONERS IN THE NORTH WEST AND SOUTH EAST REGIONS (BCE/2011/Tabled paper 2)**

- 7.1 At the meeting on 18 July, Members selected Lead ACs on the basis of their relative merit and strength in the two key areas on which they would be working, i.e:

- a) Chairing a public hearing; and
- b) Leading and co-ordinating a team of three ACs in the analysis of the BCE's proposals for a region and all representations relating to that region, and drawing up a report with recommendations for Members on whether – and if so to what extent – changes should be made to the BCE's proposals.

- 7.2 Members also previously indicated their preference that the Lead AC should:

- c) chair as many of the hearings in their region as possible; and
- d) chair the 'Lead' hearing in that region if at all possible (as this would be where the main political parties would be presenting their 'region-wide' view of the Commission's proposals).

- 7.3 Two of the provisionally designated Lead ACs – for the North West and South East regions – had subsequently indicated that they are unavailable on key dates. Members considered whether or not they wished to maintain their original selection of those individuals as Lead AC for the region, or to designate an alternative individual.

- 7.4 The designated Lead AC for the North West region had informed the Secretariat that, as he is already committed to a trial he would only be able to chair two of the five hearings: the Lead hearing in Manchester 11-12 October, and the hearing in Chester 13-14 October. Members considered that as he could continue to chair the lead hearing, he should remain in that role. They asked the Secretariat to approach another AC allocated to that region with a view to chairing the other three hearings in the region.

- 7.5 The designated Lead AC for the South East region had informed the Secretariat that, for the first two hearings in the South East, one of which is the lead hearing, he has existing commitments that he is unable to alter. In view of the Commission's decision about the necessity for the Lead AC to chair the lead hearing, Members asked the Secretariat to inform him that, in the circumstances, although they would like him to

continue as an AC, the position of Lead AC in the region would have to go to someone else. Subsequent to the meeting another AC was approached and he confirmed that he would be content to be the Lead AC in the South East region and was appointed to that position.

## **8. OTHER BUSINESS**

### Publication of the timetable of speakers at a public hearing

- 8.1 The Secretary confirmed that those who had been successful in securing a speaking slot at a hearing would be notified. Members also agreed that the timetable for each hearing should be published and placed on the website, although it was acknowledged that it might have to be altered on the day itself as the conduct of the hearing was subject to the discretion of the Chair.

### Triennial reviews

- 8.2 The Secretary had received a letter from The Cabinet Office (EDD) concerning Triennial reviews of Non-Departmental Public Bodies. All four Parliamentary Boundary Commissions would be subject to a review. The letter requested the Commission's views on the timing of the review.
- 8.3 EDD considered that it would be difficult for a triennial review to be conducted whilst the review of constituencies was still taking place and suggested that it should be held after September 2013 – by which time the report of the review will have been sent to the Secretary of State – and before April 2014. Members agreed and asked the Secretary to reply to EDD.

### The annual meeting of the UK Boundary Commissions

- 8.4 The next annual meeting of the local government and Parliamentary boundary commissions will be held in Belfast, possibly during the weeks commencing 5 or 12 December 2011. Members decided that Mr Pringle should represent the Commission at the meeting.

### Date of the next meeting

- 8.5 The next meeting of the Commission would be held on Monday 19 December 2011 at 9.30am.