

# THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

## THE GRAHAM COMMITTEE

**The Commonwealth Club  
25 Northumberland Avenue  
London, WC2N 5AP  
Thursday, 7 September 2006  
Morning/Afternoon Sessions**

Members Present: Sir Alistair Graham (Chairman)

Lloyd Clarke QPM  
Rita Donaghy CBE  
Dame Patricia Hodgson DBE

Secretariat: Dr Richard Jarvis

Witnesses: Peter Viggers MP, Speaker's Committee  
Dr Christopher Ward, Secretary to the Speaker's Committee  
Rt Hon Gavin Strang MP  
Lord Holme, Chairman, Hansard Society  
Clare Ettinghausen, Chief Executive, Hansard Society  
Ged Fitzgerald, Chief Executive, Sunderland City  
Paul Rogerson, Chief Executive, Leeds City Council  
Kelvin Hopkins MP



**WORDWAVE<sup>SM</sup>**

Transcript created by WordWave  
190 Fleet Street, London EC4A 2AG  
020 7404 1400  
[www.wordwave.co.uk](http://www.wordwave.co.uk)

1. SIR ALISTAIR GRAHAM (Chairman): Good morning. Mr Viggers, we are delighted to see you looking so well after your recent illness and we hope you feel as good as you look.
2. PETER VIGGERS MP (Speaker's Committee): Thank you, Mr Chairman. I am well. Any reports to the contrary are premature.
3. SIR ALISTAIR GRAHAM: Thank you, Dr Ward, for coming along as well.
4. We were most grateful to you agreeing to return to give further evidence. We are going to have three more hearings in September and this is the first of these after the summer break. I think you know I did meet with Mr Speaker during the summer break to discuss some of the issues that we covered at the first hearing. We have since received further evidence on the accountability arrangements for the Electoral Commission from a wide range of interested parties. What would be most helpful to us to do this morning is to reflect back on some of the views and suggestions we have heard and to gain your views on the practicality of some of those suggestions that have been put forward and whether any of them may have merit in improving the accountability arrangements that are currently in place. We would also like to pick up one or two areas that you indicated in June you would give further consideration to.
5. The first issue I would like to address with you is the issue of transparency and openness. One of the problems identified by many witnesses in the current arrangements is the fact that Committee meetings are not open and only summary minutes rather than full transcripts of each meeting are produced. We fully understand that this is a necessary consequence of the constitutional position of Mr Speaker. We wonder is there any way within the current statutory framework that would allow evidence sessions of the Committee to be held in public?
6. PETER VIGGERS: It is the presence of the Speaker as a participant in the Committee which makes it, for practical reasons which you have referred to, impossible for the Committee normally to meet in public with him as participating chairman. There is no reason, I suppose, why the Committee should not meet in public in the absence of the Speaker. If he were not present I think it would be perfectly possible for evidence to be taken in public. I am advised that one point that would arise from this would be that the Committee would not have parliamentary privilege if that were to be the case. Parliament could, of course, deal with that if it wished to. I do not know how serious a problem that would be.
7. Also, I suppose it would be possible for the subcommittee, which is an informal subcommittee of the Speaker's Committee, to meet in public if that were the wish. I do not think it would require any statutory change for that to happen. It is an informal committee, it has no powers as such, but it is the subcommittee which has now met twice and which carries out the nuts and bolts examination of budgets, for instance, and has taken evidence from the

Electoral Commission, the NAO and the Scrutiny Unit. So, both of those are possibilities.

8. SIR ALISTAIR GRAHAM: I understand that Mr Speaker does have a sort of titular head position as far as the Boundary Commission is concerned. Is it a practical proposition to have the Speaker as the formal titular head but to have somebody else who has cross-party support acting as a sort of week-to-week chair that would allow meetings to be held in public?
9. PETER VIGGERS: I see no reason why that should not happen.
10. SIR ALISTAIR GRAHAM: That is very helpful. Do you think that more could be done to publicise the work of the Speaker's Committee, both within the House and more widely? For example, could publications that arise from these and transcript be made more easily available on a website?
11. PETER VIGGERS: I have been thinking about transparency and accountability and it is transparency and accountability of what and to whom? There is transparency and accountability of the Electoral Commission, which is one issue, and there is transparency and accountability of the Speaker's Committee, which is another issue altogether. I hope that no one underestimates the care that went into creating the balance which the Speaker's Committee has. We are back to Juvenal's ultimate question: *Sed quis custodiet ipsos custodes?* Who is to guard the guardians? Who is to monitor the people who are trying to guarantee independence?
12. The crucial point of the Speaker's Committee is that it guarantees the independence of the Electoral Commission. It sets its budget. This can be really an important point. I sit as joint chairman of another body. We have been encouraged by government to increase our expenditure and we have had our expenditure increased by 50 percent in the last two years. Yesterday we received a note from the Treasury saying that our budget is going to be cut by 5 percent year by year for the next 4 years, non negotiable, as part of overall government guidelines. That is not going to happen to the Electoral Commission because the Speaker's Committee guarantees its independence and is there to monitor its budget. It will not cut its budget unless it thinks it is necessary to do so within the statutory framework. So I hope the central core of what the Speaker's Committee is about is never neglected.
13. SIR ALISTAIR GRAHAM: Yes, I fully understand this point of the arrangement having been devised to underpin the independence of the Electoral Commission but we are talking about key functions in a democratic society, we are talking about substantial amounts of public funds. Therefore, it could well be argued that of course the Speaker's Committee is reporting to Parliament, there are opportunities and we will come in a moment to whether they should be increased. But they are also in that sense acting on behalf of the wider public, wider taxpayers and all the rest of it, and therefore there are legitimate issues to be asked about how effective is this mechanism. Greater transparency allows people to make judgements about the effectiveness of these arrangements which is why we are exploring whether it is possible to

have greater transparency and whether it is possible to have access to information, such as transcripts of meetings, et cetera, available these days via a website.

14. PETER VIGGERS: We, as a committee, do discuss personalities as well as situations and it would certainly be necessary, as any select committee always does, to meet in private for part of that session but I see no reason why much of the scrutiny in terms of budgets should not be in public.
15. SIR ALISTAIR GRAHAM: That is very helpful.
16. DR CHRISTOPHER WARD (Secretary to the Speaker's Committee): Can I just come back on the website question. I am informed that there is work going on to make the parliamentary website more user friendly. I shall be happy, in the context of that work, to discuss with the relevant people whether we can make the reports of the Speaker's Committee easier to find on the website.
17. SIR ALISTAIR GRAHAM: That would be very helpful. Can I come on to the issue of frequency of meetings. Concerns have been raised about the frequency and length of the meetings of the Speaker's Committee and whether they are long enough to give the sort of proper scrutiny an organisation of the size and complexity of the Commission deserves. In that particular context we did wonder whether there was a case for allowing substitutes for the members who are Ministers of the Crown, i.e. their junior Ministers, to act as substitutes for the Ministers of the Crown at the meetings of the Committee? Would this enable meetings to be held more frequently and therefore enhance the level of scrutiny?
18. PETER VIGGERS: Three points. One year reference was made to the Speaker's Committee meeting three times for an hour and it has rather become set in stone that the Speaker's Committee meets for three hours a year. That is not in fact the case. The Speaker's Committee meets when it needs to meet. It has met six times since the last election and the subcommittee has met twice. So it meets when it needs to meet. The second point is that no request by the Secretary to the Committee for a meeting has ever been rejected by the Speaker. So it does meet when it needs to meet.
19. As to substitutes, I have no authority from the Speaker's Committee to speak on this at all. Expressing a personal view, I would very much regret that. As an example, I would much rather have the invitation to the meeting going to the Lord Chancellor and having his apology and comment, even if he could not be there, than a substitute for him. In practice, attendance by all members, including the Speaker, the Lord Chancellor and the other Minister, has been good and I would not like to see substitutes. I think it downgrades the Committee immediately.
20. SIR ALISTAIR GRAHAM: In the reality of the way that the Department for Constitutional Affairs operates, the Lord Chancellor does designate one of the junior ministers as the Minister responsible for the Electoral Commission.

Therefore would it not reflect the reality of how the work is being done in the Department for Constitutional Affairs?

21. PETER VIGGERS: The House of Commons, when it debated this issue, was careful in setting up the constitution of the Speaker's Committee and I think the presence of the Lord Chancellor is very important.
22. DR CHRISTOPHER WARD: If I can add to that. That section of PPERA is rather unusually drafted in that it does not give responsibilities to the Secretary of State. At that time it was the Home Office that had the lead responsibility. It actually gives specific responsibility to that Secretary of State. So I think it was clearly in Parliament's mind at the time it passed the legislation that it wanted the named individuals to attend, rather than somebody that the senior minister of the department chose.
23. SIR ALISTAIR GRAHAM: Yes. So, Parliament would have to reconsider it if they wanted to change their mind. Anyway, Mr Viggers has been very clear on the point and thank you for that.
24. Can I turn to the issue of annual regular debates in the House. Some witnesses have expressed concern that MPs more generally were not engaged enough or given the opportunity to discuss the work of the Electoral Commission. We noted with interest that you were successful in holding a debate on the Electoral Commission on 3 July which seemed to be very much welcomed by members. We have seen the transcript of the debate and there was a full participation and I think a reasonable turnout. Given the concern you expressed in June about the generally low profile the work of the Commission had with Members of Parliament, do you think there should be a requirement for an annual debate on the work of the Commission?
25. PETER VIGGERS: I personally would not approach that with enthusiasm. If you ask a Member of Parliament whether he would like a debate on a subject he will say yes. The fact is that we sometimes have debates on foreign affairs, an open-ended debate on foreign affairs, which are very thinly attended. We even found the situation where the whips had to go around asking people to speak on subjects like the budget or defence or foreign affairs. So once the thing becomes institutionalised I think interest may perhaps diminish.
26. The idea of trying for a debate again in about a year's time is attractive to me. It is open, of course, to the government or the opposition parties to put a subject down for debate which could include an issue related to the Electoral Commission. Neither government nor any opposition party has ever chosen to do that. We have just had the one debate, credit to Dr Ward who thought of the idea of asking the Liaison Committee for a half-day debate, which was granted. We can certainly try that again in a year's time and see what the interest is then. I am very pleased that that debate did take place but I personally think that if it were to be institutionalised it might ossify.

27. SIR ALISTAIR GRAHAM: I take that point entirely but it is a very helpful suggestion that you might try to have a further debate in a year's time just to see what the genuine interest is amongst members. I had in mind the possibility that a debate might be linked to an appropriate time of a very substantial report. For example, it may be that we will explore when we come to decide our recommendations about whether the Electoral Commission should regularly report to Parliament on the integrity and comprehensiveness of the electoral register, for example, which would be a matter of very considerable interest to all Members of Parliament. It does seem to me that there might be the possibility of stimulating sufficient interest for an annual debate.
28. PETER VIGGERS: We have groped for ways of getting more parliamentary exposure, which we had known the Electoral Commission would welcome. I am sure it would carry weight with the government and others involved if you were to recommend that there should be further parliamentary exposure.
29. DR CHRISTOPHER WARD: There have been two previous opportunities where members, if they had concerns about the Electoral Commission, would have been able to raise them because we have had two batches of reappointments and those have to be debated by the House. In the two previous cases the House agreed to remit the matter to the Standing Committee on Delegated Legislation. They were debated and I can tell you on neither occasion were any major concerns expressed about the Electoral Commission. I think that is a very real safety valve for the House. If there were concerns they would come out on questions of appointment/reappointment. Around the turn of the year there will have to be a parliamentary debate because there is a question of appointments coming up then and there will be another opportunity roughly a year on from that when the question of appointment of successors or reappointment of Glyn Mathias and Sir Neil McIntosh come up. So there will be safety valve opportunities if there are significant concerns in the House of Commons.
30. SIR ALISTAIR GRAHAM: If you were to develop an arrangement for an annual debate in the House and there was general support for that, would it help the Speaker's Committee consideration of the corporate plan and budget arrangements for the Electoral Commission?
31. PETER VIGGERS: I think it certainly would. I recall on my last appearance before you I was seeking to reply to a question about how the Speaker's Committee decided which of the different roles of the Electoral Commission was important, where it should give its priorities. I remember saying that there was an element of subjectivity involved in this. If the issue were to be informed by parliamentary debate, it would make it much easier for the Speaker's Committee to see where parliamentary interest lies.
32. SIR ALISTAIR GRAHAM: Thank you very. I would like to ask my colleague Rita Donaghy to talk about the work of the Scrutiny Unit in terms of

the Speaker's Committee and the Electoral Commission.

33. RITA DONAGHY CBE: Good morning. At the hearing in June we touched on the recommendations of the Scrutiny Unit report and we wondered if you had had any chance to respond to the recommendations of that report?
34. PETER VIGGERS: The subcommittee, three of us, met to consider how we would carry the Scrutiny Unit's recommendations forward and then met with the Electoral Commission, the National Audit Office and the Scrutiny Unit. We discussed the report of the Scrutiny Unit and made recommendations to the Speaker's Committee to which we reported on, I think, 18 July. So, yes, we are proceeding with the general thrust of the Scrutiny Unit's recommendations.
35. RITA DONAGHY: Would your response to the report be public?
36. PETER VIGGERS: It is a matter for the Speaker's Committee to consider in due course.
37. DR CHRISTOPHER WARD: The Speaker's Committee discussed the report and the work done by the subcommittee and I think it is fair to say that the general thrust of the reaction of the Committee was to welcome the recommendations of the Scrutiny Unit that were addressed to it and to be seeking to implement them, certainly in substance and in some cases precisely as they were put forward. The Speaker's Committee has not yet decided whether to publish a public response on that.
38. RITA DONAGHY: One area we touched on in June was the resource issue. It appeared to us, and indeed I think the Scrutiny Unit said it too, that the resources are insufficient. Was there any progress on that particular front? Would you be able to draw on the Scrutiny Unit's expertise and resources on an annual basis to provide independent scrutiny of the Committee's requests for funding?
39. PETER VIGGERS: Yes, we have asked the Scrutiny Unit whether they would be available to carry out a regular report for us and they have said they would. They have the resources for that. Very broadly, the view on the resources is that at about £26 million the Electoral Commission's demand for resources is likely to be flat for the foreseeable future. It has now reached its operating budget, effectively. There is one ring-fenced area, of course, which is £7.5 million for public awareness of electoral matters. That is specifically included in the statute. There has been some comment about whether the balance between administration, scrutiny and publicity for education for electoral matters is right. That is something perhaps you may have a comment upon but it is something that was set out by statute.
40. SIR ALISTAIR GRAHAM: What about resources for the Speaker's Committee? Do you think you have sufficient resource to fulfil your functions?

41. PETER VIGGERS: As I explained at the previous meeting, a representation has been made for further resource. The resource, of course, is half of Dr Ward and half of his two staff at the moment.
42. DAME PATRICIA HODGSON DBE: Could I just pick up that very interesting point you made about the ring fencing for the money on democratic awareness and so on. Could I push you a little bit on your own opinions on how effective it is possible for a non-party political and indeed non-parliamentary body to be about that?
43. PETER VIGGERS: I do not have the authority of the Speaker's Committee to comment on its behalf. Commentators have said that there is a unique contribution to be made by the Electoral Commission exactly for that reason because it is non-party political. I do not think I can really add to that. Will you be asking about political involvement of the Electoral Commission, Mr Chairman, because I would like to make a comment on that if I may?
44. SIR ALISTAIR GRAHAM: We had not specifically targeted that as an area but it is one of the more difficult issues that we are giving consideration to. Just before we move on to that, could I finish this point about the actual support to the Speaker's Committee in carrying out its functions. You have asked for some further assistance. I was a bit unclear, has a final conclusion been resolved as far as that is concerned?
45. DR CHRISTOPHER WARD: It has been agreed that the Scrutiny Unit will support this work in future. Can I just come back and perhaps give you a flavour of what has gone on hitherto. I would not like you to think that a bill comes in from the Electoral Commission, "To services for next year, £25.7 million" and I just serve it up to the Speaker's Committee. There will be a considered paper from the Electoral Commission saying what it wants and why it wants it and generally highlighting areas where there is a change of emphasis, either growth or a cutting back. There will then be exchanges between myself and the Chief Executive in writing, raising queries on it. I then prepare a paper for the Speaker's Committee. The object of the exercise is by that point I hope they have sufficient evidence for challenge, where they feel challenge is appropriate, when they see Sam Younger and Peter Wardle and also that we have also identified the key issues so that the Committee can use its time as productively as possible.
46. SIR ALISTAIR GRAHAM: The sort of thing I was thinking about is normally very often when you get a draft budget it is helpful for a finance expert or somebody like that to do a detailed analysis of, for example, what has happened under certain expenditure heads over a number of years, using perhaps some criteria of value for money, so that there is available to the Speaker's Committee a detailed analysis that assists them in homing in on what might be the weak parts of the budget. As we all know, budgeting can be an art as well as a science in some terms and very often experience shows people are highly skilled at building in some contingency reserve under some expenditure head and it is the job of whoever is scrutinising that to have a robust discussion with the appropriate officials about the proposed budget. I

am just wondering if you have the sort of expertise behind you that can do that detailed analytical work to assist the Speaker's Committee?

47. PETER VIGGERS: I would envisage that the Scrutiny Unit will do that in future.
48. DR CHRISTOPHER WARD: I would also say that we do have valuable resource in that unusually the NAO has a statutory obligation, not just to audit the accounts of the Electoral Commission but to prepare a value for money report. Each year they have taken quite a substantial slab of Commission expenditure and this has been subject to quite detailed professional examination. That is a feature that was built into the statutory package. It is not something which I think my colleagues on departmental select committees have in respect of the work that they do. That is certainly part of the process in the Speaker's Committee and I look at those reports very carefully. I do discuss that with the director responsible at the NAO.
49. PETER VIGGERS: In advance of them carrying out that work, we discuss with them which area of Electoral Commission work we think is most appropriate for them to scrutinise. For two of the last three years it has been the public awareness area because this £7 million-odd is quite difficult to calibrate, more difficult than most in terms of success.
50. SIR ALISTAIR GRAHAM: Mr Viggers, we did promise to come back to an issue you said you would like to say something about and that is the issue of political representation on the Electoral Commission. Perhaps you would like to give us your views on that point.
51. PETER VIGGERS: The Speaker's Committee has been concerned that, as Electoral Commissioners are by definition not people who have been involved in politics for the last ten years at least, there might be some lack of political awareness in the broadest possible sense at the Electoral Commission. The Speaker wrote to the Lord Chancellor expressing this view on behalf of the Speaker's Committee and the Lord Chancellor has responded to that letter. Copies of the correspondence will of, course, be made available to you but if I can just quote part of the Lord Chancellor's letter, the section that really matters,
52. "It is crucial that the Electoral Commission maintains its well-established independence. We are not able to put forward any recommendations about how the Electoral Commission might be able to take more account of the realities of political life. We are open on the issue and would be comfortable with a solution that allowed for some political input which had cross-party support and did not materially compromise the independence of the Electoral Commission."
53. It refers to correspondence it has had with you and he says, "I am confident that the CSPL will carefully consider all the evidence put before them on this issue and make practical recommendations on the best way

forward.”

54. I just wanted to put that correspondence on the record.
55. SIR ALISTAIR GRAHAM: Thank you very much and we look forward to receiving a copy of that.
56. RITA DONAGHY: That phrase, “some political input which has cross-party support” is a fairly key phrase.
57. PETER VIGGERS: “... would be comfortable with a solution that allowed for some political input which had cross-party support and did not materially compromise the independence of the Electoral Commission.” It raises difficult issues. How would the Electoral Commission with political involvement within it, in some of its members perhaps, cope with the recent discussion about loans from parties? It raises very difficult issues in terms of compromising the EC’s independence.
58. RITA DONAGHY: These issues have been raised with us by various witnesses.
59. SIR ALISTAIR GRAHAM: There is some contradictory evidence. We are going to have to think very carefully about this but I do think the key factor that will influence in the end is the safeguarding of the independence of the Electoral Commission which we undoubtedly believe to be a paramount issue that we would want to safeguard.
60. RITA DONAGHY: I am moving on now to the oversight of the Commission’s policy and operational decisions. I think in June we raised the issue that there might be need for greater clarity about the oversight of the Commission’s policy and decisions, or at least clear arrangements for the Commission to account for these to Parliament, possibly other than through the Speaker’s Committee. Some witnesses have raised the idea of accountability to a select committee, possibly the Constitutional Affairs Select Committee. Do you think these arrangements could work, with the Speaker’s Committee continuing to set the budget in a way that preserved the Commission’s impartiality and independence and scrutinising its economy, efficiency and effectiveness? Do you think there is a tidy split that could take place?
61. PETER VIGGERS: There is absolutely nothing to prevent any select committee pursuing any line it wishes with the Electoral Commission. It could invite the Electoral Commission before it and pursue its points. My personal view is that the independence of the Electoral Commission is crucially important and the Speaker’s Committee does that in the manner we have just described. A select committee would inevitably be party controlled because the manner in which select committees are created is through party mechanisms. So I think that (1) we must not compromise the independence of the Electoral Commission and (2) there is nothing to stop any select

committee inquiring if it wishes.

62. SIR ALISTAIR GRAHAM: Do you think if there was some split, budget efficiency, et cetera, Speaker's Committee policy considerations to a select committee, that the Constitutional Affairs Select Committee is the most appropriate one to take a continuing interest?
63. PETER VIGGERS: That would seem to be the case, yes. I think Alan Beith, who appeared before you, said that there could be a split between pay and rations on the one side and operational work on the other. The Speaker's Committee, as part of its duty to supervise the economy, efficiency and effectiveness of the Electoral Commission, does, of course, go into some detail in terms of its operations but only when it chooses to do so. There is nothing to stop any other committee pursuing the same line.
64. RITA DONAGHY: Do you think some alternative mechanism might work? Some witnesses have suggested the creation of a new select committee or even a joint committee of both Houses. Is there any other device that you think could be utilised that would maintain the independence of the Commission?
65. PETER VIGGERS: If there were a special select committee supervising a budget of £26 million and the activities of 150 people, it would have quite a close focus. I personally think it would be better for other select committees to take occasional interest if they wish to.
66. RITA DONAGHY: So you are questioning the proportionality issue?
67. PETER VIGGERS: Yes, I would.
68. RITA DONAGHY: Thank you very much.
69. SIR ALISTAIR GRAHAM: Mr Viggers, Dr Ward, those were really the issues we were anxious to explore with you second time round. Given both of the hearings, I think we have really covered the range of issues that we are currently addressing with you in some detail now and I think we have a very clear view. You have given very clear, straightforward answers which has been very helpful. Was there anything further you wanted to draw to our attention?
70. PETER VIGGERS: Specifically, no. We have all started from a clean sheet. The Electoral Commission effectively created itself and we have all been working to find ways forward. My personal view is that the Speaker's Committee does well that which it is tasked to do and that, insofar as there has been criticism and comment of it from other witnesses, it is really criticism and comment that the Speaker's Committee does not do things which it is actually not meant to be doing anyway. That is my view. I am unrepentantly proud of it all.

71. SIR ALISTAIR GRAHAM: Thank you very much for that. It has been very good of you to come back again and we have appreciated that.
72. PETER VIGGERS: Thank you very much.
73. SIR ALISTAIR GRAHAM: Good morning. Mr Strang, thank you very much for coming to talk to us this morning. We very much appreciate that and we appreciate the written evidence that you have given us. We take turns on the Committee to lead on questions. I do not know if there is anything you wanted to reinforce in your written material before we start to ask you some questions?
74. RT HON GAVIN STRANG MP: Only just to check that you got the introductory note, I think that is what you call it. It was emailed to you only yesterday.
75. SIR ALISTAIR GRAHAM: Yes, we have.
76. GAVIN STRANG: That amends and modifies slightly the initial material I gave you.
77. SIR ALISTAIR GRAHAM: Was there any point you wanted to reinforce in that before we raise some points with you?
78. GAVIN STRANG: I think if I may just mention three points and just summarise it. First of all, I have said that there should not be a knee jerk reaction, given the recent controversy on the loans to political parties, et cetera - and of course your decision to look at the Commission long predates that - to suddenly suggest that we should have a lot more taxpayers' money going to the parties. What I have said is that the policy development grants which the Commission now administers are a useful precedent and it may be that one could develop that in the future and extend it to education and training or even to cover the cost of compliance. Traditionally people think of state funding in terms of payment per votes cast or payment per number of seats won. I would be opposed to that in principle for all the reasons which I am sure the Committee are well aware of. I think a large proportion of people do oppose that.
79. Secondly, on the question of limiting expenditure, I strongly support that and I think it has to be comprehensive at the national, regional and local levels. Obviously you have it at elections but you need to have annual limits as well. Although it may seem there is a lot of regulation and bureaucracy there, the reality is that the Conservative Party keeps an eye on what we are spending and we keep an eye on what they are spending and other parties as well. I think you can usually isolate what is actually needed to police that.
80. The final point I would make is that I have not read the evidence from the Conservative Party but I am just guessing that it has probably sought to imply that the trade union position and the Labour Party are somewhat comparable to other money given to political parties from various sources. It

seems to me that individual donations are quite different and you can treat individual donations quite separately. There may be a case, I put it no stronger than that, for a cap on that. The Commission's polling on it indicates that. Secondly, as far as company donations are concerned, they need authority from a general meeting, that is for registered companies. Whether one should tighten that up, I would not express a view on that.

81. Of course, the Labour Party when it started was an organisation of affiliates. There was no individual members. It is important to recognise the Labour Party is a party of organisations and individual members. The money which the affiliates - and we are now talking about the trade union affiliates - gives to the Labour Party to me is a relatively internal matter. In fact, these are individual donations, if you want to use that word, voluntarily made by individual members of the trade unions to a political fund which is heavily controlled and which can be given to the Labour Party as an affiliated organisation. I think to treat that as being comparable to donation is quite wrong. I would describe it as a relatively internal matter. So I would hope that the recent controversy about that would not result in that becoming a big issue.
82. SIR ALISTAIR GRAHAM: My colleague Lloyd Clarke is going to lead the questions on this but can I just put one general point to you. Do you think the public have been shocked by the scale of indebtedness of the political parties, not just the Labour Party, which has arisen from the high costs of the last general election? Does that indebtedness, in the way rather the terms of reference for Hayden Phillips' review suggests, raise some new public policy issues?
83. GAVIN STRANG: The most important thing is, of course, the transparency. It is in my note that as far as I am concerned progress has been made in relation to transparency, in first of all the 2000 Act and now the necessary legislation in 2006 Act. I do not know why it was missed out in the first place. It seems a remarkable omission and I accept some responsibilities as a parliamentarian for that to happen. I think the public may be surprised but I do not think it is a major issue with them. They might think elections are when they spend a lot of money so you do not have the money you borrow and then you pay it back later. I would not want to express a view in that area.
84. SIR ALISTAIR GRAHAM: But they might be surprised at the arguments coming now for increased state funding to get the political parties out of a financial hole.
85. GAVIN STRANG: They might feel, I suppose, that there was a relationship between some of the donors, and this would certainly apply to the two major parties. What has happened subsequently is that some of the negative publicity has meant that the parties will be less likely to get money in that way from these sources in the future so will want to make it up from state funding. They might well think that.

86. SIR ALISTAIR GRAHAM: I will ask my colleague Lloyd Clarke to kick off with the questions.
87. LLOYD CLARKE QPM: Can I just follow quite specifically that theme. We would like to take the opportunity of touching on broader issues of the Electoral Commission as well but can I just pursue that. I do understand what you are saying in terms of it is not comparable in terms of the relationship of the trade unions in particular and you are saying that is a relationship. Is that not a relationship between donors and a party as well in the same way that you are perhaps saying that other donations have been, individual donations, let us say to the Conservative Party? So there is a comparison really there, is there not?
88. GAVIN STRANG: No. I would say that there is a big difference between a trade union which is not affiliated and a trade union which is affiliated. They have to vote for affiliation and, of course, a political fund is very tightly controlled. So I would say there is no comparison whatsoever, in my opinion, between the relationship of an affiliated trade union and what follows from that in terms of funding, because they are part of the family, as it were, and external donations from individuals or other organisations.
89. LLOYD CLARKE: Yes, I see. Thanks for that. Still staying with funding, can we move in to one of the points that you made in your written submissions which was about your suggested criteria for allocating state funding, as opposed to donations. You say that might require some adjustment. Can you perhaps expand on what you were thinking and how that might be made?
90. GAVIN STRANG: That is a good example of how my thinking has modified because in response to your kind invitation to come along I did a bit more thinking and work on it. My expansion of that would be, in a sense repeating what I said, that the development grants is quite an important development. The Short Money is very important. As the Labour Party's principal spokesperson on food, agriculture and rural affairs from 1992 up until the 1997 election, the Short Money enabled me to have two researchers. The Short Money is very important because it does put a bit of balance into the parliamentary situation, obviously the government's policy advisers and huge civil service machine. So the Short Money was a very viable development and is very important and it is a mistake to tamper with that.
91. The policy development money is really quite an innovation as I see it and it is in its early days. Of course, it includes the governing party and, just talking to a director of finance in the Labour Party yesterday, this is obviously important. I do not want to exaggerate its size but it is a significant element of income and it is something that could be developed. Indeed, in addition to giving money for policy development, one might consider education and training. One of the concerns they do have, and I am sure this point has been put to you, is the cost of compliance, which I must admit is not something close to myself. It may even be that at some point the Commission might want to consider providing some money towards the cost of compliance,

because clearly it is very important that the parties comply fully with the regulations. So that is really my answer to that question.

92. What I am against, and have always been against, is the idea that the politicians should just use taxpayers' money to fund political parties. In the current political climate, I think there would be a very cynical reaction to that.
93. SIR ALISTAIR GRAHAM: Just following this party funding issue which is obviously very important, the Hayden Phillips' terms of reference rather presumes a sort of trade off between cap on donations on the one hand, arising after the recent difficulties on loans to political parties, in return for some increase in state funding. Do you think that is the right relationship? Are those two things strictly related? I think the Conservative Party certainly has made it plain that if there is going to be any cap on donations there has to be a cap on trade union donations, as well as from individuals or companies, in return for some increase in state funding. Do you think that is the right relationship that one should be looking at?
94. GAVIN STRANG: Three points. Firstly, I think the Conservative position is flawed for the reason I have said in relation to the affiliated trade unions' contributions - they are not donations, in my view - to the Labour Party. Secondly, I think that you are absolutely right about the terms of reference for Hayden. I certainly would not have framed it in that way. I think it prejudices something in a sense. I think the terms of reference could have been drawn rather better and more objectively, to be blunt about it. The third point was just on individual loans and donations. I am pretty open minded about whether there should be a limit on an individual donation. In a democratic society, I think there is a limit to the extent to which we want to interfere with what people do with their money. I think Jack Straw made the point, and I am sure you are as aware of it as anyone, that if someone is determined to use money to try and help a particular party or a candidate, there are ways of doing it. I think Jack referred to these political action committees which developed in the States many years.
95. SIR ALISTAIR GRAHAM: Yes, single issue groups.
96. GAVIN STRANG: Yes. They were just set up to give money to the political parties. Also, in the sense when it comes to helping a party, there are all sorts of things you can do. Obviously, there are resources you can provide, there are staff you can provide. So in a way if someone is really determined to support a political party then they will give the maximum they are allowed but they will perhaps be able to do it in other ways if they are sufficiently determined.
97. SIR ALISTAIR GRAHAM: It is possible, if you have a cap, to hold an organising dinner or some fundraising dinner at which people come along with cheques up to the limit. You have no idea where the cheques have come from, necessarily.

98. GAVIN STRANG: That is an excellent point, if I may say so. I think that illustrates the point well.
99. LLOYD CLARKE: Still sticking with the money, although it does actually start to move directly into the role of the Electoral Commission. You have touched on it yourself in terms of there is now the Short Money, there is the policy grants, development grants, et cetera, what about some money perhaps in respect of education. We have heard this morning from Mr Viggers that the Electoral Commission have a ring-fenced £7.5 million for publicity, education and in terms of increasing democratic awareness. Do you have a view whether that should lie with the Electoral Commission? This is as much about function. Arguably, the £7.5 million could be given to the political parties for exactly the same purpose.
100. GAVIN STRANG: You certainly could argue that. I hesitate to express a view on this because I feel I have not done sufficient work on it or am sufficiently knowledgeable on it. What I mean by that is that, as you know, the Commission has really at least three roles and one of them is promoting democracy and education. I am not sure how well they do that, frankly. They may do it very well and one can think of all sorts of useful things one might do in terms of educational curriculum and looking at what is happening in schools. I am not at all sure that I would want to remove that money for that purpose if it is being used effectively. I am not advocating this myself but the Labour Party has suggested that there should be a separate organisation which deals with that, so presumably if that happened then they would have to get some or all of that money to that organisation. The other two functions, as you know, are the regulatory function of the Commission and the advisory function. I think these sit fine together. A regulatory body can be an advisory body as well.
101. LLOYD CLARKE: One of the arguments that has been put to us is that, for example, this is not a suitable role for the Electoral Commission, measuring how well they do by voter turnout. That clearly is the role and the responsibility of political parties and not the Electoral Commission. So it is separating out particularly the regulatory function from a wider function of education and saying it is the responsibility of political parties to get the vote out and not the Electoral Commission and therefore it should not be measured for that.
102. GAVIN STRANG: I am glad you said that because in a sense my opening point and the documentation that I put to you was that obviously, if consistently the proportion of the electorate who are voting at general elections is low and going down, then that should be a matter of some concern. Having said that, it is wrong in my opinion - and you read this repeatedly - to suggest that that is the only test and the only thing that matters in relation to the success of our electoral arrangements. For example, at the last election it was perfectly reasonable for people, let us say Labour supporters, because there was a big drop in the Labour vote, as you know, to say, "I am not going to vote Labour. I am not happy about voting Labour but I am not quite convinced I want to vote for one of the alternatives". It seems to

me that is perfectly fair and perfectly legitimate for an individual elector to adopt that view. They often say that oppositions do not win elections, governments lose them, and I think there is some truth in that. If a government gets sufficiently unpopular then you get a real sort of vote against it.

103. SIR ALISTAIR GRAHAM: But if you get a turnout which is going down over a period of elections, you get fewer people joining political parties, political parties find it increasingly difficult to find activists at a local level so the party organisations can become moribund in certain parts of the country, does that not demonstrate a serious lack of engagement with the political/ democratic system that is worrying?

104. GAVIN STRANG: I am not sure there is a relationship between the membership of a party and the actual turnout in the election. I certainly would not put it the way you put it there. I would not say the turnout generates party membership.

105. SIR ALISTAIR GRAHAM: I was just saying if you have a whole series of factors alongside each other, does it not point to worrying concerns about the state of our democratic system?

106. GAVIN STRANG: I certainly accept the point that if the turnout is consistently low and going down then obviously that is something we should be concerned about but we should not see it as the only indicator of the success of our democracy. There is a point I might come to later that people perceive a democracy to be fair and honest and open. In terms of the electorate, the important thing, in my view, is that the candidates and the elected representatives and the political parties, and that is the members of the parties, engage actively and effectively with the local people. That is one of the reasons why I am sceptical about PR actually, but that is separate issue. To me that is the really important thing to have communities where there is a real relationship. In other words, the party members are not just a small clique of 20 people who maybe meet once a month in a committee room and are really quite isolated from the community.

107. To give you an example, I remember when my son was at the local primary school. This was when the Conservatives were in power after a long period. There was a meeting at the parent and teachers association and they were campaigning for another teacher, et cetera. This was in Portobello in my constituency. I saw half a dozen people sitting there, Labour Party members up on their feet speaking. It was not organised. It was just an illustration, and the Conservatives I am sure could say the same in many communities, but to me that was what democracy should be about. These were people who were fully engaged, were participating in the community and also happened to be members of the Labour Party. There are other aspects to this, that is all I am saying. I am not disagreeing with you.

108. SIR ALISTAIR GRAHAM: I understand the point you make.

109. LLOYD CLARKE: Could I take us back to some of the first principles of the Commission. Its mission, of course, was to foster public confidence and participation and promote integrity and there were these regulatory roles as well. Could I just ask you as a general broad question, and then we will maybe come on to the regulatory role in particular, do you feel that the Electoral Commission has worked and has worked well in areas? Are there areas where they could have done better, as a broad sweep now on the totality of the roles?
110. GAVIN STRANG: I am hesitant to answer just because I would like to have done more work actually to give you a good answer to as broad a question as that. My impression is that it has improved. As you know, all this really came out of your Committee. An awful lot of the legislation which has been enacted has reflected recommendations from this distinguished Committee.
111. I would say that the Commission probably was not sufficiently aware of some of the practical considerations. It may have been in areas a little bit theoretical, a little bit academic. I did not go to as many as I would have liked to but occasionally I went to the odd presentation by a Commission official and one just had a slight feeling that this was not someone who had really participated in the process of knocking on doors and delivering leaflets and actually working in a local election for a political party or whatever. I know that certainly some people in the Labour Party would still say this, that although there is a quarterly meeting with the Political Parties Advisory Panel, I think you call it, they feel that these are constructive meetings but they are not convinced that what should come out of these meetings - these are meetings with all the parties and they are aiming to get a consensus but not always of course - is fully reflected in the discussion at the level of the Commission itself. I think that is one of the reasons why the Labour Party is suggesting they might actually put more people on, one maybe from each of the three parties.
112. SIR ALISTAIR GRAHAM: So they lack political nous, in other words?
113. GAVIN STRANG: Yes, I think that is exactly what some of these senior people in the Labour Party bureaucracy would say. I am just putting that to you. There may be something in that.
114. LLOYD CLARKE: But let us take, for example, its regulatory role. Do you think it has exercised that satisfactorily and well enough? Because there are certainly things that need to be regulated and we come back, of course, to party political funding where they could have stepped in and regulated. Should they have done that? Is it an error that they have not done so?
115. GAVIN STRANG: Well, I would not criticise them for what has happened in recent years and this issue more recently of the loans. I would be more positive now. They have only been on the go for five years. I would say that whatever changes might be made in my active political life left, none will be as important as the transparency which has been introduced by the

2000 Act and now with the 2006 Act closing the loans loophole. You have a transparency there in terms of funding which we never had before and that has to be good.

116. SIR ALISTAIR GRAHAM: But we know they did have some knowledge of the possibility of loans to political parties. I think it is probably true to say they were unaware of the scale of the loans that were involved. Do you think they could have saved the political parties from what turned out to be very considerable embarrassment when it became known by putting some heavier warnings to them or even some more detailed guidance about what was an acceptable commercial loan?

117. GAVIN STRANG: Well, I would encourage you to look at that. I think there might be some grounds for retrospective criticism.

118. SIR ALISTAIR GRAHAM: Do you think it was a deliberate circumventing of the legislation by the political parties to deal with a financial crisis?

119. GAVIN STRANG: To be fair, I am trying to avoid obviously being party political here, but I think what amazed me was actually the scale of the borrowing that the Conservative Party had made in the run-up to the election. As I understand it, some of these loans were cleared off very quickly after it became an issue so in a sense there is no need to declare where these loans came from, although I am assured that every loan the Labour Party had has been fully declared. Furthermore, I think the Conservative Party has been a bit reluctant to give full information, but obviously this will be available, if it is not now, very shortly, full information on the loans outstanding. I think it may well be that the Commission could have raised this issue at an earlier stage. It is a hard one because all this was focused on the last general election, and in a sense I am not sure how much information they had. But perhaps you have information as to at how early a stage they realised the scale of this and, indeed, whether they should have recognised it. There was something rather unsatisfactory about what seemed to be certainly the two major parties and possibly other parties as well even encouraging people to give a loan when they might have given a donation.

120. LLOYD CLARKE: We have heard evidence that suggests that the Commission has been reluctant to investigate allegations of wrongdoing when they have come up. Of course, they do not have a mandate role in terms of investigating allegations of wrongdoing. Should they have? Should that be something that we consider in our recommendations to give them that mandate for the function of investigation?

121. GAVIN STRANG: I am hesitant about that, I must admit. At the end of the day, if people break the law then they stand to be charged. I do not think I want the Commission to become a police-type body.

122. LLOYD CLARKE: Can I say it has not all been criticism; it sounds as though that is what I am particularly focusing on. But there has also been

some criticism that they were reluctant to issue opinion and guidance, maybe even some legal opinion that they could have sought which would have helped the political parties. As opposed to regulating almost with a big stick the investigation, perhaps there is an opportunity for them to give legal advice to political parties. Would that be helpful?

123. GAVIN STRANG: I am not convinced, actually. The political parties presumably have their own resources and legal information. You are saying that you were obviously putting forward negative aspects of the Commission and doing that obviously because you have to try and look at these. The whole point is to identify these and perhaps make suggestions for improvement. I would hesitate to get drawn into this. I certainly would not want the Commission to have more powers in terms of investigation or police-type powers. I would say that I believe the Commission has done a lot of useful work. Whether that could have been done in the past by the Home Office or by some other body I am not sure, but I think one has to be fair to the Commission that they have produced quite a lot of quite useful publications which are helpful. They have this role now which basically in my time was originally the Home Office.
124. SIR ALISTAIR GRAHAM: But their powers are limited. They really have got the choice very often if something goes wrong; they can either name or shame, say, if people are late in coming forward with information about donations or something. They can finger a particular party about that, or if the wrongdoing they believe has been of a criminal nature they can refer that evidence to the police, who would carry out an investigation and involve the Crown Prosecution Service. Do you think they need something else? For example, some regulators have the powers, bodies like the Financial Services Authority or people like that. Do you think if there is serious or serial, perhaps, wrongdoing that they should have the power to be able to impose fines?
125. GAVIN STRANG: I read the initial statement you produced at the start of your Inquiry where I think you pointed this up. Certainly, I would have thought that should be considered just because in a sense the redress is a fairly draconian one, as it were, whereas that would be an intermediate way of addressing non-compliance which did not involve the police. So I would certainly think that that would be worth very seriously considering, is how I would put it, yes.
126. LLOYD CLARKE: Could I just take this into a completely different area, which is about electoral administration, and particularly because it seems we have got into a grassroots experience and how this might be touched on by the Electoral Commission. They are clearly a regulator. We have heard evidence that perhaps they should even take responsibility from local authorities and have an administrative function in terms of running elections. Do you have a view on that, particularly, as it were, from a local position?
127. GAVIN STRANG: No, I certainly do not think they should be involved in running elections. Furthermore, I think there may be a case - and again I think the Labour Party certainly suggested this - that there should be a

representative of the electoral administrators actually on the Commission, perhaps a retired senior electoral or returning officer or something. I am not keen on the idea of extending the role of the Commission into the actual administration of elections. There are elections all over the country, as you know.

128. SIR ALISTAIR GRAHAM: We have heard evidence, very strong evidence, about variations in the amount of resources. Even when those resources have been allocated by parliament for specific purposes there is no guarantee that those resources will end up with the electoral administration staff in a local authority and used for the purpose that they were intended.

129. GAVIN STRANG: That is a very important point and it is one which parliamentarians are often complaining about, perhaps parliamentarians in my own party more than others, not least in relation to the electoral register. Because there are some electoral areas where they do not put the resources and effort into building the electoral register and ensuring that as high a percentage of the population as possible or that we can achieve is on the electoral register.

130. SIR ALISTAIR GRAHAM: So how would you deal with that problem?

131. GAVIN STRANG: I think it is being dealt with because I think these authorities are coming under pressure. When it is raised in the House of Commons it is reported in the local press, so I would like to think that the normal political process and the normal parliamentary process is, in fact, helping to correct that. There will always be some local authorities do things better than others; I am sure you will accept that.

132. SIR ALISTAIR GRAHAM: We have had evidence from the Association of Electoral Administrators which will point to one register being 60-odd per cent of the census figures and another one over 100 per cent. That is a very substantial variation which gets at the heart of our democratic system, does it not? Having an electoral register that everybody is satisfied about its integrity and comprehensiveness in a consistent way across the country is surely a central policy objective we should be concerned about?

133. GAVIN STRANG: Absolutely fundamental; I am sure you are right in that. The question, I suppose, is whether the Electoral Commission can usefully help us there. You have said enough to persuade me that it is worth exploring. I do believe myself that over the years if you look at the situation there are electoral authorities who have improved their approach, but it is not good enough. I do not think there is any doubt about that. Obviously these authorities are also spending money on very important social services, transport and all these sorts of things, so one can understand how perhaps officials themselves in these authorities do not regard this as terribly important. After all, elections only happen every four or five years or whatever. I think it is an important point and certainly if the Electoral Commission could usefully help there - I certainly do not think they should administer it - I could see that

working.

134. SIR ALISTAIR GRAHAM: But parliament has only recently given them responsibility for setting performance standards, for example. Could you not go a step further and channel the funding for this purpose through the Electoral Commission and the Electoral Commission possibly contracting with local authorities, the chief executive of a local authority, to ensure that the money is earmarked for a certain purpose and they are required to meet certain national standards?
135. GAVIN STRANG: Well, you may. I think one has to be a little bit cautious about intervening too much in terms of telling people how they should spend their public money. They are answerable to an elected authority and I would say that obviously in some parts of the country, in some constituencies, it is easier to get a high percentage of the population on the register than it is in others. There is no question about that, obviously.
136. SIR ALISTAIR GRAHAM: We know it is tougher in inner city areas.
137. GAVIN STRANG: It is, yes.
138. SIR ALISTAIR GRAHAM: We know those are likely to be the local authorities who because they operate in socially deprived areas have got a wide range of different priorities. So if money comes along the comprehensiveness and integrity of the electoral register is not likely to be necessarily the highest on their list of priorities, is it?
139. GAVIN STRANG: In some authorities that has been the case. I think, to be fair, though, I have seen examples in the House of Commons of other authorities in precisely these areas who have really responded to the representations and the debate in the locality on the issue. Clearly it is an important matter and if the Commission was able to do something useful to help then that should not be ruled out, but I would not put it any stronger than that.
140. LLOYD CLARKE: One way to deal with that would be for them to be intrusive in the regulatory role and to actually have a view of how the money is being spent, for example, or in terms of the standards that have been set. That would be a way for them to do it without being over-regulatory, as it were, but being pro-active and intrusive.
141. GAVIN STRANG: Well, yes.
142. LLOYD CLARKE: Could I just ask a final question, which is about postal voting, the notion of electoral fraud that has been around and questions that have been posed about whether postal voting itself or on demand has damaged the integrity of the electoral system. Do you have a view on that?
143. GAVIN STRANG: Yes, I am glad you asked me that question. First of all, I do think the particular cases, which obviously were highly publicised,

rightly led to a focus on this. Indeed, there was quite an argument in the House of Commons in terms of the recent legislation. So I certainly support the tightening up of the requirements to be met to get a postal vote; that is correct. But at this stage I would say let us see how that works. One does not have to rule out revisiting it in so many years' time. I would say that there is an issue or there was an issue there and it has been dealt with.

144. Secondly, I would say that I strongly support the changes in the legislation which were made in the past which makes it easier for people to get a postal vote. The fact is that it has to be a good thing. If you put in appropriate tests and conditions you can minimise the fraud. It has to be a good thing, particularly in this modern society we are living in where more and more people are travelling away to work and working different hours, for people to obtain a postal vote if they are going to be absent for the poll. That is a huge change that has taken place, actually, in terms of postal voting in practice. Before it was very restrictive. That is a very positive development and, indeed, it helps on the issue of trying to get a higher percentage poll on polling day.

145. What I feel strongly about - and I was disappointed at the way the Electoral Commission went along with this - is what is called all postal voting, or what I would call compulsory postal voting. I think they were moving in the direction but I think they may have halted it now. This was moving to a situation where, in fact, you would get rid of the polling stations and you would not have the opportunity, even if you wanted to. Indeed, they used this system for the referendum on the regional assembly for the north of England. So you would not have the opportunity to go to your polling station on polling day and cast your vote individually in the secrecy of the polling booth. I find it astonishing that people should want to get rid of that. One of the reasons why I find it astonishing is that in a household of more than one person, where someone is a very dominant person - let us say a couple, let us say the man is the dominant person - if, in fact, they are required to vote by post then the man will see how the wife is voting. I do not think it would work the other way. It may be a situation where the husband and the wife go and vote every election and the husband thinks the wife is voting Labour but, in fact, she is voting Conservative, which is her right. That is very important to me, and in a significant number of households that privacy and individual vote is denied, in my view, in practice with a postal vote because the woman is not going to have an argument with her husband or anything. It could be the other way around; it could be the woman who is dominant, or it could be a family of four and one guy that is dominant. The reality is it is very important that people do it. In many households, as you know, people vote differently and they do not always choose to reveal that. Indeed, in some cases they will go so far as to conceal it so they do not have to talk about it. I think it is very important that that is not infringed in any way and that is why I have always felt very strongly about this move towards what I call compulsory postal voting.

146. LLOYD CLARKE: But am I right to sum up from that that you do not think it has damaged the integrity of postal voting per se and you welcome

that; it is the notion of compulsory voting?

147. GAVIN STRANG: Sorry, I did not answer your question properly. The answer is I strongly support the voluntary growth in postal voting subject to making sure that adequate controls are in place to avoid people abusing it.

148. DAME PATRICIA HODGSON: I was very struck by the way you made that argument. It seemed to me most persuasive and it made me think, having some interest in history, that originally in the 19th century the idea of going to the polls and filling in a ballot form secretly has all the advantages that you describe and, of course, the additional advantage that when society was less mobile it was also a check on the honesty of the ballot, that Joe Bloggs really was Joe Bloggs and Mrs Bloggs really was Mrs Bloggs. It would be impossible, I think, to argue with the point you made about changing social behaviour and the pressures of work and the importance of being able to cast a postal vote relatively easily, but then that brings you to the problems that you described, particularly the temptation if there are young people in the house or elderly people who might not be there when the post arrives of somebody just taking their ballot paper and filling it in for them and so forth. Does that not begin to take us down the route of individual registration to guarantee the security of the postal ballot when people want to take advantage of it?

149. GAVIN STRANG: I think that is a fair point. I think it is a moving situation, as it were. The number of people using postal votes is growing all the time, so I think we have to keep an eye on that, yes. The point I made in my submission is that it is very important obviously that the electoral system is honest and not subject to fraud, but it is also important that it is perceived by the electorate to be honest. Therefore, I think the point you make is an important one. I would not want to jump any hedges and say, "We need to make these changes now" but I certainly think that there is a lot of strength in the point you make.

150. DAME PATRICIA HODGSON: Shall I carry on with our last two areas for discussion, governance and accountability? We have received very strongly held but contradictory evidence about whether or not some commissioners could or should be nominated by political parties. Do you have a view on that?

151. GAVIN STRANG: I am receptive to the case which has certainly been put by my party. I think they have suggested in terms of the three main parties there should be a commissioner who has had some experience in each of these areas, so there would be one for Liberals, one for Labour, one for Conservatives. I am receptive to that point. They have suggested they increase the size of the Commission and put these three extra people on and they put one other one on who would be someone who had experience of actual electoral administration, presumably a former returning officer from a major area who had a lot of experience. I am receptive to that. What I am not sure about because I have not really thought it through is whether you should actually give the actual individual party nomination rights, as it were. For

example, you could say we will put an ex-general secretary of the Labour Party on. I am not talking about MPs or ex-MPs and so on; someone who has actually clearly been involved in the running of elections and by-elections, understands it, and who is obviously a very senior person in terms of their experience and where they got to in the party. I think there is a case for that. Whether one achieves that by giving nomination rights I am not sure.

152. DAME PATRICIA HODGSON: As I said, we heard very strongly held evidence the other way from people who felt that would compromise the perceived independence. Peter Viggers told us earlier today that the Department of Constitutional Affairs, the Lord Chancellor, may be about to say that they would be willing to consider proposals that had been agreed by the parties. Now, to get agreement across the board might involve something that brought in political experience but short of direct appointments such as advisory committees or some sort of structure like that.

153. GAVIN STRANG: I am not persuaded. They have this consultative panel with the parties. That is a total of four they are talking about and they have suggested it is in addition to what they have, so you are still going to have all these other commissioners with some clout. So I do not think the integrity as an independent solution is compromised by putting on four additional commissioners. To put some sort of new statutory body in there or a voluntary advisory body, I am not persuaded of that. I do think, by the way, that it is desirable to move by consensus. I know that third parties have grown in support and the Liberal Party is quite a strong party now and has quite significant representation, but it is a mistake to get into a situation where the Labour Party is enacting legislation in this area which is strongly resisted by the Conservative Party.

154. DAME PATRICIA HODGSON: That is a very important point. What about the case for relaxing the ten-year ban on previous party political membership for employees and/or at what level or up to what level?

155. GAVIN STRANG: I think I would be sympathetic about looking at that, yes.

156. DAME PATRICIA HODGSON: I am going to move on to accountability, the problem of how the Electoral Commission is both independent and accountable at the same time, and how well the Speaker's Committee works. It is a bit of an experiment in one sense how well it works in practice.

157. GAVIN STRANG: Yes. Just on your earlier point, on one of the occasions I went to listen to a speaker from the Commission, I actually thought he was slightly patronising in relation to political parties. It was almost as if they had discovered that political parties actually were quite useful. You know, they had some evidence that they had increased the vote. There was some evidence that where there was active party activity the actual vote was mildly up. I would not mind some student, maybe, producing a thesis on this. But obviously political parties have much more of a role. Anyway, I would simply make that point. On the latter point, which was stronger governance,

was it?

158. DAME PATRICIA HODGSON: On accountability and the Speaker's Committee.
159. GAVIN STRANG: Again, to be quite frank with you, I had a discussion with the Director of Finance on that because obviously I had read the Labour Party's submission on that. There may be a case. My gut reaction was the Electoral Commission is not a government department, it is quite a broad body, so do we really want to have one Select Committee which is charged with responsibility for looking at it as opposed to the arrangements at present? I have to say I was almost persuaded. I think there is a case they are making there that by having a number of bodies, including the Speaker's Committee, perhaps does not subject the Commission to the real --
160. DAME PATRICIA HODGSON: Forensic examination?
161. GAVIN STRANG: Yes, exactly. The point which was being made by the Labour Party employee was that, in fact, possibly - my word - if the Select Committee on Constitutional Affairs was given clear responsibility for this and it was their job, then they would obviously be more likely to actually do more on it. Indeed, it would not necessarily be a bad thing if these people were subjected to the sort of questioning they will get from parliamentarians on a Select Committee. Anyway, these parliamentarians have all been elected so in a sense it is something they should know something about.
162. RITA DONAGHY: I wonder if we could wind back to the issue of funding political parties. I was intrigued by a comment you made which was about covering the cost of compliance. I saw that as possibly separate from your reference to education and training. I wondered if that was a separate thought in your mind or if it was just a phrase that you used?
163. GAVIN STRANG: To be perfectly honest with you, I put it in in response to a suggestion that was put to me that the cost of complying with the regulations was really much more onerous in practice for the parties than the Commission perhaps appreciated. Frankly, I do not feel sufficiently knowledgeable to agree or disagree with that.
164. SIR ALISTAIR GRAHAM: Are we talking about campaign expenditure?
165. GAVIN STRANG: Yes, I think we are talking about, for example, the policy development grant. This is public money and I think they all accept this. It is quite a meticulous, detailed job to apply for the money. You have to allocate what proportion of the staff time can be allocated to this. For example, if you take the Labour Party, we have policy forums now and you have to work out exactly what was the cost, et cetera. I threw it in but I would say that the policy development is an interesting one. We will see how that goes. I think it is £2 million in total that is allocated to that across the parties; I am not sure. It is not a huge sum of money. Maybe one could then go to training and education. Compliance, yes, I put it in for that reason, but there is

no more to it than that.

166. RITA DONAGHY: It is just that several witnesses said to us that, if you like, the burden of complying by what are essentially lay local treasurers of parties was quite a considerable burden when the regulations were first introduced. It has settled down now, but I was intrigued by that because it did seem to me that it could be a separate compartment of compliance money.

167. GAVIN STRANG: Yes, it raises the question - and I ought to know more about this than I do - as to what extent the party at the national level has to accept responsibility for the local administration. Basically, one of the things I think the Commission was surprised at was an awful lot of constituencies in the Labour Party actually operate on a very low budget. The reality is that it is not just about money; it is about people turning up. I will not say more on that, but obviously traditionally in my lifetime the Conservative Party always had local money because they get money from business, et cetera. That has changed to some extent and Tony Blair has rightly seen that as a plus that the Labour Party has been able to attract more money from business in the last ten years or so. But the fact is at the local level I think there is no getting away from the fact, the figures are there and are quite striking, actually. I think Professor Keith Ewing produced a report for the trade unions or labour organisation. It is really quite staggering, actually. If you reach a certain threshold, as you know, you have to declare it. So in reality there are many more Conservative Party constituencies throughout the country - and I am not expressing a judgement on this one way or the other really - which are much better funded than the Labour Party constituencies. As far as my own constituent Labour Party is concerned it is probably average. It was a new development obviously, this idea that they had to declare a donation over a certain level. As far as I am concerned, the treasurer was the person responsible for the money but, of course, that changed and someone else in law was deemed to be responsible. I agree with you; that has settled down, yes.

168. SIR ALISTAIR GRAHAM: Mr Strang, thank you very much for spending so much time with us to cover some of the areas that we are interested in. We have found it very valuable. We have had a range of MPs who have given evidence to us and it has been very useful because of their direct experience in the political system. Thank you very much.

169. GAVIN STRANG: Thank you for inviting me and I wish you well with your report.

170. SIR ALISTAIR GRAHAM: We will break for 15 minutes now for coffee.

171. SIR ALISTAIR GRAHAM: Thanks very much for first of all, putting written evidence in, which we appreciate, and agreeing to come and give oral evidence. We very much appreciate that.

172. We take turns in taking the lead in asking questions. Did you want to say anything initially before we move into questions?
173. LORD HOLME (Chairman, Hansard Society): We did tell Dr Jarvis that we did not want to make a formal statement to be pre-circulated, but may I say just one thing, chairman. I personally, and the Hansard Society, are long-term supporters and enthusiasts of the concept of an electoral commission. You will have seen this, which is a case from an electoral commission which we published a long time ago.
174. The reason for it is this: I think that the British political culture is one of almost unconfined partisanship and the partisanship tends to run into spaces, as you know from your committee, which ought to be occupied by some sort of notion of a public interest as opposed to partisan interest. I do think that the distinction that any electoral commission, in other countries as well as this, is seeking to draw between the game and the rules of the game is one of vital importance. I think it is extremely necessary that we attempt to have an area where the rules of the game are considered, thought about, adumbrated, not by the players in the heat of the game, but by people who are detached from it and trying to work to a definition of the public interest.
175. So the society was and is enthusiastic about the notion of an electoral commission. Not to say that the way it necessarily operates is perfect, but we are clear that such a body is necessary.
176. SIR ALISTAIR GRAHAM: That is extremely helpful and thank you very much. I am going to ask my colleague Patricia Hodgson to lead on the questions that we would like to put to you.
177. DAME PATRICIA HODGSON: I was very struck by the way you expressed that. We have heard a very great deal of evidence along the same lines, although not necessarily so eloquently expressed. As you say, any questions or implied probing about aspects of the work is not in any way to derogate from that overall belief in what they are trying to do.
178. Clearly, their mission is many faceted: to foster public confidence and participation in democracy by promoting integrity, involvement, effectiveness, et cetera. And there are so many elements to that: voter education, regulation, the legitimacy of the ballot. We will try and unpack the elements of it, but before we start leading questions, could I ask you what you think has been well done and what, perhaps, less well done?
179. LORD HOLME: Like you, we have attempted in our evidence and in our thinking about it, and Clare can speak to this as well, to unpack as well. I think that the attempt at regulation has been pretty well done, albeit it not wholly supported and backed up by parliament. I think when it comes to the issues of information awareness and confidence building that there is some mission confusion, in practice, which does need a bit of sorting out. I think that what is a sort of pipedream is to think that there is a direct cause and effect between meritorious efforts by the Electoral Commission and others like

us to improve awareness and voter turnout; that you put resources and effort in and out comes higher voter turnout, I think, is really a pipe dream.

180. On the other hand, there is a lot of evidence, including some in the audit of political engagement which, declaring an interest, we do with the Electoral Commission and we have done each year for the last three years. There is pretty clear evidence that knowledge of our institutions goes together with favourability towards them. This is something that a number of market research companies like MORI have found over the years in other spheres: the more people know about a given institution or process, the more favourably disposed they are, which is rather encouraging from a democratic point of view.

181. If, prima facie, you think that a precursor of democratic participation, particularly in elections, is knowledge and information, our contention would be that that would, on the whole, lead to more favourable attitudes, which would be one of the causes of improving turnout, but not the only one and not the only effect of it either. I think we feel that there is some clarification to be done about the information education programmes of the Electoral Commission, but that we are disinclined to fundamentally query the regulatory aspect of it. Clare, you might like to add to that.

182. CLARE ETTINGHAUSEN (Chief Executive, Hansard Society): I think just briefly that I have some sympathy in the question about what the Electoral Commission has done well and what it has done less well, because I think that is a question that organisations like the Hansard Society, who also have a multifaceted approach, have to deal with. People often ask us how we judge our success and I have to say it is on a project-by-project basis; it is quite hard to judge as a whole.

183. So I have some sympathy with the Electoral Commission because I think in some ways it is easier, although not easy, to evaluate the regulation and enforcement and role and ask if they have been doing that well or less well, than it is the information and engagements branch of their work. I think in our minds we find it easier to split up those two things and to judge them separately.

184. I think again our comments are not so much out the regulation and enforcement role, although I have some sympathy that perhaps the suggestions have not always been greeted with the positive response they would have hoped for, which is a diplomatic way of saying it. On the information and engagement branch, I think it has always been an unfair hope that they would be judged that if turnout increases, the Electoral Commission will have been a success. I think I am as guilty as anyone of expecting that from when they were first set up; that therefore turnout will increase and therefore everyone will congratulate them, and that is completely unfair and unrealistic. I think the two sides perhaps have to be looked at separately.

185. DAME PATRICIA HODGSON: In your very interesting letter of evidence that we received in May, you talk about them perhaps fulfilling this

information role through better co-ordination of the wide range of people involved in the field of education and perhaps by allocating some of their funding. We heard this morning that they have a ring-fenced £7.5 million budget for education and information. Could you say a little bit more about how that would work and to whom such monies might be awarded?

186. LORD HOLME: I think there are a host of bodies, of whom we are one, in this field who do good work. One of the questions that arises is should the Electoral Commission itself do such work or should it facilitate such work. If it facilitates it, how can it do that? First, clearly, by providing funding to sensible tenders and applications for funds. Secondly, I think, by trying to avoid duplication between bodies doing remarkably similar work. Of course, any dispenser of money does, de facto, have power in saying to people, "Somebody else is doing that; why do you not look at this needed and adjacent area rather than trying to duplicate what they are doing?"

187. I think, for instance, the new powers of returning officers. There is a very interesting job of co-ordination to be done there in guidance, who now have funds and an awareness role. Guidance to returning officers, but, equally important, retrieval of information from returning officers: what is working, what is good practice, can we generalise that and can we help make more sense of it by spreading good practice. I think at the moment the commission does in fact fall slightly between two stools of being the principal and the implementer and being the strategic co-ordinator, which is what we think would be a better role.

188. CLARE ETTINGHAUSEN: I think, as the person who is responsible for comparing and contrasting what we do as an organisation with others who work in the so-called democracy industry, that what is perhaps missing is not a regulator but an umbrella body which does have oversight of all the things that people like ourselves and other bodies are doing. Quite often, we will go and pursue funding and fund a project and find someone is doing something very similar. As charities, this is public funding that we are using and we do question if there is a role for someone to play, not to regulate, but to have oversight of all of us working in this industry. For me it would make perfect sense that that would be a role the Electoral Commission would play.

189. I think I would add also that there is a lot of academic work going on in the field of not only elections and party funding, but political engagement as well. The Electoral Commission, in my mind, has a role to play in mapping that research and identifying where the gaps are. And then, as Lord Holme says, perhaps running tenders for people who want to pilot new ideas, whether it is to do with electronic voting or practical ideas or whether it is on academic understanding: that there is a gap on X issue that we do not know enough about and who is going to fulfil that.

190. So I think there is a clear role. Whether, as Lord Holme says, they are the people to carry it out is something that perhaps I would question.

191. DAME PATRICIA HODGSON: That is really interesting and I can see the force of that in terms of, as it were, a think tank about our democracy and them presiding. You raised a very important point about practicalities on the ground, and we will come to a whole set of questions on that later on, so I will pass over that for the moment, although I thought it was a very interesting point. Rita Donaghy will lead on those questions.
192. But, of course, it is not just academic, excellent organisations like the Hansard Society, other organisations of your kind, who might be thought to have the key role in informing and educating the public. The evidence has been given to us that the most effective educators are the political parties. Of course, the Hansard Commission has done work on the idea that parliament itself ought to be one of the most effective educators, but I could not quite see how you could have money whizzing around between the Electoral Commission and parliament and the political parties, or were you suggesting that?
193. LORD HOLME: I think that we are quite nervous about what I will call the Blair's doctrine of somehow using this discussion as a way of routing money to political parties; we are really quite nervous about it. I am very familiar with the sort of thing that political parties spend money on and for part of my life have been involved in it, but I think it would be quite difficult to relate money raised by parties to the raising directly of civic and political awareness; I think it is just very difficult. Given the contentiousness of the current debate about whether political parties should have more public money, I would be very nervous about confabulating two issues about whether the health of our democracy requires public money being routed into parties, and the sort of issues that we are discussing here today. That makes me nervous.
194. Parliament, clearly, is a slightly different matter and, as you rightly say, we have invested a lot of our time and effort into trying to make parliament a better communicator of the merits of the process and the democratic institutions and getting out there and selling itself. I think that is a slightly different set of issues.
195. DAME PATRICIA HODGSON: The argument about parliament being better resourced to undertake non-party political information function you would presumably think of as separate and complementary in some way.
196. LORD HOLME: Exactly that.
197. CLARE ETTINGHAUSEN: I think there is a problem of overlap, though, which we have tried together with the Electoral Commission and the education unit in parliament to resolve. There are lots of people doing lots of things in this field and instead of all of us repeating the same thing, why are we not working collaboratively to distinguish? I think a fairly good example is the recent New Voter's Guide, which parliament has produced in collaboration with us and the Electoral Commission, because it does not automatically lie with any one of our individual bodies.

198. I think the overlap question is a very important one, but there are things that organisations - not only ourselves, though obviously I would promote ourselves as a good one could do in terms of piloting new ideas, in terms of providing educational resources, in terms of trialling things that neither a body like the Electoral Commission nor parliament in its current set up are able to do. It is not as though there is not a role for non-governmental organisations as all in this.
199. DAME PATRICIA HODGSON: But is that something that has to be voluntarily between these bodies, or in what manner does the current statutory remit of the Electoral Commission create problems? If you have a fairly generalised remit and then you have some political pressure on you, such as ring-fenced funding and the idea that it is up to you to improve turnout - and we have had some evidence - possibly governments or political parties might find it more convenient that the Electoral Commission is thundering down that route and not talking about loans. So does one address their remit or what does one do to try and help sort this out?
200. CLARE ETTINGHAUSEN: I think it does create big problems and as the Electoral Commission constantly say to us, we have a statutory duty to promote public awareness. I think what they find is they have that duty and then they have found, without criticising any individuals, that there are people or units within government departments who are doing the same thing. There are certain individuals within parliament who also have the idea to do the same thing, so you have a statutory body who has a statutory duty to promote X and then finding lots of other people want a hand in X as well.
201. SIR ALISTAIR GRAHAM: Is there not a real danger, in fact, that where you give a commission slightly softer roles, the less likely they are to get to grips with the hard-edge regulatory role? It can be argued, I am not sure whether it is right or wrong, that if they had taken a more proactive role in the loans to political parties, we might have avoided some of the political problems which have undoubtedly developed for the major political parties in this area, because they get distracted with having this wide variety of different sorts of roles.
202. LORD HOLME: I think our argument, and it is in our argument and we have both just said it, is not quite that, although it is related to it. Our argument is that there is a role for somebody which is not the government, not the Department of Constitutional Affairs, for instance, to play the role of orchestrating political awareness work: orchestrating and co-ordinating it, but not doing it. I think the doing of it is a big project, as we know. There is setting up programmes, implementing programmes, conceiving programmes; it is a big job. I think you may have something that that does potentially distract from a regulatory role. But I am not clear that to have an organisation with two related purposes, one is setting the rules of the game and seeing they are observed - the regulation role - and the other is co-ordinating and promoting and resourcing and facilitating democratic stimulus activity, is a built-in conflict of interests, which is maybe what is (overspeaking)

203. SIR ALISTAIR GRAHAM: Yes, but we have had some people arguing that it is always a bit easier to go towards the softer role that towards the hard-edge regulatory role, and that is why we are taking a fresh look at their mandate.
204. LORD HOLME: I am not sure that is to do with the remit; it may be more to do with the personnel and clarity of objectives set within the organisation, because I think they are compatible tasks. I think in human and political terms you have a point, but that is a matter of how you run the thing.
205. SIR ALISTAIR GRAHAM: You did say something about the turnout issue, that it was unreasonable to expect them to have any significant ... What are the things that you think that they could cease doing that they are currently doing?
206. LORD HOLME: It is really programmatic democracy stimulus activities, but you might want to add to that, Clare.
207. CLARE ETTINGHAUSEN: I do not think that there is a huge amount of things that I have seen the Electoral Commission do over the past years which I have thought were a bit odd, but I suppose it is about streamlining in a strategic way, as we said, what they have been doing. Certainly, our involvement with the Electoral Commission is much more on the democratic awareness side than it is on the regulation side of it, for obvious, self-explanatory reasons.
208. There have been times when I have wondered why they are doing that when that (a) might have been done better by someone else or (b) someone else is doing it. We have been beneficiaries from grants from the Department of Constitutional Affairs for public engagement work, so I say this with that in mind, but the big problem we have had is that we have found that there is confusion over who is responsible. Is it the DCA or is it the Electoral Commission? That has been a constant difficulty for people like us who work very closely with both organisations.
209. LORD HOLME: If I can just add to that, since it has come up. The DCA, of course, was founded after the Electoral Commission and it, in a really quite extraordinary way, moved into this citizenship, awareness, democracy area in a way that if anybody at the DCA had read the Electoral Commission mandate, they would have asked whether the Electoral Commission was supposed to be doing all this.
210. I do not say they have done it badly, incidentally; they have done some useful work and I do not decry the spirit or the work itself, but it does seem to me conceptually wrong that it should be a government department concerned with promoting awareness of democratic practice. It is a sort of fusion model where you would expect a little bit of separation of powers. Constitutionally, it does not make me particularly happy.

211. DAME PATRICIA HODGSON: this discussion makes me think how we might map some of this in the time that we have left. I wonder whether you might be able to send us some more considered evidence on it, do you think?
212. LORD HOLME: Yes. We are in the slightly invidious position of deciding which hands that feed us to bite. It might be quite circumspect evidence.
213. DAME PATRICIA HODGSON: Of course. Maybe we could also have some informal conversations with you about where else we might go for this evidence.
214. Unless anybody wants to follow up anything else in this area, Rita, shall I ask you to carry on with the regulatory stuff?
215. RITA DONAGHY: Yes. I am going to start with elector administration. My questions are a lot more detailed and therefore you may not want to elaborate on it, but I will just try, just in case.
216. We received evidence about the wide range of regional variation in the way the election system is administered and funded. What is your view? Do you think it is a problem that there is a lack on consistency and administration throughout?
217. LORD HOLME: Because that is not an area of any great expertise for me, I will say no more than I think it is a slightly tricky model, on the one hand, receiving consolidated fund monies from parliament and, on the other hand, saying go out and make some money out of selling your services, rather like the Electoral Reform Society selling ballot services as a way of getting income. It is slightly tricky. Are you entrepreneurial and meant to raise money or are you meant to executive public purposes through public funds? It is slightly tricky, but I cannot really comment meaningfully on your question, I am afraid.
218. RITA DONAGHY: What role do you think the Electoral Commission should have in administering elections, as opposed to having an overview of the election system?
219. LORD HOLME: You mean as opposed to returning officers? I think they should be much more like the MCC than a series of local umpires. I think they should be setting the rules of the game. It follows from that that my prejudice is that they should not be involved in detailed local electoral administration, but setting the rules.
220. SIR ALISTAIR GRAHAM: But what if it goes wrong? We have had evidence that the electoral register might be 60-odd percent of the recent census figures in one area and over 100 percent in another. That is an enormous variation in terms of the starting block for participation in the democratic system. That seems to me to be a fundamental weakness of our democratic system. What happens if something go wrong and a local

authority is failing? It is being given money in theory to do this work, but it gets diverted, perhaps for very good local reasons, into social deprivation or whatever it might be.

221.       Somebody is setting the rules, and under the recent Electoral Administration Act they can set performance standards for some of these matters, but what happens when it goes wrong? Who can intervene to put it right?
222.       LORD HOLME: I have not thought about it, but I can imagine that there are at least two answers. One is that they are charged with drawing public attention to discrepancies of this sort to create the sort of embarrassment and identification of problems that often drives improvement and change. The other is that they should operate as some sort of appeal body where people, locally, who feel that this acts to the disadvantage of local residents, could appeal. You could take quasi-judicial possibilities or you could take a publicising mode, but I have not thought about it.
223.       RITA DONAGHY: It has been put to us that it would be better if election funds were administered centrally, possibly disbursed by the Electoral Commission, and that would then ensure some consistency across the piece. What would your view be on that?
224.       LORD HOLME: Election funds?
225.       RITA DONAGHY: That instead of going via local authorities, there should be some central disbursement of funds for the purpose of election administration at local level.
226.       LORD HOLME: Certainly, following the chairman's question, that would clearly give them some muscle, but again I have not thought about that.
227.       RITA DONAGHY: Do you think that the electoral fraud publicity over the last few months is a problem: the postal voting issue? Do you think that has damaged the integrity of the electoral system?
228.       LORD HOLME: I think it is an absolute disgrace. I think in a 21st century democracy the fact that that sort of thing is still going on must raise questions about how well we administer system, but again you have the wrong people if you are looking for expertise on that.
229.       CLARE ETTINGHAUSEN: I would just add to that that I would agree with everything that Lord Holme has said, but say that the statistical likelihood of electoral fraud taking place is still very, very minimal. I think the media attention is perhaps disproportionate to the actual number of cases that occurred.
230.       SIR ALISTAIR GRAHAM: But there have been a number of prosecutions, have there not? Birmingham, we saw one recently; Peterborough, prosecutions taking place. Very often prosecutions are the tip

of an iceberg, are they not, in terms of what is actually happening on a wider scale? Do you not think it is very worrying and has undermined public confidence in our system?

231. LORD HOLME: Yes, I have to say, although I normally I agree with everything Clare says, I am not altogether in agreement with this sort of cultural relativism that it is worse in France or Iraq or wherever. I think that given that one of our external missions seems to be to spread democracy, we really do need to take extremely seriously the extent to which we are short of a gold standard. I think that is a legitimate public aspiration for a country like this: that we should be very good at it. I fear that there may be something in what you have just said, that the cases that are prosecuted are often symbolic of a malpractice, rather than being the only examples of it.

232. SIR ALISTAIR GRAHAM: Yes. We still have what seems a rather Victorian concept of the household registration system, where you get the head of the household to fill it in. In many places, they may not fill it in at all, or they may not fill it in covering all of the people in their household.

233. The House of Lords did recently put an amendment to the Electoral Administration Bill, when it was going through parliament, that we should move to individual registration. Why was it, do you think, that that amendment was not successful?

234. LORD HOLME: I was puzzled that the government opposed it, because it seems to me, as a matter of good democratic practice, a good idea. I think there may have been a slightly patronising assumption that some members of minority communities, if the head of household did not do it, would not do it, or that the cultural practice of those communities are that they would do it as a household rather than as individuals. There is an argument that it is a very Anglo-American model that every individual is a sentient practising democrat, whereas some people could make a sort of cultural argument that they would do it differently in some communities. I think that is the best case I could make for the government.

235. SIR ALISTAIR GRAHAM: In fact, if you look at the debates in the House of Commons, the main concern seemed to be a bit of panic, particularly amongst Labour members of parliament, that the electoral register would come down quite dramatically and that might have an impact in some of their constituencies.

236. LORD HOLME: They ought to go around canvassing a bit more, because anybody who has been canvassing in the past few years will tell you the extent to which what happened when I was a young canvasser 40 or 50 years ago, which was that on the whole the household voted as the governor said, has absolutely been inverted and stood on its head and female voter after voter said, "Do not worry; I will fix the old man". And it goes exactly the other way from the historical.

237. RITA DONAGHY: The chief electoral registration officer for Northern Ireland, in evidence to the committee, said that as far as he was concerned, the fundamental requirement of the electoral administration is to ensure the registry is accurate. That being the case, do you agree with that, and do you think the Electoral Commission should have a greater role in the electoral registration system?
238. LORD HOLME: I think the accuracy is very important, but again I do not have enough knowledge to comment meaningfully, I am afraid.
239. RITA DONAGHY: Perhaps I could go, then, onto the regulatory role in respect of political party funding and expenditure. How effectively do you think the commission has carried out its regulatory role in respect of party political funding and expenditure, particularly given the recent publicity about loans to the different parties?
240. LORD HOLME: I think reasonably well. I am not sure it has been helped a great deal by the parties, is the answer to that, I think. I think the parties all have their nasty little secrets, which they tend to have pulled out like bad teeth and otherwise hold onto pretty tenaciously. I think, given those limitations, they have done a very useful public interest role in identifying a number of issues that are now current. So I would say in terms of the health of democracy they have done, prima facie, quite a good job.
241. SIR ALISTAIR GRAHAM: Lord Holme, you have been involved in general elections and all the problems, presumably, of funding them, from your party political background. Were you shocked by the reliance on the scale of debt that funded the last general election?
242. LORD HOLME: Yes, I was. I think the notion that elections should, in city terms, be debt financing, seems really quite objectionable, particularly when that emerges as a device to preserve anonymity. I think, first of all, I am not sure I like debt financing as a mode for British political parties in elections, but then I particularly do not like the secrecy that went with it in order to provide anonymity. There is a slightly circular argument about whether people would have given the money if they thought it would be out in public, but all our work on party funding, and we have done a number of memos on it and are meeting Sir Hayden Phillips next week to talk about it, transparency is absolutely the key.
243. SIR ALISTAIR GRAHAM: Do you think this was a deliberate circumvention of at least the spirit of the legislation, which clearly intended that you should be open about significant donations? Clearly, it must have been in the mind of some of the political party chiefs organising these loans that at some point the loan would be translated into a donation, or the term of the loan would be extended and it would not just be straightforward commercial loans in the sense that we understand it?
244. LORD HOLME: I am clear it was a circumvention, and I think the sort of conversion you are talking about in some cases must have formed part of

that planned circumvention. What I am not in a position to speculate about is the motives of what you call deliberate circumvention. It was circumvention.

245. SIR ALISTAIR GRAHAM: We have had evidence that the Electoral Commission had some knowledge, although not perhaps of the scale of what was going on. Do you think they really could have saved the political parties from themselves by putting either tougher guidance about what was an acceptable commercial loan or by putting warning shots across their bows that they would take a very tough line if it became apparent that there were substantial loans that had not been declared?

246. LORD HOLME: I certainly think that one of the roles in relation to party funding, which is what we are talking about, is if you have prima facie evidence that there is an area of concern, to use openness and publicity to warn the parties that they may be getting into a dangerous area. I do not know; you clearly have had evidence that makes you think that they did have enough advance information to do that. If they did, I think one of the cleansing routes is to say, "If by any chance a party was considering doing this sort of thing, that would seem to us not to be in the spirit of ..." and send a warning shot. I think that is quite a proper role for this sort of body.

247. RITA DONAGHY: Some people have said to us in evidence that the commission has taken on a rather passive role in this whole area of regulation. Others have said, in addition, that there ought to be greater enforcement powers for the commission to use; for instance, administrative fines for non-compliance. Do you have any general views about, first of all, whether they were passive and, secondly, whether you think they should have greater enforcement powers in these areas?

248. LORD HOLME: It relates to the general accountability and clout of the commission. This is an acutely sensitive area and has been for a very long time. There is no party that, as I say, has not had its problems. It is an area where there are a lot of nods and nudges and winks and that has been the case for a long time. I have some sympathy with the commission, knowing that it is treading on the most painful corns in the political process, of treading a little bit carefully. I think that is understandable. In human terms, it is understandable.

249. I take the view that this is an area of the greatest significance and it is an area in which that sort of bully pulpit role that we were just discussing, as this committee has shown in another context, can be quite handy. I think that is a role that is a good one for the commission to take, but that in turn depends on how confident they feel in their lines of accountability and their own clout and their own sustainability.

250. CLARE ETTINGHAUSEN: I think I would just add to that that the commission, because of the subject nature of its regulatory functions, if you like, almost needs political support in its existence to function, and in its personnel. I think that at some points my perspective is that the commission has treaded quite carefully because it has not had the encouragement or

support from politicians from all parties on both sides of the house to really carry out its job effectively. In fact, it has had the opposite with quite a lot of nagging criticism, if you like. Not that the Electoral Commission should not exist, but questions about why they have done things. As anyone would know running and organisation, it does demoralise you and also perhaps saps at your confidence when what you really need to do is those people who are doing that kind of nagging (overspeaking)

251. SIR ALISTAIR GRAHAM: Is that because none of the parties have clean hands in this area and therefore they are unlikely to give the broad support that would be helpful?

252. CLARE ETTINGHAUSEN: I actually think it is a bit further than that. I am not here to judge the parties themselves, but it is not only about party funding that the commission does not have political support on. I think it goes back to the transparency and line of accountability, in my mind, that there is a problem that those in parliament do not feel ownership over the Electoral Commission. Arguably, they should not, because it is an independent regulator, but it is regulating themselves and if they do not have confidence in the way it is operating, not because of any individual personnel but because of the line of accountability, then that is when the problem and the grating criticism lies. I think that has been really problematic.

253. DAME PATRICIA HODGSON: I am not talking about the Electoral Commission here, I am talking about government commissions, agencies, quangos, the whole quangocracy, and I have watched with some concern over some time about how independent bodies can be. Of course, it varies according to their responsibilities, but there are some agencies or commissions where the whole point of them is that they are wholly independent. The Electoral Commission is one, the Competition Commission, which I know a fair amount about, is another. I was very, very struck by the fact that appointments to the Competition Commission are made for eight years non-renewable, with the result, of course, that once somebody is chairman or a member of the panel, their independence is absolutely guaranteed. I wondered whether you felt that that was the sort of thing that one might consider with a body like the Electoral Commission. We have heard about appointments coming up for renewal in an atmosphere where, of course, as you say, parties and governments nitpick.

254. LORD HOLME: I will come to your very apposite question in a moment, but I will just say that we have a slight Hansard thing, which is that the Newton Commission, which published four years ago, said that parliament should be the apex of accountability. You may recall the Constitution Committee, of which I am chairman, in its survey of regulators, said that parliament should be the apex of accountability.

255. I think our attitude is that parliament should be the ultimate source of public accountability for this, but in terms of shoring up independence, I think not just the Competition Commission, but you could argue the House of Lords itself, is really quite good evidence of the term of office being some sort of

assurance of independence of judgement, to the point that when people talk about the House of Lords reform parenthetically, I think the most important issue is not the quantum of elected members, but the term: a long term of election so that people are not unduly beholden to party pressures through the whips.

256. I do think long terms would be one way of fortifying a commission collectively, both in terms of the appointment of a chairman and members, although even then you have to have some sort of escape hatch, do you not, in the eventuality that the good and great have got it wrong?
257. We also have views which we put in our evidence about the sorts of people who you have on the commission. I think one of the problems is, by this rather pure divorce from the political process, you have also sucked political clout out of the commission. I think it would be quite wrong to have practising politicians leading a commission like this one. On the other hand, I think it would be very valuable to have people with political credibility and experience to help fortify it.
258. If you would not mind, I will just personalise it. Let us suppose, for example, that Gillian Shephard were the Chairman of the Electoral Commission. I am not wishing this on Gillian Shephard in her absence, but let us suppose she were. Do you think anybody for a moment would doubt her independence on judgement and her ability, at the same time as being independent, to stand up to the sort of pressure you can get in the rough corridors of politics? I do not think they would. I think they would say this is not a person who is acting in a party way, someone who does know their way around the political jungle and somebody who could stand up for the commission when political thuggishness attempts to beat it off.
259. I think the cordon sanitaire of no practising politicians is clearly right, but I am not at all clear that the timescale is right. I think it would very much fortify the commission to have people of good reputation and good public credibility, whose independence of judgement nobody really doubted, on the commission. As well as the long term, I think that would be helpful.
260. SIR ALISTAIR GRAHAM: Yes, we have had some evidence along those lines on the ten-year rule.
261. CLARE ETTINGHAUSEN: Can I just add to that, because I think it is not only the chairman or the chair and the commissioners, but the staff, most importantly, almost. Although things have improved quite radically in the last two or three years in my dealings - and full credit to the senior staff in making that happen - the ten-year rule applicable to staff is a real problem. You have people working in a highly political environment with no direct experience of party politics, arguably of the political world or of Westminster or any of the devolved assemblies directly. I think that has been a continual problem and I think if that had been different - if it had been a three- to five-year rule - many of the discussions you are having today would not have come up because the

political savvy would have been there.

262. SIR ALISTAIR GRAHAM: We have some very clear and fairly extensive evidence along those lines and we are obviously thinking very carefully about that. But we have had some contradictory evidence on this issue of should the political parties - the Labour party, for example, and each of the major political parties, plus a fourth commissioner from the smaller parties - be allowed to nominate them. Not necessarily immediately practising people, but people who previously may have had a role. What is your view about that?

263. LORD HOLME: Well, there are committees on which that seems to have worked pretty well, but I do not think it should be what the Germans call die Proporz. It should not all be lined up. This is my own view; I am not sure we have Hansard Society view. I think that there is a danger that you get what has happened with the Federal Electoral Commission in the States, which has really just become a forum in which the parties negotiate. It is really no more than that; it is a place, as you have no doubt observed, where the parties cut their deals. I think that would be extremely undesirable.

264. SIR ALISTAIR GRAHAM: It would undermine their independence, you think, in a real sense?

265. LORD HOLME: There is a danger, if the party nominees bounce in the tradition way, that you are implicitly saying to the other members of the commission, "You sit back while the politicians do the deals". I do not think this should be a deal-led body; I think it should be a public-interest, rule-led body. That is what makes me slightly nervous about getting over mechanistic in that way.

266. But the presence on the staff and on the commission itself of people with political clout and nous, albeit it no longer in the middle of the fray, seems a good thing.

267. RITA DONAGHY: Can I ask you about further state funding for political parties. Does Hansard have a view about whether that should be increased or whether there should be other functions? We have the Short money; we have the development fund. We are aware that there are very differing views from witnesses on this and it is highly controversial. There is not very much evidence that this would have popular political support, but what would your view?

268. LORD HOLME: We have produced a short memorandum on what we believe the principles of political funding should be, and that is derived from several bits of work we have done over time, including the Chattaway Commission, which really, I think, led to companies having to seek the approval of shareholders. We did work before that on the Dell Commission, and we have pulled out of that what we think the principles of political funding should be. If it would be helpful, we would be very helpful to let you have that.

269. SIR ALISTAIR GRAHAM: I think that would be very valuable. From your perspective, given there is already state funding of political parties in the way that has just been outlined, do you think public opinion is ready for a significant shift?
270. LORD HOLME: Public opinion is pretty hostile to any major extension. I think public opinion, perhaps fortunately for the parties, does not really know about the Short money. Short money is not discussed in the pubs of the northeast, I am certain; it is sort of invisible money, in a way, which is probably to the parties' benefit.
271. I think that there is a lot of support among the public for greater transparency; I think that there is a tendency that people concentrate on the supply side of this equation rather than on the demand side. On the demand side of the equation, I think there is also very general public support for a reduction in general election limits on expenditure, which, of course, is perfectly logical. If you think of the first wave of reforms in the 19th century, they were about excess in constituencies: the Eton and Slough by-election and so on. People had a picture of beer being bought in constituencies to influence votes and said, "We must do something about the constituencies so we have constituency limits". But we all know the election is a national election now and it is fought on a national basis with focus groups and advertising and charabancs going around and so on, so everybody is clear that it is a national election being fought. Although you vote locally, it is a national campaign.
272. SIR ALISTAIR GRAHAM: And given this concentration on marginal constituencies, very often, which we have seen some political parties have really targeted in a quite substantial way, do you think there should be some limit that limits the amount of money that can go into those constituencies?
273. LORD HOLME: One of the things you would find, if you did the research, is the poster campaigns, surprise, surprise, actually do not happen, apart from the press conference on the South Bank; they happen in the target constituencies. You have the poster, "This is where 70 percent of the money goes". You have the poster launched on the South Bank. Hopefully, if you are lucky, you get it on the evening news, because it has a political message, but actually, to the extent that poster sites are bought, the way a consumer goods company would buy posters, they are being bought in target constituencies. If you look at the market research, it is nearly all done, and I speak from personal experience, in target seats among target voters.
274. You have probably 500,000 voters: all the research is being done on them; all the messages are being aimed at them. The general election is happening to 500,000 people who are going to determine who the next government is. Of course, that will get me off into a very tedious Liberal Democrat thing about the electoral system, so I shall avoid doing that.
275. SIR ALISTAIR GRAHAM: Hayden Phillips' review which has been carried out, the terms of reference rather point in a direction between

increased state funding in return for a cap on individual political donations. Do you think that is the right direction he should be looking at? You say you are going to have a meeting with him next week.

276. CLARE ETTINGHAUSEN: We will have to think about that.

277. LORD HOLME: Because of who we are, and we are all party and no party, we have been quite careful to try and set out principles about participation: about the merits of many small donations as opposed to a few large donations; about transparency; about both sides of the equation, supply and demand, rather than getting into a detailed scheme. But if you want my personal view, I think that is a trade off which I am doubtful the public will recognise in the way you have just described it.

278. CLARE ETTINGHAUSEN: Can I just add one extra point about public opinion. I think it is fairly black and white if you say do you want more state funding. We are currently carrying out independently, on behalf of the Department of Constitutional Affairs, an online discussion forum for Hayden Phillips' review to discuss publicly the issues in his paper. What you find is when you give people considered arguments, there is actually much more favourability, as you would expect in most of these things.

279. It does go wider on many of the things that we have had in-depth discussions with members of the public about. The principle is that democracy is a public good and money needs to be spent on it. People do understand that. if you say, "Do you want more tax to go on party funding?" the answer is obviously no.

280. LORD HOLME: Or do you want it to go on posters.

281. CLARE ETTINGHAUSEN: Yes, the answer is no. But, for example, an analogy is with some focus groups we did related to how people get information about parliament: would they like it by email or would they like it by mail. When it was put to them that this would cost money that would come out of taxes and would that be acceptable, the answer was yes. Information about democracy is a public good and they understand the money needs to come from somewhere to spend on it.

282. If you say to someone it is a choice of your local hospital being closed or the Labour Party having more money, I can imagine which one they would say; people are only human after all. But I do not think we can rule out a black and white the public do not like it, full stop. Democracy does involve expenditure.

283. SIR ALISTAIR GRAHAM: But has your work given you any pointers as to where the public would find it acceptable to give further finance to political parties to carry out functions in a democratic society?

284. LORD HOLME: I think in a nutshell, people support monies spent on information, including the technologies to support information, but they do not

want it spent on propaganda. It is part of their general attitude to politics. They want to de-partisan what is going on. I think because general elections are the point of conspicuous consumption, and most of the money is spent, that is the bit that they do not like, rather as they do not like prime minister's question time. If you say, "Do you like careful select committees deliberating on things?" they say, "Yes, of course we like that?" "Do you like information?" "We would like information."

285. SIR ALISTAIR GRAHAM: Our constitution is based on competitive political parties, is it not?
286. LORD HOLME: It is the nexus of co-operation and competition et cetera.
287. RITA DONAGHY: My final question is on the area of accountability. In your evidence, you have called for a joint committee on the Electoral Commission, which would include representation from the devolved administrations. Why do you favour this approach as opposed to perhaps setting up a select committee or referring it to an existing select committee like Constitutional Affairs?
288. LORD HOLME: I think that there is a conceptual problem with the Speaker's Committee doing it, which is that the speaker - I do not mean just the present Mr Speaker, but all speakers - are about the rules of parliament, not about the rules of elections. They are about what happens in parliament. If that is the point of accountability within parliament, there could be a tendency for it to be sucked into a sort of internalisation.
289. The second problem as we know is that there is a very great lack of transparency about the way that committee operates. Whether it is the Constitutional Affairs Committee or a new joint committee or a specially appointed committee, it seems to me that the first requirement for the point of parliamentary accountability is that it should be transparent, so that you bring into play the public and the media and not simply a tight little parliamentary caucus, as it were.
290. SIR ALISTAIR GRAHAM: Absolutely. I think it is an area that we explored with the Chairman and the Secretary of the Speaker's Committee earlier today.
291. Would it be sensible to make some distinction between, say, policy issues going to the Constitutional Affairs Select Committee who have traditionally taken some interest in these matters and, providing your transparency point was met, that the budgetary nuts and bolts work of the Electoral Commission were dealt with by a cross-party committee like the Speaker's Committee?
292. LORD HOLME: Yes. Of course, one of the points of our evidence is that the commission should receive and distribute monies from the consolidated fund. The whole argument about them acting as a sort of seeder

of external awareness effort would depend on that a bit. That is an interesting point.

293. CLARE ETTINGHAUSEN: I would say I think my personal preference would be for a joint committee, whether that meets on an ad hoc basis or was set up permanently. I think it is quite difficult having a committee of all-party politicians regulating a body which regulates themselves. I think having members of the House of Lords in whatever guise it may look like in the future is perhaps a taming mechanism on a group of, at the moment, elected politicians. My preference would definitely be for a permanent joint committee with representation from the devolved assemblies and parliaments, which would be a novel invention, but I think in this case it would be necessary.

294. LORD HOLME: I think a bit of constitutional innovation would be a very good thing. It is a really serious anomaly that the Scottish Parliament and Welsh Parliament and Northern Ireland Assembly are not, as it were, part of the mechanism. It really would be a very good thing for Westminster to find some way of getting its arms institutionally around those other bodies.

295. SIR ALISTAIR GRAHAM: To be fair, I think commissioners have gone and given evidence to committees of the Scottish and Welsh assemblies, so it would not be fair to say there has been no contact between them.

296. CLARE ETTINGHAUSEN: No, but it is not the same. If you are saying that the Speaker's Committee approves the budgets, it is not the same thing as actually being on that committee.

297. LORD HOLME: May I just make one final point, if you are winding up. I just had one further thing I wanted to add. If we talk about the timidity or the relative timidity of the commission, I think one respect in which that is well reflected is its disinclination to take on board the broadcasting issue of whether there should be a leaders' debate at general elections. This is so clearly a public interest issue. The broadcasters now have their act together and ITV and BBC have agreed that they would share such broadcasts. Every opinion poll shows there is a 70 to 80 percent majority of the public who think that should be part of a general election, and yet the Electoral Commission, partly for the reasons of political clout and accountability, do not feel, or have not felt, it is something on which they should pronounce. I do not do that to reproach them; I do it as an indication of their edginess about addressing anything that is controversial between the parties.

298. LLOYD CLARKE: could I just ask one question: a broad question, but with a specific in there as well. When you very first opened and you said that the society was enthusiastic about the Electoral Commission. That had been established. Then I was also struck by the MCC of setting rules and clearly offering guidance. The broad question is, is there anything else now, with hindsight, that we could or should incorporate, particularly looking at bodies in other countries. The specific is the commission has been reluctant to issue opinions on interpretation in grey areas, specifically the loans as an example. Could they then, as in other countries, have a responsibility for issuing

advisory legal opinions which would help us, as it were, make clear those grey areas?

299. The broad question is in respect of is there anything else that we could do or should do, and then a specific example is this legal advice.
300. LORD HOLME: I think that is a very interesting suggestion. I think there is scope for legal advice, but I am afraid it prompts, as part of my answer anyhow, another hobbyhorse of mine which is it is still extraordinary that these political parties which are the competitive instruments through which we produce parliamentary democracy are still to an extraordinary extent private clubs; in other words, in terms of their governance, their transparency, their rules of conduct.
301. One thing I am going to say to Hayden Phillips next week is to the extent that any public money more is given to parties, part of the trade off is that you now accept governance and a way of operating that gets you out of this, "Hold on, sorry, that is private business". It is not private business, because these are the bodies to which we entrust our democratic future, so they ought to be governed in a way which is consistent with the best practice of governance.
302. I am sorry, that is getting on a slight hobbyhorse, but I think the reason I mention it is the moment you start saying we will get legal advice, this is an area of public law I think you will find, as you may have found already, is quite underdeveloped. I am not sure you are going to find it easy to find leading counsel giving you definitive opinions, but I would not exclude it, certainly.
303. LLOYD CLARKE: You certainly get it in other countries by similar bodies as the Electoral Commission.
304. SIR ALISTAIR GRAHAM: Thank you very much for coming along this morning and giving us some very useful ideas and practical approaches which we can think carefully about.
305. We will now break for lunch and reconvene at 1.30pm.
306. SIR ALISTAIR GRAHAM: I am very grateful that you have both agreed to come and talk to us. We are particularly interested in the evidence you have put in about your role as returning officers. I hope you do not mind but we would like to go rather wider than that. Given your experience at a local authority level we would be very interested to ask you some questions about electoral administration and the role of the Electoral Commission. Just for the record, we have Paul Rogerson on the left and Ged Fitzgerald on the right.
307. The first issue we wanted to raise with you was really just get your perspective on the work of the Electoral Commission. It is there to foster public confidence and participation in the democratic process by providing integrity, involvement and effectiveness. Do you think they have been successful in that? Given they have a wide range of different roles - from

promoting awareness of the democratic system, increasing participation in elections, regulating campaign expenditure, funding of political parties and political donations - what do you think it has done well and what less well?

308. PAUL ROGERSON (Chief Executive, Leeds City Council): Obviously our main involvement is in relation to issues pertaining to registration conduct of elections. Neither of us is what I would call an elections anorak, so we do not come as electoral law specialists. As you will have picked up from the letter, both of us have been involved extensively in elections at the Leeds end. We have also acted on a couple of occasions now in a reasonable capacity with European elections, so we have had a fairly extensive set of relations with the Commission since its inception.

309. I suppose my impression would be actually in a relatively short period they have established real credibility as an organisation whose advice and assistance is to be welcomed across that whole spectrum of local government administrators, chief execs who are involved in all of this, which actually is no mean feat. I know you have had representations from the elect panel of SOLACE and from the AEA but these are not often easy groups; they know their subjects so they are not palmed off with gloss and froth as it were. That would be my first impression.

310. It is a short period; it would not be fair to quote other boards and commissions. What has happened in this event is not inevitable, my any means. I think that has been the quality of the Chair, the quality of the Commissioners, and of the staff. At that very general level I have hardly spoken to anyone in our community - that local government electoral organisation side - who has not been impressed by how they have performed. Indeed, I have only glanced at some of the other submissions but noting the electoral administrators and the SOLACE views, I think are genuine in relation to the areas of our particular interest.

311. We would welcome a growing role for the Commission and we think much of the current duplication would be best be addressed by giving clear responsibilities to the Commission in that regard. I know you are looking at the wider roles and you have look at a total set of responsibilities that they have, but from our perspective they are welcome on the scene. They have performed very well indeed and they do have the confidence of the community.

312. SIR ALISTAIR GRAHAM: The area that we are particularly anxious to explore with you is the electoral administration area, because it is at the centre of the democratic system in many ways: How comprehensive our electoral register is; has it any inaccuracies; all the rest of it. Perhaps one of the most worrying things that has hit us so far is the wide variation of investment that can take place from one local authority to another in terms of getting the electoral register right. People have put to us that you might have a register that is 60-odd percent of the census population, compared with another area that might be over 100 percent. As chief executive of a local authority does

that worry you?

313. GED FITZGERALD (Chief Executive, Sunderland City Council): I think it does worry us in terms of maybe too many levels. One is, as you rightly say, of the preparation, the administration and the running and conduct of elections is central to the democratic process in this country, and rightly so. However, the register is only ever as good as the organisation that supports the preparation and the administration, et cetera, of it.
314. That in turn has a number of different strands, which I am sure you will want to pick up parts of it. First, about funding, in terms of whether there is sufficient money made available for that, both from central to local and then from local to the elections process itself.
315. Secondly, issues about capacity in terms of the individuals doing that particular task. I think, being fairly blunt about it, there is an issue of scale. We represent metropolitan urban areas of a certain size, a certain scale and it is easier for us to be able to resource the effective management of the elections process when you have more scale to be able to actually play with. I think if we represented urban district councils, some of the difficulties around prioritisation, around resource utilisation, around deployment of skills and volume of staff who actually administer elections on the day in terms of counts, et cetera, having that kind of capacity and that wherewithal is easier in a bigger place than it is in a smaller place. So there have to be some concerns around standards and around consistency of approach to things like the preparation and the accuracy of a register and also, I would suggest, other aspects of the conduct of the elections process itself.
316. SIR ALISTAIR GRAHAM: Under the recent Electoral Administration Act the Commission has been given the responsibility of setting performance standards for electoral administration. Yet it has not been given any powers of intervention. We have heard examples where governments have made some money available - for example, I think a sum of money had been made available for implementing the new statutory arrangements under the Electoral Administration Act - yet there is no guarantee that that money will get to the particular officials or the particular department of the local authority that requires it to carry out those functions. How do we put that right for the future?
317. PAUL ROGERSON: It would be very unusual for local government chief executives to be arguing in support of hypothecation because we are constantly saying that limits our discretion to address policies in our own areas. Actually in relation to elections, as Ged was just saying, this is not about having the capacity to address local issues in a local way and local discretion. It is about consistency in the same standard across the piece. I certainly think in relation to that funding aspect, it would be perfectly sensible in this area that what is being identified for the achievement of particular objects, there is a mechanism to ensure that that is indeed the purpose for which it is employed. I do not think there is a sensible argument you can put

against that.

318. SIR ALISTAIR GRAHAM: So would you have any argument against, for example, if we were to recommend that the funding should go through the Electoral Commission, that the Electoral Commission might contract with a local authority? Keeping it as a local authority function but contract with them to achieve certain outcomes?

319. PAUL ROGERSON: It would be fair to say, I think, we would be supportive of that as a route that we would urge you to recommend. It has been a little bit of a dogs breakfast for some years - not funding of the registration process, by and large, as it comes through the normal revenue grant settlement arrangements - but in truth there is already hypothecation because the costs of actually conducting the election are then dealt with separately and then there is direct funding there, complex fee structures. There seems to be obvious scope for rationalising, simplifying and clarifying accountability.

320. SIR ALISTAIR GRAHAM: That is useful. You did in your written submission recommend that the referendum model should be applied to all elections in the UK. I think that particularly in relation to returning officers, if I remember rightly. What made you want to put that forward as a key issue?

321. PAUL ROGERSON: Ged, you might want to come in here in relation to the particular experience in the north east. Again, just glancing at the AEA and SOLACE, some issues where they both raise the issue of would it not be sensible to looking at returning officers being employed by and accountable to some independent organisation. Broadly they both support that same trend. We have had the benefit of seeing how that would work on the referendum side. In the result it only went forward in the north east and not in the north west but we were extensively involved - until the government changed its view on it - in the preparations for that. It did seem to operate in a very sound and sensible way. As you know, Sam was Chair, the Chief Counting Officer, and then there were appointments at the regional level and we were seeking to co-ordinate activities within our own areas.

322. Just on the issue of direction, there was a debate in the run-up to the European election of 2004 and its combination with the local government elections in that year as to the role that a regional returning officer would have in terms of directing their colleague returning officers. It is the same in that to my mind it would be sensible that the Commission, in the last analysis, would have that power to direct.

323. Can I just give you a practical example? It was a nightmare period - the combined local government/European election - in the all postal pilot areas. We had issues around polling progress. As you will recall the parties wanted, from the returning officers, to have details of all those who would vote. The Commission were opposed. It matters not; in the result the order contained that. So that was about parties.

324. But what about individual voters who seek that information? There was some panic because the order did not deal with that. I think the DCA then came out with a view from the human rights and data protection side, "Sure, they must have a right to this information", so we were trying to then adjust our systems to that. What you might have predicted would happen, then did happen; individuals made those inquiries and we sought to deal with them. Of course numbers of packs were not recorded as having been returned, so then the situation was, "What do we do in that event?" The Commission gave advice - and it was the right legal advice but we ignored it, I have to say - but it was that plainly the order does not make provision for the re-supply unless they have been lost or destroyed. By definition these had not been. As I say, we ignored it because I would have rather stood up in court, had there been a petition, and said, "These are the people keenest to vote who have voted and are the very people you are ruling out". We would say we were seeking to place as broad a construction of those provisions as possible.
325. If that had been a Commission determination, that is fine. What you had were different parts that were doing different things in that situation. If that had been Sam's direction in that area, that is fine, because he takes the responsibility for that. It is his decision and that is the rule that applies across the piece. So it was a very unsatisfactory state of affairs and results from this multiplicity of decision-makers, even where there is guidance and advice.
326. There are a number of issues around the employment front, I think, that the SOLACE panel raised. Insurance is getting more and more difficult and there are ambiguities in that area but, crucially, it is whose say holds at the end of the day. I think we made the point earlier that there is no real argument here for different practices in different localities. This is not about addressing different needs in different ways.
327. SIR ALISTAIR GRAHAM: In Northern Ireland they have a Chief Electoral Officer. Clearly for England and Wales you could not have a Chief Electoral Officer because of the scale. But if in fact the Chief Executive or the Chairman of the Electoral Commission were designated the Chief Electoral Officer, and then you had regional electoral officers who were taking responsibility for supervising what was happening in their particular regions, from your experience do you think that would be a practical approach?
328. PAUL ROGERSON: Yes. I think if you were to speak to most authorities following their experience of the two European parliamentary elections where we have had a regional returning officer - irrespective of these direction issues - I think all have benefited from those cross-authority discussions; from clarity around the ranges that we would obtain, being able to deal as a number of authorities with suppliers and other agencies. My own view is that would be a very common view on the part of authorities.
329. GED FITZGERALD: Yes, I would agree. It reinforces a couple of points I made earlier on, which is about scale and about consistency again, because clearly the scale factor, the kind of relationships with suppliers, is clearly one. Also the ability to marshal expertise and consistent advice and

interpretation of regulations, all of that kind of stuff, is much easier to manage clearly on almost a bilateral basis - if we were to take the north east case - with myself and Sam Younger and the Commission in the context of the referendum and the European. We think that that model has clearly got a lot to commend it, as opposed to the fragmentation, which clearly is the opposite kind of potential.

330. I think that the consistency point has to be the one. You made the point at the very start that this is at the heart of the democratic process but unless there is a consistent experience for all electors and voters, then somewhere we are not getting it right.

331. SIR ALISTAIR GRAHAM: Absolutely. That is very helpful. Can I turn now to the interesting issue of the introduction of postal voting on demand? Some people have argued, when all that debate and discussion was taking place, that it was one of the main drivers of increased electoral fraud. Is that your experience?

332. GED FITZGERALD: No. We currently have 45,000 people registered for postal voting. That is a figure that has increased over the number of years that we have been involved with postal voting. That represents 22 percent of the electorate. In turnout terms, again, like most urban areas, we do not benefit from a huge turnout if I look at it in a positive sense. We do our best - obviously alongside the Commission and others - to try to encourage higher turnouts. What our experience has been is that we have had higher turnouts in successive postal voting pilots and then the postal arrangements, and we have not had significant evidence at all of any fraud. We are aware obviously that in other areas that has not been so.

333. SIR ALISTAIR GRAHAM: Yes, there have been increased prosecutions, has there not? In this sort of area I think the police and Criminal Prosecution Service do not bring prosecutions lightly, so presumably the Birminghams of this world - I was reading about one recently in Peterborough - these are a bit of a tip of an iceberg, which suggests that perhaps fraud has been more widespread than you are arguing?

334. GED FITZGERALD: I do not personally subscribe to that view. Fraud clearly has existed in the cases that you have identified but I am not aware of any other instances in any elections that I have ever been party to that have that kind of experience. Clearly it has happened in other places but I cannot comment on those for obvious reasons. What I would say is that the existence of what we call the traditional form of ballot also is entirely susceptible to fraud. The fixation that exists around the postal vote fraud, as opposed to impersonation fraud in the traditional form, for example, who knows what the answer to that one actually is.

335. SIR ALISTAIR GRAHAM: Would you not say that in fact what looked like a bit of a headlong rush to extend the amount of postal balloting, probably did - more than any other development in recent times - undermine public

confidence in the electoral system?

336. PAUL ROGERSON: I mentioned that from an organisational point of view I think that the 2004 exercise was a bit of a nightmare. We were a very reluctant participant as a region in that, if you remember discussions with the Secretary of State for Constitutional Affairs on it. A lot of things that we were apprehensive about were the very things that came to pass: We expected getting the order late; we expected having to get things in place later than we would wish; we expected the problems with suppliers. What all of that did was to focus the media spotlight on the wisdom of that whole exercise.

337. Your other question was about postal voting on demand. It is quite right that in Birmingham they were not part of this all-postal pilot and that is where some of those problems occurred. Interestingly as that went forward - and Leeds as a local authority was the biggest authority participating in that all postal pilot - our experience was not of problems in relation to fraud. That is not to say there were not problems elsewhere in the region; I recall issues being raised in Bradford and Calderdale. However, we secured the benefit of a significant increase in turnout without any fraud issues being raised from that.

338. SIR ALISTAIR GRAHAM: How would you stop fraud? We are going to have different arrangements in the future where there will be a check of signatures, but under the arrangements that you were operating, Paul, there was no check of signatures, was there?

339. PAUL ROGERSON: No. Indeed, when I mentioned the problems elsewhere in the region, that was emerging as complaints - information was being received as the preparations for the election went forward - so it was those matters that were then being picked up and investigated.

340. One point I wanted to make is that actually whenever the media then came to see about it, they went away because there were not problems. The whole of that exercise was painted as really problems all over the show but a lot of that was selective in its reporting.

341. Just in terms of the role of the police and the CPS, I think there have been real improvements there, facilitated by the Commission, in the awareness of the police in relation to the possibilities around electoral fraud.

342. SIR ALISTAIR GRAHAM: So they are more willing to investigate it?

343. PAUL ROGERSON: They are more willing to investigate it and identifying within CPS specialists in this area, ready contactability as the election went forward. So, yes, it is fair for you to say that our assessment is almost an anecdotal one, because what I am really saying is we were not receiving complaints that we would then investigate and pass on. It just did not occur. I am not talking about post-election checks because in practice they were very, very difficult to make, so it is an impression assessment,

really, of how that went.

344. On postal voting by demand I think we are now up to about 70,000. Plainly electors have an appetite for it. That is how they wish to exercise their right to the franchise. My own view is that to seek to revert in any way to only having a right to vote by post if you are incapable of attending, is a restriction. We have moved forward and I just cannot realistically see a going back to that age. I think the only real issue is to focus on what the options are for a misuse of the process and to seek better to address those. I do think the enforcement authorities have made significant steps forward in the last two, three years.
345. GED FITZGERALD: Absolutely.
346. SIR ALISTAIR GRAHAM: That is an interesting point because I do not think we have heard evidence about that before. What about how the arrangements will operate under the Electoral Administration Act? I am a bit unclear. I have just recently had forms from my local authority about it. I am down as a postal voter and continue to be down as a postal voter. With the Electoral Administration Act arrangements, whereby in future I think you have to give date of birth and a signature, how is that being brought in?
347. GED FITZGERALD: Slowly I think is the honest answer. We had a discussion with the Commission as recently as Monday around this very issue. Clearly if you set aside whether that is the right set of arrangements, because that is now in legislation, the issue is how representative the sampling of that is, how you actually verify it, if you can verify it. From our point of view obviously the smoothest possible way of doing that would be by a system which involves software that recognised signatures. We understand from a practicality point of view that trying to verify dates of birth - because they are numeric rather than written - is actually very complex in terms of having software that allows you to do that. So there are some discussions and some process in hand at the moment around that. A very topical question, if I may say so.
348. SIR ALISTAIR GRAHAM: What about the signatures? Is there software to check signatures?
349. GED FITZGERALD: There is software technically that exists to do that but obviously in this sphere it has never been tested. That is one of our concerns, obviously, ahead of the likely introduction of that in May, in our case.
350. SIR ALISTAIR GRAHAM: We did speak, via telephone, with the one of the electoral officers in Oregon in the United States, that does all elections by postal voting. It is fair to say that they do, so we were told, achieve a higher turnout. They do a manual check of each signature. Is that what is going to happen in the future?
351. GED FITZGERALD: I do not personally think that a manual check of all signatures is going to be sustainable from our point of view, unless there is a

major investment cash-wise.

352. SIR ALISTAIR GRAHAM: Just because of the numbers, the scale?
353. GED FITZGERALD: Yes, just by virtue of scale and consistency. As urban authorities we have a certain kind of scale, et cetera, that we talked about before. If you are in a district council where you have not got that - where you are talking about part of somebody's job to do this at a point in time in the year - there is the capacity issue, consistency issue, the training issue, the interpretation issue. We had a discussion an hour or so ago about signatures. I am a very good example of this as my handwriting is not the best. My signature might look a certain way on a particular day, or a particular point of a day. Four, five, six months later it could look very different.
354. PAUL ROGERSON: In principle it is to be welcomed. You mentioned the issue of confidence and I think a lot of it is about perceptions; this is an obvious way of ensuring - which we have not been able to do in the past - that the applications that are coming in are genuine. All will be in the detail and the operation. Going back to 2004, it should be in in a timely fashion so that authorities can organise to deal with it. These are discussions that remain to be held, but what is the reaction where there are doubts about that?
355. Remember, we are talking pre-election now in 2004. Where incomplete declarations of identify were returned, under the order we had to return those to the elector and point out the errors - which gave us another feature of the nightmare - and await their return and put them back in. There are real issues in there of what is the responsibility of the receiving authority. In principle, in order to maintain that confidence and to have demonstrable way of ensuring that these are properly submitted applications, there is ability then to compare the DOI when it is received with the application. I just think that there are lots of practical issues that we hope we will have time to get right.
356. SIR ALISTAIR GRAHAM: But in reality are you talking about doing a sample check rather than a full check?
357. GED FITZGERALD: Yes. The current discussions and the nature of the discussions is targeted at 20 percent of all the postal applications. There is a debate around whether 20 percent is the right figure or not, what the basis of that would be. Regardless almost of what the percentage is, clearly the ideal situation is 100 percent. Our view is that 100 percent is desirable but in order to do 100 percent you have to have technology that actual enables the process. I would personally be a bit worried about a manual process with literally hundreds of thousands of forms lying around. One of the experiences of Birmingham, for example, was that forms got mislaid or put to one side. The prospect of that kind of thing happening before an election is of course and obviously the potential to disenfranchise voters is a very serious issue.
358. SIR ALISTAIR GRAHAM: So what will the reality mean for this on election night? Are we going to have much-delayed results on election night

as a result of these new arrangements?

359. GED FITZGERALD: Perhaps if I pick up this question because we had this conversation on Monday that Paul was not personally privy to. I think the view that is emerging among practitioners at the moment is that it will not actually be on election night; it will be the following day.

360. PAUL ROGERSON: If I can just come in on that, I took the decision at the last local government elections, the most recent ones in May, that we would not count until the Friday morning. This was the first time that we had done that. It was a combination of factors: The ability for postal votes to be left at polling stations, the issues of those coming in; the trawl of postal boxes late on the day; the extension in the hours of voting; the fact that in a big city like Leeds we have disbursed counting arrangements. We did that with an open mind that we understood the wish of the parties and the media. Their preference would have been for that to have been done on the Thursday night, and we said we would look at how it has gone and we would hope to get back on the Thursday. This plainly does raise an issue over that. It may depend upon what is being looked for as the sample percentage and it may depend upon whether the advice is that really that goes right through the process. Sensibly it ought to include late-received as well as early-received applications. Just whether it is feasible, if you have disbursed counts, to be passing pieces of paper between counting venues in the early hours of Friday morning in any event, or whether you would not do better to complete that exercise on the Thursday. This work is still then going on into the early hours of the Friday before that work is completed, but then when the counts commence on the Friday they have all the relevant information before them. The major thing is that it must increase the likelihood of more counts being deferred until the Friday morning.

361. Just on the percentage, it does seem to me that if the main intent is to deter fraud, then in the first instance there is no reason why one should be looking at 100 percent. I think it is just the ability to do it and an awareness that it will be done. Ideally you would be working to that just being a part and parcel of the checks.

362. SIR ALISTAIR GRAHAM: Normally in these things if you are deciding 100 percent is too difficult, then you take a risk-based approach; where is the greatest likelihood of the possibility of fraud. Therefore should you adopt that risk assessment approach to it, rather than, say, just a random sample?

363. GED FITZGERALD: I think that is a very fair point. Part of that risk assessment, in my own view, would be whether there has been any history or any distinct likelihood of fraud taking place. My own view on that is that there should be a proportionate level, which we can justify whatever that figure actually looks like, rather than a kind of flat percentage which may have been devised by a statistical vase at a national government level, rather than perhaps more widely-informed by other experiences.

364. PAUL ROGERSON: I can see some issue with that though, in terms of this is being done on the basis of from where the postal votes are being returned, upon which parts of the city, in turn with that risk assessment.
365. SIR ALISTAIR GRAHAM: Yes. The underlying issue there is perhaps the question of perhaps cultural issues in certain particular areas of the city. If you were getting a disproportionately high number of postal votes, then you think that that, in risk assessment terms, should be the area that you should concentrate on.
366. GED FITZGERALD: Absolutely.
367. PAUL ROGERSON: But plainly it would have to be done with some care and sensitivity.
368. SIR ALISTAIR GRAHAM: Absolutely. We have concentrated on fraud in relation to postal voting but the reality is, in terms of people who turn up to vote at a normal polling station, there is no check there either, is there? Except in Northern Ireland where you are required to produce some sort of photographic identification.
369. PAUL ROGERSON: I think we are both sceptics on the benefits of having to sign for receipt of the ballot paper, which is the provision now within the Act. It may have some deterrent effects in it, but if you actually look behind it as to what that enables you to do, it is not very much, is it?
370. SIR ALISTAIR GRAHAM: Would you prefer something like photographic identification?
371. GED FITZGERALD: I come back to the consistency point. I think if there was a national arrangement which said, for the sake of argument, that you had to have photographic identification and that it was patently explained and very well communicated the reasons behind that - so it was not a human rights issue or you needed to sign for your vote kind of issue but it was around security and fraud and those natural concerns - then, yes, I think that would be an appropriate step. However, I think it needs handling and introducing very sensitively, very carefully, and not rushed at, based on some perhaps unfounded concerns around fraud-related issues. I think there needs to be education, awareness and communication that pre-empts those kind of steps forward.
372. SIR ALISTAIR GRAHAM: Yes, very interesting. I will move to another area that the Committee is interested in exploring as part of this inquiry, and that is the issue of individual registration. We have had a situation as part of the parliamentary discussion around the Electoral Administration Act; there was an amendment that was not subsequently carried into the legislation to provide for individual registration. When you look at our electoral system it does seem a bit of a Victorian hangover that you have this household registration system, where you send something to the head of the household - whoever that head of the household might be - and that person is responsible

for giving to the local authority who is eligible to vote in that particular household. So, whether people are actually on the register is dependent on some other person, other than yourself. I have to admit that I missed my son off because he was at university and he was most upset that he did not have a vote in his first general election. It does seem a hangover to Victorian times, rather than the modern arrangement of getting people to register for themselves and taking responsibility for registration. Do you have a view about that?

373. PAUL ROGERSON: I think we have slightly different views on this. The issue we just discussed of signing for the ballot paper within the polling station - just relating this discussion to that - if you perceive there really is a risk there, it seems to me you address it other than cosmetically. Having that requirement but not a requirement for individual registration is, in some respects, a pointless exercise. I also agree with you; I think there are issues about personal information as well. I have no doubt at all that the intent ought to be a move to individual registration. I think what all of us worry and wonder about is the impact that that would have then on registration and participation. Perhaps, though, your concerns are greater.

374. GED FITZGERALD: We share the principle that Paul has just outlined. I, however, think that there are two fundamental problems with that. One is how do you actually enforce it. Unless there is genuine enforcement - not the wordage that we put on the back of the forms as things stand but some kind of link either to compulsory registration regime whereby there is a sanction where people do not register - I think is a concern.

375. SIR ALISTAIR GRAHAM: You have mentioned a sanction; some people have suggested an incentive rather.

376. GED FITZGERALD: I think that is a fair point. The point I am trying to make is that there should be a debate around which of those two you actually pursue; whether it is enforcement-based or it is incentive-based.

377. The second point I was going to make is that I was involved in pieces of work as long ago as the early 1990s in urban areas. If I name one client group or category of people, students disappeared off electoral registers and a link was made between the poll tax at the time, clearly, and elections. I named just that group because a lot of work was done around that to substantiate that particular issue. Whether that is a proxy for others is a question. There has been some more recent experience that I know of - rather than was involved in - in Northern Ireland. I believe the view has been taken there that there were anomalies with the existing registers, which explains why there are differences in levels of registration. I have to say from a practitioner point of view that I would not subscribe to that particular view but I do not know all the facts behind that experience.

378. So linking the two points, if I may, the issue is really around how you actually ensure that people do register for their democratic entitlement. So whether it is sanction-based or it is inducement-based, there has got to be

some regime whereby it is meaningful and it is measurable and that from our point of view it is accurate and valid. Unless that train is actually connected together then I think you run the risk of still having partial accuracy and gaps in the register, which is not in the interests of what we are trying to achieve.

379. SIR ALISTAIR GRAHAM: It is clear from the parliamentary debate that there was considerable concern amongst many MPs in inner city areas that if you move quickly to a system of individual registration there would be a dramatic drop in the numbers of eligible voters on the electoral register. Northern Ireland, I think, was a 10 percent drop. Do you think that is a real worry?
380. GED FITZGERALD: Yes, I do.
381. PAUL ROGERSON: It is separating the principle from practicalities. I think, in principle, it is very difficult to marshal arguments against individual registration; that responsibility, that provision or link there between how people vote and the checks that can be made on how they voted. It is these practicalities around moving from a system tried and trusted over a good number of years and what the short-term implications of that might be. Inevitably, I am sure, when these matters are debated in parliament, considerations of electoral advantage also come into the consideration. I would have to agree, therefore, that to get to where in principle I think it ought to be, there does need to be further discussion around the mechanisms for ensuring that there is not that loss from the register of what could be significant numbers if some of the apprehensions that Ged has are right.
382. SIR ALISTAIR GRAHAM: It is interesting if you look at the Northern Ireland experience. They are moving away from what was initially an annual survey to compile the register, to now having it every few years, I think. So presumably if you move to an individual registration system and you found flows of information to keep it up to date, there is the possibility of saving some money from not having an annual survey.
383. GED FITZGERALD: I think the theory is absolutely right and it is consistent with what we have been discussing. However, I think it goes down to the practicalities and they would need a lot of discussion and debate and testing before you could actually validate that type of conclusion. There is an inference there, obviously, that it would be more efficient, shall we say, to be able to do that.
384. PAUL ROGERSON: That is the very sort of practical compromise I was discussing. I do not know about the situation in Northern Ireland but it may well have been more that “annualisation” of it. It is understanding what it is that prompts losses from the register.
385. SIR ALISTAIR GRAHAM: Individual registration is probably fairly central to getting the most accurate register possible, is it not?

386. GED FITZGERALD: Yes. Logically, yes, absolutely.
387. SIR ALISTAIR GRAHAM: What sort of period of transition do you think is required to move from the household registration to a full and proper individual registration system?
388. GED FITZGERALD: Again, if it is accompanied by very good communication and proper information campaigns over maybe a three-year period, we ought to be in a position to be able to actually clean up the registers and make them more accurate and more representative of the electorate concerned.
389. SIR ALISTAIR GRAHAM: I am not suggesting for one moment that it would happen like this, but if you were to start in the next year or so you might complete this in time for the next general election?
390. GED FITZGERALD: Yes, potentially, subject to obviously the other discussions that we have alluded to.
391. SIR ALISTAIR GRAHAM: Would that transitional period be, in your view, very expensive from a resource point of view?
392. GED FITZGERALD: Again, I think that comes down to the practicalities in terms of the steps we would have to take to be able to get there. What I would say, hand on heart, is that it would cost us more than the current arrangements because obviously there is more input required from our point of view.
393. SIR ALISTAIR GRAHAM: But once you have the system up and running then it should be cheaper than the current system.
394. GED FITZGERALD: I think the inference you made earlier would apply, yes. Again, we would need to scale that to be able to actually put a proper costing on it.
395. PAUL ROGERSON: That is the only way, in terms of registration, of ensuring that we do know how effective we are being in getting people on the register. But it is so intimately bound up with those earlier discussions around competence in the system as well.
396. SIR ALISTAIR GRAHAM: This issue of comprehensiveness and integrity of the electoral register - which I we have all agreed is central to our democratic system - do you think this should be a core responsibility of the Electoral Commission?
397. GED FITZGERALD: I personally do not see why not, but it needs them to be placed in the context of the relationships that other agencies have around this kind of area of activity. I think it would be difficult to determine that in isolation from the other bits, with respect.

398. PAUL ROGERSON: I cannot think with whom it would better sit.
399. SIR ALISTAIR GRAHAM: You have alluded two or three times to this implying a bit of an overlap of responsibility. What are we talking about here? The Department for Constitutional Affairs or ...?
400. GED FITZGERALD: And the Department for Communities and Local Government.
401. SIR ALISTAIR GRAHAM: The Communities and Local Government, what, from a financial point of view?
402. GED FITZGERALD: It is part financial and it is part policy but also from a practical point of view they have responsibility still for mayoral and mayoral-like referendum, as opposed to DCA.
403. SIR ALISTAIR GRAHAM: I see. Do you think this is causing real difficulties; this sort of different responsibility between the DCA, the Communities and Local Government Department, and the Electoral Commission?
404. GED FITZGERALD: I would not say real difficulties, from my experience. I think you would have to ask other people more directly. What I would say is that it has to be logical and efficient again in the context of what we have been describing.
405. PAUL ROGERSON: Just to give an example of the 2004 combined election that we referred to earlier - where we had the all postal pilots in our part of the world - towards the end there were regular five-way conversations.
406. GED FITZGERALD: Yes, conference calls.
407. PAUL ROGERSON: Which involved the regional returning officer, the old EPM as I think it then was, the DCA, the Electoral Commission, then almost invariably one or other of the big suppliers. What a way to run a show. These were regular five-way conversations.
408. SIR ALISTAIR GRAHAM: I suppose it is difficult to, say, give some policies to the Electoral Commission because they are not a government department and therefore accountable directly to parliament in that same. Do you think the sensible split is between the Department of Constitutional Affairs and the Electoral Commission?
409. GED FITZGERALD: I think largely, yes.
410. PAUL ROGERSON: I would say yes, definitely. Plainly the Commission would be an advisory body that would be making recommendations. I think the SOLACE comment that there should be some requirement that parliament would then legislate, I think that is nonsense and just wholly unrealistic. You would expect that to be really influential but I hope

the DCA would sensibly be the department that considered that policy and then dealt with any legislative issues.

411. You mentioned some of the DCLGs bits and other mayoral referendum; the system of voting and registering, it really does not matter whether it is an election for a regional assembly or a mayoral election or a European parliamentary election - as it seems to me - in terms of departmental responsibilities. That is where we would say, yes, Commission, DCA.

412. SIR ALISTAIR GRAHAM: That is very helpful. On election night whoever is going to be first - Sunderland South or whoever - do they achieve this through cutting corners in some way by not fully complying with the law?

413. PAUL ROGERSON: This is certainly one for Ged to answer.

414. GED FITZGERALD: It is not a question of cutting corners; exactly the same process is followed. Sunderland Central declares first actually. If I use my own examples, I was returning officer in Rotherham before I was moved to Sunderland and the same processes were followed. What happens in Sunderland that does not happen as quickly in Rotherham is a combination of logistics in terms of analysing the process and obviously cutting the time factors involved to get to that kind of position. Geography actually makes a difference, because the layout of Sunderland Central means that all of the polling stations are within 12 to 15 minutes drive time, so those kind of practicalities are easier to be able to manage. Clearly if you are in a rural district council you have not got that kind of scale. Partnership relationships with other agencies, looking right the way through the practicalities, even down to the handling of the boxes from the polling station driven through the city and then where the count takes place; how you get the things into the count, how you actually then have the volume of staff required.

415. One of the things that we discussed with the Commission and other colleagues was that we actually have more counters than other comparable authorities do. Now, that is our choice and that is obviously an area by which we invest in that from our point of view, for the reasons that you will understand. Our view is that there should be certain standards and certain minimum thresholds by which you actually manage those kind of levels of the process. To use an example, we have the first three in the general election all announced within an hour and 15 minutes of the close of poll, yet you have other authorities that are right the way through to 5.00am, 6.00am, or indeed the following day. There has to be an element of logistics and planning and sound effective management of the process that maybe brings the standards a bit closer.

416. SIR ALISTAIR GRAHAM: That is very helpful. Do my colleagues have any questions?

417. LLOYD CLARKE: Paul, at the very beginning you said that you welcome the Electoral Commission's growing role. From that I also took you to mean that they are growing into the role as a reasonably new organisation.

Is there anything that they are doing that they should stop doing? I have something particularly in mind. It is in respect of this education publicity democratic awareness. We have heard this morning that there are others involved in that - the DCA, Hansard - a democracy industry has been described. I am just not quite sure whether you are charged with that responsibility as well. One of the suggestions has been that the Electoral Commission should be orchestrating it rather than doing it. Do you have a view on that?

418. PAUL ROGERSON: Yes, you are right, I think the new Act does place responsibility on the returning officer for both encouraging participation and then promoting that participation. It is as well that that ambiguity is being resolved because legally there were always questions as to whether we could be spending money at a local level in order to do that. I said earlier in response to a question from the Chair that I could not see better with whom the responsibilities would sit. I do not think this is the most important thing that it does in that sense but I think going forward there is going to be almost certainly more of that standard setting consistency, perhaps sharing, as it were, templates with more activity than being undertaken locally, which I think would be a sensible thing and a good thing. I do think that that local intelligence in that sort of area is useful. I have no criticism to offer the Commission in terms of that role. I have seen the assessments that they have made of the impact of their measures. Like you, I would have thought that would be more the orchestrating and the detailed discharge of those --

419. LLOYD CLARKE: Secondary to that, we heard this morning that we have actually got £7.5 million which is ring-fenced for that purpose. I guess as chief executives you get a little bit fed up with having to bid for monies and then demonstrate how you have spent it, but do you see that as a useful mechanism for making the public more aware of the democratic process? Would you welcome that opportunity to bid against that kind of money to the Electoral Commission?

420. GED FITZGERALD: I personally am not worried so much about that because I think the nature of the relationships that we have with the Commission - at the moment certainly - would allow us to actually access part of that particular funding for those particular purposes. Indeed, various pilots were done around this. I would expect that kind of sense of partnership to continue into the future.

421. If I can come back to your earlier question, if I may, I think the one thing that I would emphasise and that remains my view is that the Commission is perceived to be independent from government. Whereas obviously DCA and any other government departments - Hansard Society are obviously a different example - are not. I think that is actually very important in terms of trying to get the right messages across to electors around why to vote and does their vote actually make a difference. I think if it came from government sources, whichever persuasion or colour, I think you would have a different kind of perspective.

422. DAME PATRICIA HODGSON: I just wanted to clarify an earlier set of answers in a bit of the discussion, when you were talking about the pluses and minuses of individual registration. I think you were explaining that one of your concerns was that it would be an opportunity for groups to disappear for the register and the example was the loss of people during the poll tax. Indeed, we have heard evidence that currently if there are two elderly people it is in their interests not to declare one, because of the reduction in rates and council tax. So I was not quite sure what you were saying, because if it is happening in the present system, what were you suggesting would be different in relation to individual registration?
423. GED FITZGERALD: I do not think I was making the distinction. If I can maybe re-emphasise. The point I was making about the poll tax was that that is actually factually documented; work was done which analysed that and demonstrated the fact that there were gaps and people did disappear off the register.
424. The example that you have just quoted actually should not happen, because there is no link - because data protection does not allow it - between what is on the council tax register and --
425. DAME PATRICIA HODGSON: No, but people fear it and that is the problem.
426. GED FITZGERALD: It is the perception, absolutely, hence the other point I was trying to emphasise about communication and sensitivity by which it is going to be brought into play.
427. DAME PATRICIA HODGSON: But it is not a point about beware of shifting to individual registration because there will be additional avoidance of registering the two examples you have given, which actually happen now?
428. GED FITZGERALD: Yes.
429. DAME PATRICIA HODGSON: Sorry, I had not understood that.
430. GED FITZGERALD: No, it is obviously the way I explained it. My point was that individual registration is a good thing - it has to be a good thing - but the way in which it is done and the kind of circumstances that surround it, et cetera, et cetera, need that sensitivity and that communication.
431. SIR ALISTAIR GRAHAM: I think those were all of the issues we were anxious to raise with you. I, for one, have found it enormously valuable for two people of your experience to be able to talk through with us some of these issues. I think we have found it very helpful. Are there any other points that you were anxious to make to us that we have not covered in our questioning.
432. PAUL ROGERSON: I do not think so. I think it has been a comprehensive meeting.

433. SIR ALISTAIR GRAHAM: Thank you very much for coming today. We very much appreciated that and we will obviously ensure that you get a copy of the report, which we hope to publish before Christmas, so you will see how influential you have been.
434. GED FITZGERALD: Thank you for the opportunity.
435. SIR ALISTAIR GRAHAM: Mr Hopkins. We are just slightly ahead of time.
436. KELVIN HOPKINS MP: Well, I am very happy to start early.
437. SIR ALISTAIR GRAHAM: Thank you very much for coming and thank you very much for your written evidence, which we found extremely helpful in the straightforward way that you had set the issues out. As you will be aware, we have heard from a number of Members of Parliament, which we have found very useful because of their direct experience of how the electoral system operates - particularly at a grass roots level - and to get a parliamentary view on some of the issues that we are looking at as far as the Electoral Commission is concerned.
438. Lloyd Clarke is my colleague who is going to take the lead for questioning. We have read your written evidence but if there were any particular points that you wanted to specifically draw to our attention by all means do so, otherwise we will move straight into questioning.
439. KELVIN HOPKINS: I am happy to go straight to questions. I have made my points fairly clearly but I will elaborate those in my answers hopefully.
440. SIR ALISTAIR GRAHAM: Thank you very much.
441. LLOYD CLARKE: Yes, thank you very much, Chairman. Mr Hopkins, as the Chairman has said, we have read the submission. It touches on many of the points and, of course, the Electoral Commission, their multiplicity of roles, the many hats that they have got. We want to touch on voter participation through electoral administration, but perhaps before we get into that detail, just thinking of what their mission has been over the last five years, i.e. to foster public confidence and participation by promoting integrity, involvement, effectiveness, et cetera. I just wondered if you could take an overview of what they have been doing and whether you have a view on what they have done well over the five years, things that might stand out to you, and perhaps things that have not been done so well or things that could have been done better. That is as a general start, and then we will get into the detail from there, please.
442. KELVIN HOPKINS: I think they have been a tremendous advance on what went before and I hold them in high regard. I think the Electoral Commission does a very good job. Where they have worked I think they have done good things, but my concern is that they should not trespass on to what I

call real politics and to be aware of this distinction I make very strongly between electoral matters and political matters. You cannot change electoral arrangements to improve the political scene if the political parties are not doing their job properly. That is my concern. I think that where they have not been quite sufficiently aware of the political implications of some of the things they have recommended - for example, voter registration - individual voter registration could have party political implications in terms of voter participation: some parties might benefit more than others. I think being aware of the political implications of what they are doing is very important for the Electoral Commission. To carry out their regulatory responsibilities rigorously and to make sure that the process is absolutely fair and there is a level playing field I think is absolutely right. I think by and large they have done that. What I am concerned about is where the government is perhaps using the Electoral Commission or perhaps implying the Electoral Commission can make arrangements which would improve voter participation when I think that is really a problem for the political parties and not for the Commission. So this is emphasising the point I make in my written submission.

443. LLOYD CLARKE: That is helpful because the first area we would have moved into would have been voter participation. You do clearly make that point that you see that as the role of the political parties. Should there be state funding, then, to political parties to enable them to do that?
444. KELVIN HOPKINS: Again, I am very concerned about the possibility of state funding. To an extent in politics he who pays the piper calls the tune and if political parties become part of the state apparatus I think that would be a mistake. I think the great advantage of our party is that they do represent interests in our society, the interests of working people through trade unions, interests perhaps of business and wealth, in other respects as well, and they have their own distinctive philosophies. If they are all funded by the state - and we are only talking about part-funding perhaps - then I think we move into a situation where the parties are no longer dependent on their constituency staff quite so much but dependent upon the state apparatus. I would be concerned about that. I think it is important that parties retain their dependence upon their constituencies outside and they, therefore, have distinctive differences and can put forward different approaches, different philosophies, different ways of running the country to give electors a real choice of politics.
445. SIR ALISTAIR GRAHAM: Why did we get in the mess that we did with the last general election funded on very substantial amounts of borrowed money?
446. KELVIN HOPKINS: Again, my key point I think is that the amount of money spent on elections is far too high and the limits ought to be much, much lower. For example, I think £20 million is the limit on national spending for parties. I think that is way too high. It is interesting that what I have been saying chimes very much I think with what Jack Straw has been saying in his speech in the last few days, saying that we need to think carefully whether it is time to reign in the expenditure limit further. He says mass advertising is one

example of a costly campaigning method that has become less and less effective. Big hoarding campaigns, newspaper advertising and mass leafleting are all very expensive. I do not think that we should have the amounts of money spent at that level by any party. Of course, if we are dependent upon and need very expensive, big campaigns, we become dependent upon large sums of money from somewhere, either from the state or from the rich or from business or whatever. That would make politics again very unhealthy. For example, just a number I have taken out of the air and I have said this publicly before, but if the national limit was £5 million instead of £20 million, I think that would be a very good advance. The £10,000 limit for the constituencies I think is possibly not unreasonable.

447. Then there is another area of spending which I think is very worrying, and that is the vast amounts of money spent particularly by our political opponents in recent years between elections; long, expensive leafleting campaigns in marginal seats in the periods before the election is announced. That is not properly regulated. I would like to see very tight regulation of that kind of campaigning as well. I have no objection, of course, to people collecting money locally and having little leaflet campaigns and knocking on doors and all the usual things, but having heavily funded, expensive campaigns, hundreds of thousands of pounds spent in particular constituencies to target marginal seats, that is not healthy and not right and, of course, it gives an advantage to those parties which have access to that kind of wealth.

448. SIR ALISTAIR GRAHAM: Do you think in a sense, then, that the Hayden Phillips review, the terms of reference of which sort of imply a trade-off between a cap on political donations against an increase in state funding, is fundamentally misconceived?

449. KELVIN HOPKINS: I do not want to see a cap on donations. I do not think that is necessary. If you have a cap on expenditure, a very tight cap on expenditure, you would not need the same amount.

450. SIR ALISTAIR GRAHAM: You do not need a review to work that out, do you?

451. KELVIN HOPKINS: No, but I think we have to persuade government in the end to legislate and I want to persuade government and hopefully persuade you to have some sympathy with this view. We have to reduce the level of spending. It is interesting, I have just read Jack Straw's speech on 5 September 2006 and I think he is saying similar things there. He goes on to say other things which again I agree with, but that is where we might differ on how we make politics more interesting, how we get people back into the voting booths again, and I have further thoughts on that. It is bringing down the level of spending. We have state funding already to an extent. We have free delivery of election addresses. We have public service broadcasting, and I think there is nothing wrong with that. Indeed, if there were a little bit extra broadcasting money and possibly even two free post deliveries rather than one - one at the beginning of the campaign and one in the middle of the

campaign or something - I would not object to that.

452. SIR ALISTAIR GRAHAM: You already at the moment have state funding through policy development grants, putting aside the short money, which is really perhaps more related to the opposition than the governing party.
453. KELVIN HOPKINS: The more state money leaks out into the parties they are going to take it, obviously. They will want this. But I think it would change the nature of our politics. State funding is one concern, and the other concern, of course, is the other extreme of private funding where you get the situation in America where effectively both major parties are bought by big business and the same companies give money to both parties, so they are all dependent upon the companies.
454. LLOYD CLARKE: If you are suggesting this cap on spending, which you clearly are, do you see a relationship between spending and donations? Would your expectation be that donations just would automatically go down because the parties would not need it or not?
455. KELVIN HOPKINS: They would not need the same amount of money, clearly. My party would never have the same access to the kind of money that maybe our opponents would because they are more likely to be funded by the corporations. This is why the level playing field must involve not a cap on the donations so much but a cap on spending. However much you give to a party, if they cannot spend it there is no point in having it. We are starting at the wrong end by looking at capping donations. Again, I would not want to see anything which damaged, for example, Labour's access to trade union funding, which I think is absolutely appropriate and makes our party a distinctive party of working people. If that were limited as in individual donations perhaps to £5,000, it would destroy Labour's access to trade union funding, which I think would be a very bad thing for our democracy as well as a very bad thing for the Labour Party. I am not being party political here. I want a genuine choice for electors. To have a genuine choice you have got to have distinctive parties which have different philosophies, different approaches to governing the country, both of which may be legitimate and so on. But what we do not want to see is all of the parties either funded by the state and breaking the link with their constituencies outside, or dependent upon big business or the rich, again breaking the link with ordinary people.
456. SIR ALISTAIR GRAHAM: How would you deal with the issue that you identified of between elections very high levels of investment in trying to swing the voters in marginal constituencies through one means or another? What sort of constraints would you put on there of a statutory nature that could be genuinely regulated?
457. KELVIN HOPKINS: I think if all leafleting, for example, had to be registered with the local electoral registration officer or something; the local authority would be the logical place to do this or possibly a branch of the Electoral Commission. If they had to be registered so that when you deliver

the leaflet, the amount you pay for it, is just the same as election campaigns where you have to deliver accounts and invoices and so on.

458. SIR ALISTAIR GRAHAM: So what would you have, an annual campaign limit each year for each political party?
459. KELVIN HOPKINS: I have not specified details because I have not thought it through in detail, but I think it is very important that we collectively - society - decide that we are not going to give advantage to extremely wealthy people to effectively buy marginal seats between elections. I think that is very damaging and it has happened during the last parliament, I know.
460. LLOYD CLARKE: Just maintaining this link between funding and the regulatory role, we have certainly had evidence put to us that the Commission has not carried out its regulatory role sufficiently robustly enough, particularly in respect of expenditure and party funding. Would you agree with that view or have they done it satisfactorily as far as you have seen?
461. KELVIN HOPKINS: I agree they have not been as rigorous as perhaps they should. I think the will is there; perhaps the resource is not there. I do not know. They should be a very strong part of our apparatus, independent but very strong, properly funded, very robust, and able to say to government, "We think you have misbehaved". I have been over recent events and I was one of those who was interviewed a lot in the media about loans for peerages or the allegations about loans for peerages. I think that was a watershed, a point at which we said, "Enough is enough. We have to change".
462. LLOYD CLARKE: So would you like to see them have a greater range of enforcement powers, then, for example? Because at the moment it is naming and shaming rather than, for example, administrative fines for non-compliance or something like that.
463. KELVIN HOPKINS: I think it has to be much stronger, much more robust indeed.
464. LLOYD CLARKE: We have also had further evidence that the Commission have been reluctant to actually investigate allegations of wrongdoing, choosing to rely, like I say, only on this notion of naming and shaming. Should the Commission be mandated, if you like, to assess and, where necessary, investigate those allegations of wrongdoing themselves?
465. KELVIN HOPKINS: I think that would be a role I would like to see them do, yes, I would say that. I draw a parallel perhaps between the strength of, shall we say, the Inland Revenue to investigate people about their taxation. They have very strong powers and pretty strong powers to make arbitrary decisions about doubling the amount they owe and so on. I think something as strong as that, given that we are talking about regulating our democracy and making sure it is fair and works properly. I think it should be robust and should be as robust perhaps as the Inland Revenue in a different sphere.

466. LLOYD CLARKE: We have certainly been given the contra view that actually what we have is criminal law and the criminal law maybe should be applied if the wrongdoing is of that ilk. Otherwise it is a case of it perhaps being about advice. Quite frankly, you are as strong as anybody that I have heard while we have been sitting here in terms of this direct action that they should take. So it is not about just sounding off any more; it really is about getting in there and carrying out the investigations?
467. KELVIN HOPKINS: I think we should still make the distinction between politics and electoral regulation. Regulating elections should be a job for the Electoral Commission and they should have all the powers necessary to make sure that that is absolutely fair. If we need new legislation and more resourcing, well, so be it. Where I am concerned is where people are asking the Electoral Commission to look at how we run elections or what sort of elections we should have. For example, if the Electoral Commission were to consider proportional representation, that would have profound electoral effects, profound political effects in Britain. I think that is something for the parties and the parliament to decide, not for the Electoral Commission. I think even the government has been very keen on postal balloting. That is something that has political implications, I think. The regulation of postal balloting, fine, but the decision how far to go with it should be for governments to decide.
468. SIR ALISTAIR GRAHAM: But the government did not always accept the advice of the Electoral Commission as far as, for example, postal voting is concerned. Some might argue it was for party political advantage, something of a headlong rush into postal voting with the pilots and everything that took place, which has probably done more to undermine public confidence in our electoral system than any other development.
469. KELVIN HOPKINS: Again, I was personally against this mass expansion of postal balloting. I think it was a trick, possibly party political advantage, but certainly to try to raise turnouts because governments were getting embarrassed about low turnouts. We have seen, of course, in some areas it has led to or it has contributed towards a degree of corruption, and that is very worrying, too. I say in my submission I think we ought to restrict it to people who cannot vote and perhaps people of pension age. That would be an approach. People abstain from voting not because they cannot get to the polls; it is because they are fed up with the parties and what they are doing and they are turned off by party politics. I think we have to re-enthuse them and I think that is what Jack Straw was saying: re-enthuse people about party politics. The way to do that is to help them, if you like, to become more distinctive again, which means they have to be more independent of both the state and of business, and to retain their distinctive philosophies, which means that people will vote very strongly for a party but equally vote very strongly against a party because they are nervous about the other party getting into office. If they are all the same, they will be turned off.
470. SIR ALISTAIR GRAHAM: Another area - and you have touched upon it already - is the issue of whether we should have our electoral register based

on household registration system, which is what the current system is, with a bit of rolling individual registration for part of the year, or move to an entirely individual registration-based system. We have had a number of Labour MPs who have raised some concern; while not seeming to question the principle they have some concerns about what might be the impact of moving to a system of individual registration. Are you in principle in favour of individual registration?

471. KELVIN HOPKINS: I have difficulty. My party is not in favour of individual registration. They want head of household.
472. SIR ALISTAIR GRAHAM: It is a very Victorian concept to cling on to, is it not, the idea of a head of household determining for the rest of the people in the household whether they go on the register or not?
473. KELVIN HOPKINS: Indeed, and my wife would not consider me as head of household, I am sure. I agree. My instinct is for individual registration, but I know this would have implications. I think those on the register would diminish, there would be substantial cuts in the number of people registered to vote, and it would cause difficulties. It would have a party political impact at least in the short to medium term. Over time I think it would even itself out. My personal instinct is I would like to see individual registration, but I can see that it would have fairly strong party political implications in the short term.
474. SIR ALISTAIR GRAHAM: But if you could devise transitional arrangements, because I know people in the Labour Party perhaps particularly draw on the experience of Northern Ireland where there was a ten per cent drop in the number, though it can be argued a proportion of those should never have been on the register in the first place. If, in fact, you had a sensible transition over a period of years for the move from one system to another, once you get to individual registration system - as I think has developed now in Northern Ireland - you do not always need to have an annual survey of individuals to keep the register up to date. You can use other sources of information.
475. KELVIN HOPKINS: Northern Ireland is interesting. There was a ten per cent drop. As you say, some people might not have been perhaps alive who were on the register, but that is another story. Even in Northern Ireland where people are intensely political, both sides of the divide which still exists in Northern Ireland desperately want to keep their people on the register to make sure they do not lose out in political terms, much more so than England. Even there, there was a ten per cent drop.
476. SIR ALISTAIR GRAHAM: Though it went up quite quickly.
477. KELVIN HOPKINS: Yes. I think if we went for individual registration it would have to be massively resourced so that we would actually have door to door canvassing and speaking to people and whatever. We could not just rely

upon letters.

478. SIR ALISTAIR GRAHAM: Would this not be a good way for the parties to engage directly with the voters by making sure? As happens in America; a lot of effort by political parties is put into ensuring individuals register.
479. KELVIN HOPKINS: Yes, I agree, but in America they still have millions of people who are not registered and they have a very, very low electoral turnout, which is another story. I personally would love that because I am one of those strange enthusiasts for the doorstep. I am coming into my 49th year of knocking on doors for my party. Not everybody is so keen on that. I think the local authorities would have to be much more heavily resourced to do the job properly if we went for individual registration. In principle, I cannot say that there is a strong argument against individual registration which can stand up. Politically it might be disadvantageous to my party in particular.
480. SIR ALISTAIR GRAHAM: Do you not think this should be one of the core responsibilities of the Electoral Commission to ensure that we have an electoral register in this country that has genuine integrity, people do not doubt its accuracy, and it is as comprehensive as possible? Is that not the most important democratic responsibility that it has?
481. KELVIN HOPKINS: I agree but they have to be given the money, the resources, to do the job properly, I think. I think they are absolutely right, but the resistance has come from the political side because they could see a political effect. I think you are right and I cannot argue very strongly against what you are saying.
482. LLOYD CLARKE: Just staying with electoral administration, we started to touch on that really in respect of registration, and we have had evidence suggesting that there is a wide regional variation across the UK in the way administration of elections is undertaken. In fact, interestingly enough, just before you came in we heard from two chief executive returning officers and they are quite emphatic of the importance of consistency that is required across the country. Do you have a view on that and do you have a view as to what the Electoral Commission could or should be doing about that?
483. KELVIN HOPKINS: One thing I would like to see is a much more professional approach to electoral registration and electoral administration at the local level. Not quite legal qualifications, but I would like to see a much more professionalised approach to electoral arrangements at local level, perhaps even with larger statutory powers and so on.
484. LLOYD CLARKE: We are starting to see that more with the new Act in respect of the Electoral Commission being able to set standards, et cetera. Do you welcome that?
485. KELVIN HOPKINS: I do, because I know of areas where the electoral registration officer has not been very professional and things do not work as they should do. We had the Birmingham corruption scandal. That should

have been seen and dealt with before it happened. I would like to see electoral registration officers who are proactive in making sure that things do not go wrong like that rather than waiting until the heavens fall in and there is public scandal and trials and whatever.

486. LLOYD CLARKE: Why is it you think that they were not able to step in at that stage, though? Where did it break down?

487. KELVIN HOPKINS: I was not personally involved in it so I do not know, but I guess they were not resourced enough. That is one electoral registration officer with a couple of staff; not enough. You have to be out there on the doorstep. Also there is the status of them. Perhaps if they are at relatively modest levels of local government staffing, dominated by a strong political caucus in the council, they are not going to stand up too strongly against the politics of their council. That is a possibility.

488. LLOYD CLARKE: It is interesting because one suggestion has been that elections should be centrally funded and that the funds should be disbursed through the Electoral Commission. Interestingly enough, the two chief executive returning officers did not demur from that position at all.

489. KELVIN HOPKINS: I would not object if electoral registration were undertaken by an office which was a local office of the Electoral Commission rather than through the local authority, although I strongly support local government.

490. SIR ALISTAIR GRAHAM: One way they could organise it is they could, in fact, channel the funding through the Electoral Commission and make a contract with the local authority, could they not?

491. KELVIN HOPKINS: But they have to be independent of political influence, I think.

492. SIR ALISTAIR GRAHAM: Yes, absolutely. There were two areas that we just perhaps quickly wanted to finally cover with you. First of all is the issue of governance. We have had some strong arguments, including from Labour Party representatives, that there should be politically nominated commissioners on the Commission. At the moment you have this ten-year ban on both staff and commissioners - you cannot have been politically active for the past ten years - which it has been argued means you do not have people on the Commission who have sufficient local political nous of what actually goes on in the system. Do you have a view about that?

493. KELVIN HOPKINS: At the end of my written submission, in fact, I suggested there should be a minority on the Electoral Commission who are political because, having been in the political world myself, we know in a sense how rough it can be. If you have people from the main political parties, they can, in a sense, suggest to the other commissioners, who might be more innocent, where the problems might lie. I think you have to have some political people there, but as long as they are a minority and they come from

across the political spectrum I do not think that is a problem. As long as they do not conspire together and they do not form a majority bloc, but having people there who have political nous and can see which way it is going to go I think would be a useful thing to have, provided that, as I say, they are a minority and they represent the whole political spectrum.

494. SIR ALISTAIR GRAHAM: The final issue is in terms of accountability. At the moment we have a Speaker's Committee chaired by the Speaker once again of a cross-party nature, and also the Electoral Commission do give evidence from time to time to the Constitutional Affairs Select Committee. Do you think these arrangements are satisfactory or would you like to see any changes in that?

495. KELVIN HOPKINS: I think we tend in Britain to have rather too many sort of clubs in politics, if you like, where arrangements are done by a sort of a nod and a wink. In parliament certainly I would like to see a lot more openness and a lot more things done by democratic vote and not just arm twisting, nods and winks, whips putting people forward and whatever. That is part of our politics. I am a member of the Public Administration Select Committee and I have said similar things there. I want to see much more openness in all of this. I could go into detail of my own experiences about all these things, but I do think we have in Britain too much of the great and the good making arrangements amongst themselves. Politics at the moment is controlled very heavily from Downing Street. They have almost combed out resistance at almost every level, with certain honourable exceptions I would say to yourself, for example, Chairman. They have combed out resistance to their will at every level, and I have made this point publicly at the Select Committee as well. I think that is very unhealthy. We ought to have much more open debate and accept that there are a range of views and have difficult people on every committee so that you have a proper debate. You do not have loyalists dominating everything. The chairman of our Select Committee talks about the grit in the oyster. There is a kind of politics where even one piece of grit in the oyster is too many. I think grit in the oyster is a good thing in politics.

496. SIR ALISTAIR GRAHAM: Thank you very much for that. That has been extremely helpful and it is certainly pleasing to hear the straightforward, robust way in which you set out your views. We will ensure, of course, that you receive a copy of the report, which we hope to publish before the end of this year, before Christmas. I hope that you agree with some of the recommendations that we put in it.

497. KELVIN HOPKINS: Thank you for the opportunity to put my views forward.

498. SIR ALISTAIR GRAHAM: That brings the session to an end for today and we reconvene on 14 September 2006.