



**Minutes of the meeting held at 35 Great Smith Street, London SW1P 3BQ on
Thursday 22 February 2018 at 14.00**

Present

The Hon Mr Justice Nicol, Deputy Chair

Mr David Elvin QC, Commissioner

Mr Neil Pringle, Commissioner

Mr Sam Hartley, Secretary to the Commission

Mr Tony Bellringer, Deputy Secretary to the Commission

Mr Tim Bowden, secretariat

Mrs Wotey Tannah, secretariat

Welcome

1. The Deputy Chair welcomed everyone to the meeting.

Paper 1. Programme update

2. The Deputy Secretary presented the programme update paper (Paper 1) and annexes, noting in particular: the main milestones met and outputs delivered, along with increased detail for the next few months of activity in the project plan; key outstanding risks and mitigating activity on the strategic risk register; and the number of responses received to the revised proposals consultation. Commissioners felt that the BCE was on target to deliver its final recommendations to government in September 2018.
3. Commissioners also discussed the recent report of the Public Administration and Constitutional Affairs Committee (PACAC) titled 'Parliamentary Boundary Reviews: What Next?', published on 6 February 2018. Commissioners considered that the report was fair, highlighted the implications of the 2018 Boundary Review not being implemented, and reflected the timescales required for the BCE to deliver a review under the current statutory requirements. The Commissioners thanked the Secretary for the professionalism of his evidence session before the Committee in January.
4. Commissioners also discussed the Private Member's Bill (PMB) introduced by Afzal Khan MP, referenced in the update papers and the PACAC report. They noted that this Bill was still awaiting dates for its money resolution and committee stage. Given the practical arrangements for PMB time in Parliament (restricted to specific Fridays during sitting time), the secretariat advised that it was their judgement that it was highly unlikely that this Bill would receive Royal Assent before the House rises for its summer break and that, therefore, it was

unlikely that the 2018 Boundary Review would be halted before September 2018, when the final report is due.

5. Commissioners raised the potential risk of starting a new review in the near future with the terms of office for Mr Elvin and Mr Pringle being due to end in January and June 2019 respectively. This risk was exacerbated by the fact that the Deputy Chair had recently been appointed and was not in place for the start of the 2018 Review, and had not experienced the initial proposals period of a review. Government public appointments policy was not to have the same individual appointed for longer than ten years to the same position, which Mr Elvin and Mr Pringle would have reached by the end of their current terms. The secretariat were asked to contact the Cabinet Office, to establish whether exceptions might be made in light of the potential particular circumstances in this case.

Paper 2. Evaluation of revised proposals consultation communications

6. The Secretary gave a presentation on the evaluation of the Communications Strategy employed for the revised consultation period, drawing highlights from Paper 2. The presentation outlined what had been done, what had been successful and lessons learnt in the communication channels of media/active PR, social media, online bought advertising, print, and radio.
7. In relation to the national and regional coverage, there had been good coverage in the national media during the first few days after the publication of revised proposals, and following the second reading of the PMB in December 2018. Regional media had provided more coverage than normal and in the majority of cases the coverage carried all four of the BCE's key messages. It was noted that the West Midlands region had received the most regional coverage. Overall, the media coverage had been successful, with the independence of the BCE recognised in most coverage. The Commissioners noted that one newspaper (the Evening Standard) breached the embargo by publishing details of constituency changes in London as soon as they had been provided with the embargoed information. Nevertheless, Commissioners felt that BCE should continue providing pre-publication information on its proposals to accredited media.
8. During the consultation on the revised proposals there had not been as many activities relating to organic social media. The main reason for this was no longer having a dedicated communications professional on staff to undertake this work. However, using graphics from the advertising campaign on Facebook and Twitter had seen a general increase in the amount of likes and followers. For future reviews, Commissioners agreed that graphics and a clear call to

action should be included in Tweets or Facebook posts, as these had proven to be effective. The Commissioners also felt that BCE should seek to secure a dedicated communications professional for all consultation stages of the review.

9. Digital advertising had been very effective, both general advertising on related interest websites, and that on Facebook and Twitter social media sites. The 'click-through rate' on digital advertising had been particularly good. During the consultation on the revised proposals, the secretariat had trialled Twitter conversation cards, but it soon became evident that these had not been effective in driving users to our consultation website, so resources had been redirected to more successful communication channels.
10. It was harder to measure how successful the relatively expensive press and radio advertising had been, although the reach of both forms of media was of real value in ensuring the the messages of the Commission were heard. For future reviews, Commissioners agreed that targeted regional digital radio advertising should be explored, in order to increase engagement in areas where specific further evidence was required.
11. Commissioners noted that there had been some errors made by the advertising companies in the execution of the media buying, namely some printed adverts appearing on the wrong day, and the radio advert being played in Northern Ireland. Feedback would be provided to the Crown Commercial Service, and in all cases BCE had been compensated for the errors.
12. Overall, Commissioners considered that the communication strategy during consultation on the revised proposals had been a success, and noted the various lessons that could be learnt for future reviews. They noted that a full evaluation of the whole strategy would be provided after the conclusion of the 2018 Review.

Paper 3. General Data Protection Regulation (GDPR) and information management review

13. The Deputy Secretary presented the paper, explaining the key requirements of the impending new data protection regime, which drew on advice provided by the Government Legal Department. Commissioners noted that BCE's key data collection activities fell outside EU competence and therefore would not be captured under the GDPR; instead falling under the domestic Data Protection Bill progressing through Parliament, and were content that the actions set out in Annex A to the paper were appropriate to meet the new requirements.

14. Commissioners noted that confirmation of whether the Commission could legally continue to be its own data controller was currently being sought, and agreed that even if it was possible, that responsibility should be restricted to handling of its 'unique' areas of personal data collection activities, i.e. use of electoral registers, statutory consultation in relation to constituency boundary reviews. Whether or not BCE was its own data controller, Commissioners agreed that the governance documentation between BCE and its sponsor department should very clearly spell out arrangements for handling of BCE-generated data by the department that were appropriate for the independent and arm's length nature of the BCE and its work.
15. Commissioners agreed that BCE should utilise the Cabinet Office's identified Data Protection Officer, noting the limited technical knowledge and expertise in the BCE itself, and the importance of independence from decision-makers that the role required.
16. Commissioners discussed the proposed data retention periods set out at Annex B to the paper and approved them, subject to the addition of a further three months to the proposed retention period for consultation responses from 'the most recent boundary review'. Flowing from this, Commissioners requested that a note be sent to them specifying the extent to which data they had been sent historically should now be removed from their own systems.
17. Commissioners agreed to sign off the text of a new privacy notice by email prior to the implementation of the new data protection law.

Paper 4. Arrangements for closing stages of 2018 Review

18. Commissioners noted and agreed the timetable up to submitting the final report. They approved the skeleton outline for the report, noting that there should be an opportunity for a foreword from the Deputy Chair. The Commission wished to highlight: the primacy of Parliament's requirements in a boundary review, as distinct from the BCE's own policies; the reason for using the regions, and that people were nonetheless able to put forward cross-region alternative proposals, which were seriously considered. The section on lessons from the 2018 Review would require careful drafting to avoid any perception of lobbying. It was essential to progress the Review in accordance with the statutory timetable, notwithstanding the publication of the PMB and PACAC report.
19. In respect of submission of the final report, the Commission requested that a letter be sent to the Leader of the House of Commons (copied to Cabinet Office's Minister for the Constitution), setting out the Commission's intentions, namely: that in the absence of an appointed Secretary of State within the

Cabinet Office, the Commission intended to satisfy the statutory requirement by formal submission of its final report to the Leader of the House of Commons; that it intended to do so within the week commencing 4 September 2018; and, that in light of Parliamentary conventions on not publicising the content of Act papers before they are laid before Parliament, the Commission would not do so at the time of submitting the report, but would publicise the fact of it having been submitted. The letter should make clear that the purpose of doing so at that point would be to allow the Leader of the House sufficient time to lay the report before Parliament in advance of the conference recess.

Paper 5. Regional updates

20. Mr Bowden talked to Paper 5, highlighting for each region what the key issues of concern were, based on the strength of response on those matters. Commissioners noted that in all regions some support had been received for the revised proposals and that counter-proposals had been received. Commissioners also noted that the names of constituencies had generated much interest during the consultation.

21. Commissioners welcomed this early identification of the issues of concern in each region, and looked forward to working with the secretariat in the development of the final recommendations.

Any other business

22. Commissioners agreed dates and procedural arrangements for forthcoming meetings through the spring and summer, at which the final recommendations would be considered and agreed.

The meeting closed at 17.15.