

Public Administration and Constitutional Affairs Committee

Oral evidence: [Lessons Learned from the EU Referendum](#), HC 496

Tuesday 1 November 2016

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Members present: Mr Bernard Jenkin (Chair); Ronnie Cowan; Paul Flynn; Mrs Cheryl Gillan; Kate Hoey; Kelvin Hopkins; Dr Daniel Poulter; Mr Andrew Turner.

Questions 67 – 259

Witnesses

I: Dr Alan Renwick, Deputy Director, UCL Constitution Unit, and Dr Simon Usherwood, Senior Lecturer in Politics, University of Surrey, and Fellow, UK in a Changing Europe.

II: Will Straw, Executive Director, Britain Stronger in Europe, and Paul Comer, Head of Compliance, Britain Stronger in Europe.

III: Matthew Elliott, Chief Executive, Vote Leave, William Norton, Legal Director, Vote Leave, and Antonia Flockton, Finance Director, Vote Leave.

Examination of witnesses

Witnesses: Dr Alan Renwick and Dr Simon Usherwood.

Q67 **Chair:** Can I welcome our two witnesses to this session on lessons learned from the EU Referendum? Could I ask each of you to identify yourself for the record, please?

Dr Renwick: I am Alan Renwick from the UCL Constitution Unit.



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Dr Usherwood: I am Simon Usherwood from the University of Surrey and also the UK in a Changing Europe programme.

Chair: We have microphones but it would help if you were to speak clearly and raise your voices. Thank you very much. We will also endeavour to ask short questions and if we ask too long questions we will pull each other up, but if we could have short and crisp answers it will help us get through our questions.

Q68 **Ronnie Cowan:** Good morning. The first question is very open: how complementary are referendums to representative democracy?

Dr Renwick: It is clearly possible to have referendums in a democracy that is predominantly a representative democracy. The UK has now had referendums since the 1970s. Most democracies hold referendums and there is no evidence to suggest that the existence of referendums undermines the broader representative democratic process in any significant way. I would not be worried about trying to combine elements of direct democracy with representative democracy.

Dr Usherwood: The only other thing to add on that would be that it is the manner in which the referendums are managed and run that is the key question. That is really what we are talking about here, that there is nothing that is an intrinsic incompatibility. It is about the way in which the two elements are integrated at the political level.

Q69 **Ronnie Cowan:** Dr Usherwood, the UK in a Changing Europe's written evidence to our inquiry suggested that a referendum was probably not a suitable mechanism for an issue of this magnitude, so on what issues would a referendum be appropriate?

Dr Usherwood: The issue in this particular case was the size of the issue, the dimensions and the effects of what was involved in the decision. The knock-on consequences were very hard to map out for public debate and also for voters to get a reasonable grasp about the consequences, particularly because there was not a clear articulation of what either option looked like in detail, or even in sketch form. Where a referendum can be useful is in something that is more defined as an issue, so thinking for example of the Good Friday Agreement as a way of building public support, integration and acceptance of a process that is going on, where there is a document, something that is much clearer for the voter, so that they know what it is that they are voting for or against.

Q70 **Ronnie Cowan:** In a general election, a party can put together a manifesto that would then be voted on, which would be many complicated issues but we are asking the people in a referendum to primarily vote on one issue. Are you saying that it should be documented in advance, rather than what we had, which was an EU referendum that was all rhetoric and emotion and, at the end of the day, nobody knew what they were voting on?



Dr Usherwood: As we noted in the written submission, at one level the question for the referendum was very simple: should we leave or should we remain? The consequences, though, as we are seeing are multiple and manifold and we are still in the process of identifying what the consequences are, let alone where we head to and how we head to a particular destination. It is a very different logic from a general election, not least because winning a vote in a referendum does not then give you the levers of power in Government. Again there is a question about whether there is a need to articulate what each option looks like in a more precise form.

Q71 **Ronnie Cowan:** The onus is on the people running the referendum, rather than on the electorate?

Dr Usherwood: To a certain extent, yes, there has to be part of that. The point that Alan or I would both make would be that it is about a need for a public debate. What we did not have in this referendum was a debate about why we should leave and why we should remain, what kind of society we were trying to head for, what kind of position in the world. There were elements of that, but why people voted the way they did is something that is still being debated and contested, and people are trying to give different interpretations and meanings at this stage after the vote.

Q72 **Ronnie Cowan:** What guiding principles should be used in referendums?

Dr Renwick: We should be thinking about the nature of the democracy that we want and—building on the comments that Simon has just made—we should be seeking a democracy that satisfies three principles: it should be thoughtful, it should be inclusive, and it should be legitimate. By “thoughtful” I mean that there should be informed discussion and people should have the opportunity to think carefully about the options that are available. By “inclusive” I mean that everyone should be able to take part and all of the perspectives that are out there in society be heard and be listened to carefully, and by “legitimate” I mean that people should broadly agree that this is a democratic, fair and reasonable process.

It should be clear that advancing those principles often is best done through the institutions of representative democracy. We have great evidence that it is not the case that the public want to be deeply involved in every decision. We know that if you have too many referendums then turnout goes down, participation goes down, which means that you do not have decisions that reflect the concerns of the community as a whole, and you do not have representative decisions. Given those principles, we should think that referendums are to be used sparingly for matters that do engage public interest and that will engage a lively campaign.

We should probably think that referendums are particularly appropriate on those issues where the representative institutions will struggle more to produce inclusive decision-making processes, which I think above all means constitutional issues, because those are issues that clearly those



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in public office are most deeply and pressingly affected by, therefore there is a danger that in those issues the interests of the broader community are not freely reflected. A relatively limited role for referendums on issues of genuine public interest, particularly but perhaps not exclusively on constitutional matters, is appropriate.

Chair: That is quite a long answer, forgive me.

Dr Renwick: Sorry.

Q73 **Paul Flynn:** Can I ask a very short question? Do you think the alternative vote referendum was determined by the public on the deep understanding of the democratic principle involved, or was it determined by the hyperbole of propagandists?

Dr Renwick: I certainly think there was not deep public understanding of that issue, and that seems to me a case where there was not sufficient public interest for there to be well-informed public debate.

Q74 **Chair:** Can I declare an interest? I was a board director of Vote Leave. Coming back to this very first question about how we reconcile representative democracy with referendums, what needs to be done in order to ensure that this clash between direct democracy and representative democracy is better resolved in our own arrangements?

Dr Renwick: What do you mean by the "clash"? I do not see a clash as such.

Q75 **Chair:** Our system is used to a process of elections deciding the future of the country by changing or maintaining the present Government. They are not used to making decisions by popular vote that change the nature of the Government but don't change the people carrying out the Government. Dr Usherwood, you referred to the fact that there would be no change of personnel and there was no direct consequence for the Government in losing the referendum. How should this be better dealt with? It seems that our system is very adapted to changes of Government, and the relationship between Ministers and the Civil Service has adapted to elections, but it seems the system is not so well adapted to dealing with big issues being dealt with by referendum. What should we do to improve that?

Dr Renwick: I would certainly build on the comments that Simon made earlier. It seems to me that the main issue is how to encourage a thoughtful campaign during a referendum. When we think about the decision-making processes of representative democracy, there is a detailed framework within Parliament for ensuring that factors are thought about very carefully and there are multiple stages of decision-making in Parliament that are gone through. For referendums we do not have any of that. We have not thought about how to construct a campaign in order to aid people towards making an informed decision. I would emphasise that.



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Q76 **Ronnie Cowan:** In the Scottish referendum, the “Yes” campaign, put forward a very thoughtful and quite large document that explained exactly what an independent Scotland’s future would be like.

Dr Renwick: Yes. What we don’t have is an overall legislative framework within which that kind of intervention can be located, and we don’t have an established practice for how the arguments of each side can be put.

Q77 **Chair:** That is the question, isn’t it: what should be the established practice?

Dr Usherwood: Yes, to go back to the first part of the question, at the moment referendums are seen in a somewhat opportunistic way—that they are used by political actors as an opportunity to secure a change that they would have difficulty securing otherwise through the representative process, through the governmental process that we talked about before. In terms of establishing a framework, we have to move to something where you have recognition that a referendum is part of a bigger process, that is part of a public debate, and whether you can legislate for that, I am not sure that you can. Public debate is something that emerges most strongly from a bottom-up kind of approach. So how much we can impose a public debate, even when we try—

Q78 **Chair:** I am asking a slightly different question. How should the machinery of Government be adapted better to deal with referendums and a change of policy imposed on the Government that the Government did not choose?

Dr Renwick: That is not a question about the campaign; that is really a question about what happens after the campaign.

Chair: We will leave that for the moment. Cheryl Gillan?

Q79 **Mrs Cheryl Gillan:** I want your thoughts. Do you think that a referendum really completely undermines the representatives in a representative democracy?

Dr Renwick: I don’t think there is evidence of that.

Q80 **Mrs Cheryl Gillan:** Let me give you an example, which is what happened to many people on this Committee. My constituency voted to remain, and I quite openly said that I was voting for leave, so consequently I then got a lot of e-mails challenging my position and saying I must represent their views in Parliament when it comes to any votes. Surely that undermines the whole principle of a representative democracy and my position or other people’s position as MPs, because that is not the case and that is not what is expected of a Member of Parliament.

Dr Renwick: Yes. I suppose some people will think that and presumably, even without referendums, some people think that it is the role of an MP simply to represent the constituency’s views; in a very simplistic sense, to represent the constituency’s view rather than think carefully about the issue.



Q81 **Mrs Cheryl Gillan:** Doesn't that undermine it?

Dr Usherwood: Again, with all due respect to all of you, you represent your constituencies and the primary way that you are selected is through the election mechanism. You do not have the support of every single member of your constituency, so already you represent people who did not vote for you. There is nothing that is intrinsically different about this. A referendum is much more present and visible but there is nothing that suddenly means you no longer represent your constituency. It means that, on that issue, you don't. Then the way that is corrected—if there is a need for correction by your electorate—is that at the next election they say, "Well, we disagreed with you on that. We now want to choose somebody with whom we do agree." The system has that capacity in it and I do not think it causes a rupture.

Q82 **Mrs Cheryl Gillan:** But does it not distort it, because it is one issue that suddenly gets extremely loudly highlighted among people in the country? It is a distorting factor in itself having a referendum, because undue emphasis goes on one element of the work of a representative Member of Parliament.

Dr Usherwood: That will depend very much on the question in hand. Much time has been devoted to the European issue. That is not the main issue for the voters.

Q83 **Kate Hoey:** To follow up on something you said earlier, Dr Usherwood, your report for the UK in a Changing Europe, I presume, would have said exactly the same whoever won the referendum, so it would have been exactly the same if remain had won?

Dr Usherwood: Yes.

Q84 **Kate Hoey:** You said that the public were not engaged. I wonder where you spent the referendum time, because I certainly found the public very engaged with this issue.

Dr Usherwood: The programme was designed to help provide impartial advice to voters with a lot of public engagement, so, in terms of the level of public engagement, yes, there was substantial engagement but it wasn't to the extent that I think addresses the kinds of issues we are talking about here, which is about being aware of the ramifications of different choices, the dimensions of different choices.

Q85 **Chair:** Can I just press you on this? What is it about the referendum question that you think the voters did not understand?

Dr Usherwood: I think there wasn't good sight of the consequences of either choice. Again, to come back to your point, it would be the same whatever the outcome of this vote was. Both choices had consequences that I think were hard to put together and to integrate.

Q86 **Kate Hoey:** Isn't that a rather patronising view of the public? You are almost implying that anyone who voted—whichever way—did not really



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understand what they were voting for. Are you really saying that?

Dr Usherwood: No, I don't think it is about being patronising. It is recognition that this is a complicated and complex issue.

Q87 **Chair:** When we have a general election, what depth of understanding do you think voters have about the issues facing the country in a general election compared to a referendum?

Dr Usherwood: Again, the difference in a general election is that there is a programme in a manifesto. There is then a progressive adaption of that as the Government that is selected goes through its term in office, so that at the point that you make specific decisions within that programme, on pieces of legislation, there is specific debate and scrutiny that leads to an adaptation, in the way that a referendum is a decision that then does not articulate what happens afterwards unless it is specified in legislation.

Q88 **Chair:** You seem to place great faith in party manifestos. How do you think Permanent Secretaries feel when they are trying to translate manifesto promises into real policy? Do you think they feel that it has all been worked out and that the electorate understands everything that has been in the manifesto?

Dr Usherwood: No, I think there is a process of negotiation and—

Q89 **Chair:** What is the distinction you are trying to make between a choice between manifestos in political parties in a general election and a very clear choice about a single issue in a referendum? What is the distinction you are trying to make and the voters' understanding of that?

Dr Usherwood: Beyond the choice itself—leave or remain in this case—the detail of what that meant was not something that can be held to in—

Q90 **Chair:** What kind of questions should be asked in referendums, then, where that problem would not exist?

Dr Usherwood: One option would be that you require the presentation of a plan of what an option would look like, so that this might be a way forward.

Q91 **Kate Hoey:** Sorry, with the greatest respect, you mentioned the Good Friday Agreement as being something that you did think was the right area for a referendum.

Dr Usherwood: Because that is part of a bigger process.

Q92 **Kate Hoey:** Do you think that the ramifications on that have worked out? That people understand the ramifications of that? Did they understand the ramifications of that?

Dr Usherwood: Did they understand the ramifications of each element of that agreement? Probably not but, in terms of the package that was



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presented to people, a specific text, something that was material, I think that was a much clearer choice.

- Q93 **Chair:** You do not think people understood the difference between being in the European Union and not being in the European Union to the same extent that they understood approving the Good Friday Agreement or not approving the Good Friday Agreement? I don't understand the distinction you are making, because they both seem to be very complicated issues to me, with very fundamental principles behind them that people were capable of holding a view on.

Dr Usherwood: One is about a capstone of a long process that says, "This is where we, as"—

- Q94 **Chair:** So 43 years of membership of the European Union has not been a long process?

Dr Usherwood: That is a long process but that does not lead to a capstone of, "Here is an agreement about where we think we should be."

Chair: The Government's proposal was that we should remain in the process. The alternative was that we should leave the process.

Paul Flynn: Can I come in?

Chair: Sure. Please do.

- Q95 **Paul Flynn:** I feel this has been excessively partisan. During the referendum I said—and I said it here and I said it in Parliament—that the winner would be the one side who tell the most convincing lie, which has happened, and the most convincing lie was that there was going to be £350 million extra per week for the National Health Service, and many people voted on that basis. Do you think there should be a third question on the referendum saying, "I will trust this decision to my elected representative"? Because, while I love my constituents, I would not trust them on a vote on capital punishment because I think they would vote to bring it back and that the country would, and I think most of our elected members would feel the same.

Chair: Okay. What is the question?

Paul Flynn: The question is: should there be a third question on the referendum saying, "I trust this decision to my elected representative"? Because that is the Government position in 2010, and Parliament decides.

Dr Usherwood: My view on that would be that there is a difficulty in that, in that Parliament would be setting forward a decision to have a referendum that then would include an option to return it back to Parliament, where presumably Parliament, if it felt that it could make the decision itself—

Paul Flynn: Second thoughts are usually better than first thoughts.

- Q96 **Dr Poulter:** In a referendum you say you prefer a binary question, which



has a "Yes" or a "No" answer and the status quo is usually one of those actions, so there is an understanding from the public about what the status quo means. With the other option, which was voted for in this case—to leave the European Union—people will have different understandings of what adoption may potentially mean. I wonder, as this process plays out, how that debate and perhaps people's expectations of that vote not being fulfilled may interact with the integrity of the referendum process.

Dr Renwick: To the extent that people feel over time that they have voted on the basis of claims that they subsequently think were not accurate claims, then that would damage the integrity of the process. There was uncertainty about both options in this particular referendum, so it is not that there is a clear status quo versus a very unclear alternative. There was a lack of clarity as to what both of the options meant in the referendum.

The line of questioning that was being put to Simon a moment ago, in terms of the nature of the questions that can reasonably be asked of people, focuses on slightly the wrong thing. The important thing is sometimes, for whatever reason, we are going to have referendums on issues and we need to think about how we can have the most effective debate in the course of that referendum, in order partly that, subsequently, people can be confident in the decision that has been made. What that requires is that we allow people to participate actively, which they did—I think you are right in that—but also that they participate thoughtfully and that they are able to hear the variety of arguments clearly. I do not think that was the case in this referendum and we have overwhelming evidence that that was not the case.

Chair: We are going to touch on a related topic to this later on, unless there is anything that you want to add immediately, Dr Usherwood. Cheryl, very quickly.

Q97 **Mrs Cheryl Gillan:** Could you apply that same critique to the last Welsh referendum about primary powers? Would you say that people did not understand what they were voting on there?

Dr Renwick: I did not follow that referendum very closely. I do not feel I should comment on that one, to be honest.

Paul Flynn: What is fascinating about the Welsh referendum is the fact that it has gone from 26% support to 64%. I don't think people understood the detail of it, but they understood the kind of set-up we have and they are voting for devolution of the nations of the country. It was an instinctive thing rather than a detailed operation.

Chair: Rather like the European operation.

Q98 **Mr Andrew Turner:** How effective is the current regulatory framework for referendums?



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Dr Renwick: There are two key aspects of the framework. One is ensuring that there is a balanced discussion, and the other is ensuring that there is a quality and informed discussion. The current framework does a lot in terms of ensuring balance and does very little indeed in terms of ensuring quality informed discussion.

On balance, I think we have the best system in the world for setting the question. The role of the Electoral Commission in that is very effective. We have spending caps to ensure—to a reasonable degree at least—that neither side can vastly outgun the other. We have the restrictions on broadcasters. We have the Section 128 restrictions on purdah, which might well be extended. It might well be too limited, but at least it does something in order to limit the role of Government. We have a great deal of focus on that.

There are certainly issues there where we could improve balance, but I think the main issues for me relate to enabling people to find information that is balanced, that is independent, and that is not spun in order to encourage a particular outcome. In contrast to many other places that hold referendums, we have done no thinking about how to promote that.

Dr Usherwood: To echo that, the process side of things is very well handled; there is an efficient and effective mechanism. The substantive support of debate is something that is much less present.

Q99 **Mr Andrew Turner:** What, if any, regulatory issues arose that you feel were permitted?

Dr Renwick: We saw a great deal of misinformation during the campaign from both sides, and there was no adequate mechanism for people to call that out. In other countries either there are systems whereby there are authoritative bodies that can say, "That claim is false. Please stop making it," and those systems are respected—we see that in a number of countries, such as Ireland, New Zealand and parts of the United States—or there are systems in which, alongside all the information that is being produced by the campaigns, there is also provision for balanced, impartial information, so people have alternative sources of information.

Q100 **Mr Andrew Turner:** Are people not capable of deciding those things for themselves?

Dr Renwick: We saw again and again from polling evidence during and after the campaign that people were very dissatisfied with the quality of the information that they received.

Q101 **Mr Andrew Turner:** Having voted, they were very dissatisfied, are you saying?

Dr Renwick: Many people were very dissatisfied with the quality of the information that was available to them during the campaign.

Q102 **Mr Andrew Turner:** Of course, one builds up a bigger and bigger locus



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of things that we may have asked but we know that, when it is a general election, you turn up at the polling station, you put your cross in the box and you walk away. How is a referendum different?

Dr Renwick: I would not say that a referendum is substantially different. We have problems with elections as well and we can improve the way that elections—

Chair: It is a problem not confined just to referendums, yes.

Dr Renwick: Yes, but we are talking here about referendums.

Chair: Dr Usherwood, anything on this?

Dr Usherwood: No, I think it has already been said, thank you.

Q103 **Mr Andrew Turner:** In their 2016 joint report, the Law Commission suggested that it would be desirable to produce a set of generic referendum conduct rules that could simply be applied to future referendums. Do you support this?

Dr Renwick: I strongly support that and I think—

Chair: That will do. Dr Usherwood?

Dr Usherwood: Yes, I also support it.

Q104 **Chair:** Thank you. Can we talk about thresholds briefly? How appropriate do you think it is to have a referendum, like the EU referendum, without thresholds?

Dr Usherwood: I will start. This is exactly one of the areas where more of a framework would be very useful indeed. If you try to make a decision about thresholds at the point of having a decision about a specific referendum, then it will become a politicised issue and there will be accusations of trying to gain the result one way or the other. If you have a framework around thresholds then that can be something that is depoliticised and removed from what we are talking about.

Q105 **Chair:** How effectively do you think the referendum that was won by the devolutionists in Scotland in 1978 but did not meet the threshold test—how depoliticised did that issue become as a consequence of that?

Dr Usherwood: In that case, it demonstrated that the threshold was useful as a device for ascertaining the breadth of the support that there was for this proposal. Yes, it did have political consequences, but the contestation of the threshold was not the main thrust of the problem or the politicisation of it. It was part of a bigger, longer-term process.

Q106 **Ronnie Cowan:** You are saying the threshold should or should not have been there?

Dr Usherwood: I was thinking it should be there.

Q107 **Ronnie Cowan:** It should be. 52% of the people who voted in that



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referendum said they wanted the Scottish Assembly set up, so is that not enough to carry the day? It is enough to carry the day in the EU referendum.

Dr Usherwood: If I think about the EU referendum, I think a threshold requirement would also have been a useful device to have there as well. In terms of issues that have—

Q108 **Ronnie Cowan:** Among the citizens of this family of nations—those of you who bothered to engage, those of you who bothered to vote—the majority of you said you wanted this to happen, but it is not going to happen because so many people did not bother to engage in the first place.

Dr Renwick: I think you are both making good points. I think the UK is almost unique in the ease with which it is possible to pass major constitutional change. The idea that it is possible to have such a major change as leaving the EU on a simple 50% plus one vote would in most countries be thought utterly bizarre.

There is a very good reason for saying that we ought to have higher bars to pass, but you are raising the important issue of the democratic legitimacy of that result if the majority seems not to be getting its way. That is a serious issue, particularly in the UK, given that we do not have a tradition of having entrenchment thresholds.

One way of getting around that would be to say that, if you have a referendum that does not pass some higher threshold requirement, then you have to have a second referendum in order to confirm the decision. That way you are making the process a little bit harder but you are not ultimately denying the will of the majority.

Q109 **Ronnie Cowan:** Does the threshold depend on the percentage of people who voted in the first place?

Dr Renwick: There are various types of thresholds that you can have. You can have the one as in Scotland in 1979, where you have a threshold that is a percentage of the eligible electorate, or you can have a super majority threshold—

Q110 **Ronnie Cowan:** But does that eligible electorate include people who are dead?

Dr Renwick: There is that danger with that particular way of doing it.

Q111 **Ronnie Cowan:** We have had the situation where people have not been taken off the electoral register yet and are seen as not voting. That election was lost, even with that threshold in there; it was lost by something like 0.05%. I suppose it is because some of those dead people could not get out to vote on that day.



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Dr Renwick: Sure. If you are going to have a threshold like that then, clearly, it is important to work on the electoral register, given that that becomes more salient.

Q112 **Chair:** Can I just press on this subject? Dr Usherwood, given that there was a referendum in 1975 to join the Common Market, but there has been no referendum on any of the subsequent treaties, which represented a very substantial change in the way this country was run, which side should the threshold have been on? Given that this was an endorsement of decades of change, shouldn't the threshold have been on the side of the change rather than the remain side? The threshold should have been on the remain side, not on the leave side, because it is remain that represented the accumulated constitutional change to the United Kingdom.

Dr Usherwood: That is certainly an option that one could consider. Again, if you are thinking about the framework of thresholds, then there is going to be a difference between whether a particular referendum is a proposal for change or a confirmation of the status quo and whether you have some kind of differentiation on the basis of that.

Q113 **Chair:** What do you think of the proposal endorsed by millions of people in a petition that there should have been a threshold on both sides of the referendum question?

Dr Renwick: Then you have a zone of non-decision, which in practice merely means you maintain the status quo. In practice, it is impossible to have such a system. You have a threshold for change away from the status quo.

Q114 **Chair:** How much does that just underline that thresholds can be as political as the question or the context of the question?

Dr Renwick: That is why Simon's point is so important that you need to have thresholds embedded in a system of standing legislation rather than just deciding the thresholds on any particular issue.

Q115 **Mr Andrew Turner:** That does not solve the problem. You are assuming that because it says you remain, nothing is going to change, whereas many of us thought the opposite was true.

Dr Usherwood: As Alan has already said, on both sides there was uncertainty about what it meant—that the remain side was not the status quo.

Q116 **Chair:** I do not feel there was any uncertainty. That is a simplistic judgment in itself.

Dr Usherwood: In the particular case of the EU referendum, it would have meant the introduction of the renegotiation that the Prime Minister had secured in the spring, so it would have meant a change—

Q117 **Chair:** What is uncertain about whether we should make our own laws or



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whether those laws should be made by institutions in the European Union? What is the uncertainty about that?

Dr Usherwood: There is an uncertainty about how one then disengages from the EU and what that leads to in terms of a future relationship, whether leaving means that there is a complete rupture of all previous or current commitments, or whether there is a willingness and/or ability to maintain some of those linkages.

Chair: Any further questions on this point?

Q118 **Paul Flynn:** In the referendum there were three members of this Committee who took a very leading role on one side and most of us did not take a leading role, but I think we should look to our impartiality as a Committee. On 13 September 2010, the Government set out their policy and I will read what they said. They said, "Under the UK's constitutional arrangements, Parliament must be responsible for deciding whether or not to take action in response to a referendum result." That is a clear statement of Government policy and isn't that what should be before us now: to look at the result of that referendum, to consider the consequences and for Government to take—Government informed by Parliament—a decision on whether we go ahead with a snapshot of public opinion on 23 June?

Dr Renwick: I do not have a problem with the idea that this referendum result is politically binding, even though it is not legally binding, but it is politically binding in the sense that there is a decision to leave the European Union. Therefore, it seems to me that, even if Parliament is involved in the triggering of Article 50, Parliament ought to feel bound by the referendum result to accept that trigger.

Then there is the negotiation process and there is enormous uncertainty over what the result of the negotiation process might be. You cannot claim that there is not uncertainty. That is a clearly partisan statement, to say there is not uncertainty as to the nature of the UK's departure from the EU. Given that the referendum did not give a steer on the nature of the UK's departure from the EU, there clearly ought to be a strong role for Parliament, or some other process—potentially a second referendum, but probably Parliament—in deciding the nature of that process.

Q119 **Dr Poulter:** Picking up a bit on a question I raised earlier, you say there needs to be a strong role for Parliament but, given that there may be different interpretations among the majority who voted to leave the European Union as to what that means, how does the interpretation of Parliament of what "leave" is to be interplay with the integrity of the referendum process and with the feeling—or not—that democratic representatives are genuinely listening to the will of the people?

Dr Renwick: The referendum result has not given Parliament a clear steer as to exactly the form of Brexit, and Parliament comprises our elected representatives and, therefore, primarily it is up to Parliament to



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make that decision. As the process develops, if there is a widespread perception that Parliament is doing this in a way that does not carry public support, and that people feel that Parliament is not reflecting the implicit will that underpinned people's vote in the referendum, then there might well be pressure for the public to be involved in some further way, whether that would involve another referendum on some kind of deal or whether it would involve other innovative mechanisms of engaging the public.

Q120 **Chair:** How effective do you think the purdah regime was in this referendum?

Dr Renwick: There are clearly issues that the purdah rules. The Section 125 rules, as we are supposed to call them, lasted for four weeks. The intensive campaign clearly lasted for more than four weeks and, therefore, the Government was able to be involved in April and May.

Q121 **Chair:** Yes. How satisfactory was this?

Dr Renwick: That was not satisfactory. The principle of purdah is to maintain equality and to ensure that the Government does not skew the debate, and the Government did clearly try to skew the debate. I don't think it was effective, so Governments may well learn the lesson that doing this is counterproductive. In that sense, I am not sure if it is an issue that we need to be terribly worried about.

Dr Usherwood: I would agree. The purdah period felt rather short in the context of the long campaign that effectively started at the general election last May. Again, extending purdah would be another—

Q122 **Chair:** How long should purdah be?

Dr Renwick: If I remember, the official referendum campaign was 10 weeks. That was effectively the period of intense campaigning, so something like that might be appropriate. In doing that, you need—as several people in their written evidence have emphasised—to make clear that you do not thereby prevent interventions from organisations, such as the UK Statistics Authority that played an important role in trying to—

Q123 **Chair:** What are the other recommendations? Funnily enough, the Electoral Commission has retreated from their original support for a longer purdah period. What do you observe about that retreat?

Dr Usherwood: The difficulty for the Electoral Commission is that, during purdah, they become the lead point of arbitrating issues. At points in the referendum, where the Electoral Commission found difficulty was being asked to pronounce on questions that they felt were politicised and that a decision would have a particular advancement—

Q124 **Chair:** What particular example do you have in mind?



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Dr Usherwood: I think where they were being asked to pronounce about the validity of certain claims by either side and where they had been asked to make a statement about—

Q125 **Chair:** But that is not an issue of purdah, is it?

Dr Usherwood: It is not an issue of purdah but—

Q126 **Chair:** What about the advice of the Electoral Commission being asked by the Bank of England as to whether purdah provisions covered the Bank of England? Was that an appropriate thing for the Electoral Commission to be giving an opinion on?

Dr Renwick: The Electoral Commission's point on this I think is valid. There need to be clearer rules on purdah. If there were clearer rules, then I would have thought it would be possible to have a longer period that would not create great difficulties with potential de-legitimising problems for the Electoral Commission.

Q127 **Kate Hoey:** Can either of you highlight any problems there were with the administration of the referendum?

Dr Renwick: In terms of the detailed administration, it was conducted well, so far as I can tell. We have talked about the things that are not administered that I think should be but, in terms of what was done, I think the Electoral Commission did a very good job.

Dr Usherwood: I would agree.

Q128 **Kate Hoey:** You have no criticisms at all of the way the Electoral Commission handled the administration or oversaw the whole thing?

Dr Renwick: I would specifically praise the Electoral Commission for doing a good job.

Q129 **Kate Hoey:** Is there any need to make it a more effective regulator or do you think it is fine at the moment?

Dr Renwick: It has concerns certainly over the lack of penalties around Section 125 on purdah, and they are the experts on that. I don't have a strong view.

Q130 **Kate Hoey:** Is it possible to be the regulator and the key deliverer and not have a conflict there at all?

Dr Usherwood: I think it is. They have managed to do a good job on this referendum and on other previous—

Chair: That was not the question. The question is—

Kate Hoey: Is it appropriate?

Chair: There is a mixture of delivery and regulation; does that sit well with the Electoral Commission? Does that make their job more difficult?



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Dr Usherwood: No, I am not sure that it does. I think there is an awareness that they are involved in these different roles, have acted appropriately and that they have the mechanisms in place.

Q131 **Kate Hoey:** Neither of you would give them any additional powers.

Dr Renwick: No. I have talked about the desirability of having greater information provision during the campaign. The Electoral Commission has always taken the view that it should not have that role, and I think it is right to take the view because there could be potential conflict there. In terms of—

Q132 **Chair:** Conflict? What would there be conflict about?

Dr Renwick: The Electoral Commission is concerned that if it had a strong role in providing information, offering views on whether claims being made are correct or not, then that could create the impression that it might be favouring one side or the other.

Q133 **Chair:** What about the enforcement of purdah? We have these rules on purdah but no enforcement mechanism. In other countries electoral commissions have enforcement powers on the question of purdah. Should the Electoral Commission have those powers?

Dr Renwick: The Electoral Commission has certainly indicated that such powers should be looked into, and I would agree with that. I don't have a strong view on what those enforcement provisions should be.

Chair: Okay. Can I take Ronnie first?

Q134 **Ronnie Cowan:** We have mentioned we want more thoughtful campaigns and we are talking about impartiality. I wonder what role the media have to play in this. Very often we could accuse the media of running roughshod through this.

Dr Renwick: It would be nice if we had newspapers that were not campaign sheets and that saw their role as being to encourage high-quality public debate, without hiding their own views, but that did not just become campaign platforms, but we don't and we cannot regulate to get newspapers like that so we have to live with what we have.

Q135 **Ronnie Cowan:** But that might well extend to broadcast media as well?

Dr Renwick: There is a big question in broadcast media over the interpretation of due impartiality in this context, and the degree to which due impartiality requires a very simple notion of balance and the degree to which, within that, it is possible for the broadcasters to call out campaigners on both sides, when they are making claims that are not sustainable. My view is that the broadcasters could do rather more on that front than they did in this referendum.

Q136 **Ronnie Cowan:** Would the BBC be a good place to start, seeing as it is paid for by the taxpayer?



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Dr Renwick: Yes. We have the same rules that apply across all broadcasters but, clearly, the BBC is the most important.

Q137 **Chair:** Can I ask a question about that? The BBC was more or less reduced to reporting the competing claims of the two campaigns. This led to some complaints that the BBC was not evaluating claims. There were some exceptional programmes, like “More or Less?” on the “PM” programme but, where they were doing this, this became very disputed by the two campaigns about the validity of the claims they were making. Is the BBC better off just reporting the competing claims, or to what extent should we put the head of the BBC into the noose of making a judgment about the competing claims?

Dr Renwick: There needs to be some evaluation. At times there was a conflation of balance and impartiality, where we simply present the two sides and we don’t give a commentary on it. There were points of evaluation but it was very limited.

Again, the difficulty is that modern news values make it hard to carve out the space in which to have the kinds of debates that explore issues in the round in a way that I think gets to the different kinds of perspectives. Often one of the challenges in a referendum is that campaigners will be coming from fundamentally different starting points, which makes it hard to evaluate or integrate issues, which means that necessarily you have to build up quite a scattered—

Q138 **Chair:** To place an obligation on the BBC, or another public body, to try to evaluate these claims would be putting that body into an extremely difficult place. The only body that really was in that position was the UK Statistics Authority. How good a job did they do?

Dr Renwick: They did some job but we have to think much more carefully about how to design a body that can do that job well. Just having a bunch of experts getting together, and arbitrating on what is true or false, would be very problematic in the context of referendum campaigns. One way of doing this, for example, is that you have a group of experts but they are closely engaged throughout their work with some form of citizens’ panel. The citizens’ panel—a group of randomly selected citizens—works with those experts in order to explore what claims are regarded as being plausible and reasonable.

Q139 **Chair:** Is it also necessary for general elections?

Dr Renwick: We could introduce these sorts of things in general elections, yes.

Dr Usherwood: If you create a standing mechanism, then yes.

Chair: I will take Cheryl first and I will get back to you.

Q140 **Mrs Cheryl Gillan:** Were there any lessons to be learned from the timing of the referendum? Obviously, the consequences and the fallout from the result of the referendum, after the Prime Minister attached himself to one



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side of the debate, were enormous. Are there any pros and cons about, say, holding a referendum alongside a general election? Would that be a preferable time to hold referenda?

Dr Renwick: There are both pros and cons. The advantage of holding something at the same time as a general election is—

Q141 **Chair:** Or indeed local elections. There was a great row as to whether this referendum might be held on the same day as the Scottish, Welsh and Northern Ireland elections and that caused a great deal of controversy.

Dr Renwick: Absolutely. The advantage of holding a referendum at the same time is that you increase turnout. The disadvantage is that you do not have the opportunity to focus on the issues in the referendum or in the election; one or the other swamps the other.

Q142 **Mrs Cheryl Gillan:** Surely people are capable of concentrating on both.

Dr Usherwood: Even if they are—

Dr Renwick: I think they can be. There is an issue about whether one set of issues rephrases the other set of issues; that you start making decisions on a basis of: if I am thinking about the other vote I am casting that might have an impact. There is also a practical point that often the issues that we are considering in a referendum don't sit comfortably within the timeframes that we have for other referenda. Again, can we align a referendum timescale when it might be uncertain at what point a decision is possible?

Q143 **Mrs Cheryl Gillan:** What would be the advantages? You said there were pros and cons. What are the pros?

Dr Renwick: Of which side?

Dr Usherwood: Of having them at the same time.

Dr Renwick: Concurrent?

Mrs Cheryl Gillan: Of having them concurrent, yes.

Dr Renwick: The advantage of having them at the same time is primarily that you increase turnout.

Mrs Cheryl Gillan: That is it?

Dr Renwick: You make it a bit cheaper, I guess, as well.

Q144 **Chair:** How do broadcasters ensure balance between yes and no in the referendum, when for example, as we had in this referendum, most political parties who might be taking part in the elections are on one side of the referendum?

Dr Renwick: You make a good point.



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Q145 **Paul Flynn:** Could we have a look at that good point? The broadcasters are under a duty of balance—it says so in their charters. We talk about the BBC having its head in a noose, but compare it to the saintly impartiality of the editors of *The Daily Telegraph*, the *Daily Mail*, and the *Daily Express*, who throughout the campaign were propaganda sheets. The broadcasters do a very difficult job and we owe a great debt, particularly to the BBC, for that impartiality.

Chair: Your question is?

Paul Flynn: My question is: why are you being so biased and abusing your position as Chair to carry on with your campaign? You should take an impartial view yourself on this. Certainly, if you look at bias in the referendum, it was the newspapers and the propagandists and the people who went round in a red bus with a lie on the side of it.

Chair: I think the questions are for the witnesses.

Paul Flynn: Yes. The question for the witnesses is where—

Chair: Can I just take in Kelvin for a moment?

Paul Flynn: Okay.

Q146 **Kelvin Hopkins:** My friend, Mr Flynn, has just suggested that there was propaganda, but surely there were newspapers on both sides of the argument; that in a sense was balanced in the media. Would our witnesses not accept that sometimes people can be biased without realising they are being biased because they think, "Well, this is common sense, isn't it?", and it is not common sense; it is a political position?

Dr Renwick: Absolutely, and that is why you have to be very careful, when you are designing the sort of thing I am describing, about trying to build impartial information into the process. I am not suggesting for a moment that it is easy to do this—something like the BBC or the UK Statistics Authority is not set up to perform these very difficult functions—but there are lessons to be learned from around the world, as to how to do these things better, and we should be trying to learn those lessons.

Q147 **Kelvin Hopkins:** The great John Maynard Keynes said we are all entitled to our own opinions, not to our own facts. It is very important to use facts in an argument.

Dr Renwick: Yes. In most aspects of life we have forums of adjudication with what is true or false; we don't in politics. That is something of an anomaly.

Q148 **Paul Flynn:** This Committee has been greatly exercised by the role of Government, partly because of the strong views of members of the Committee. As someone who never read the bulk of the Government leaflets anyway—like the vast majority of the country—do you think the Government's information was influential compared with seeing what happened on the 6 o'clock news every night with the lie on the red bus



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and what happened in the daily papers? What determined and influenced opinion? Was it the Government's role or was it something outside of that?

Dr Renwick: It is very difficult to say. If we look at the media coverage of the campaign, then it is certainly the case that in the newspapers the media was skewed towards leave, overall. If you look at the public opinion polling that has been done, there is a lot of evidence that people were unhappy with the role that the Government played. Given these things, it is certainly plausible to think that the Government's interventions might well have been counterproductive from their point of view and people resented the fact that the Government was getting involved in that way. However, we do not have good enough evidence to be sure that that was the case.

Q149 **Paul Flynn:** The other question that came up again, and occupied a lot of time in this Committee, was the impartiality of the Civil Service. What do you think of the intervention by Nicholas Macpherson, wherein he published a document in his own name, which was advice to the Government—a big, rare event for a civil servant to publish his own advice—as a blatant interference in the Scottish referendum? Does that strike you as an inappropriate way for civil servants to behave?

Dr Renwick: If we are having a referendum campaign, then the Government should be impartial in that campaign and any intervention that takes away from that is problematic. The Scottish referendum was an unusual one, because there were two Governments on the two sides and it was reasonably fair for the two of them to argue. However, in most referenda that is not the case and the Government should remain impartial.

Q150 **Paul Flynn:** This Committee took the view that the intervention by Nicholas Macpherson was an improper one; that was the view of this Committee. Do you think there were similar interventions by civil servants in the last one that were also improper?

Dr Renwick: The documents that were published, particularly by the Treasury, should not have been published. They contained claims that were clearly not justifiable. Even if they had contained only claims that were justifiable, the fact that they were being made by the Government and, particularly, where money was being spent on sending that pamphlet out to all households, I think was inappropriate.

Q151 **Paul Flynn:** There is clear evidence of many people being disillusioned about the results of the referendum and changing their minds since. Quite rightly, the public are asking us, "Who do we trust?" Do we need someone like the National Statistics body to adjudicate on this, or someone that can be trusted not to repeat the lies of the propagandists on both sides but to give clear, impartial, objective guidance on what the truth is?



Dr Renwick: That is the most important lesson that we ought to be drawing from this referendum, that, irrespective of the side that you were on in that referendum, it ought to be clear that the quality of this campaign was very low; a lot of misinformation was put out by both sides; many voters felt they did not have access to balanced, reasoned information and I think that is very problematic.

Q152 **Paul Flynn:** A final question: during the AV referendum, when I crossed Vauxhall Bridge every morning, there was an advertisement there saying, "Those in favour of AV are in favour of cutting money for our soldiers in Afghanistan and for helping babies in special units in hospitals." It was not entirely what the issue at stake was. Wasn't that an example of a referendum that took place where the public voted in deep ignorance of the issue and both sides, again, used propaganda, and the result was one that was nothing at all to do with the issue of democracy involved?

Dr Renwick: Absolutely. In the same year, New Zealand had a referendum on the electoral system in which there were five options available for voters to choose from. There was an impartial information campaign in which a group of experts were brought together to provide information on these options, on the criteria that people might use to judge among these options, and on how people might judge the options relative to those criteria. That provided a very solid basis of information. No one criticised the impartiality of that information. There were no complaints at all. It encouraged a campaign that was much more thoughtful, much more engaged with the actual issues. Whether we could do that in the UK, given the different circumstances, is far from certain but we could certainly learn important lessons from that case.

Paul Flynn: Thank you very much. I am very grateful to you.

Chair: Anything to add, Dr Usherwood?

Dr Usherwood: Nothing, no.

Q153 **Chair:** Thank you very much indeed. Can I ask one final thing, which is coming back to this question about the conflict between representative and direct democracy? One of the proposals that we are entertaining is whether the non-Government campaign in a referendum should be required to brief the Civil Service on what they expect to happen in the event of a vote against the Government's position, so that the Government is better prepared to deal with the eventualities rather than the Government banning civil servants from giving any thought to the alternative that the Government does not want. What is your thought about that?

Dr Usherwood: There is merit in that suggestion. Two issues strike me immediately. One is: is that advice also connected to what that campaign would be sharing publicly, that people would know that then this is what is envisaged. The second, bigger issue is that, again, a referendum is not an election and so there will not necessarily be a change of personnel in the event that that non-Government campaign wins that vote. So, will



they be in a position to then require or oblige the Government—which will presumably have lost in this situation—to follow that advice? Therefore, again, there is a question about how much commitment is built into that. There is always value in planning and thinking about what the consequences are. I think we have seen that in this referendum, where we have gone from a relatively standing start, which has then created an additional period of—

Q154 **Chair:** As Mr Cowan alluded to in his earlier question, in the Scottish independence referendum there was a very clear, 600-page document produced by the SNP in Scotland.

Ronnie Cowan: The White Paper was 670 pages and addressed 651 different questions based on the premise that you vote "Yes" and you return an SNP Government, and that way people knew what they were voting for.

Chair: Whatever the quality of that document, which was disputed, at least the Government in Westminster had some idea of what was going to happen, at least of what they were intending to happen. Should both sides of the campaign be required to produce such comprehensive papers, which can be evaluated by the Civil Service and used as preparation for either eventuality?

Dr Renwick: As Simon said, planning is clearly appropriate. The difficulty is that Vote Leave was not going to form a Government and, therefore, the status of that document is different. I agree that the campaigns should have done as much as possible to clarify what they wanted to happen after the result that they wanted, if it did happen. But it was not in the power of Vote Leave to decide that. There is difficulty—

Chair: You are certainly capturing the understanding that we had at Vote Leave, where we found it very difficult to communicate with the Government about those things. Are there any further questions?

Thank you very much to both of you. It has been very informative.

Examination of witnesses

Witnesses: Will Straw and Paul Comer.

Q155 **Chair:** We will endeavour to ask swift questions. If you will give us swift answers, that will be very helpful. Please could you identify yourselves for the record?

Will Straw: Will Straw, former Executive Director of Britain Stronger in Europe.

Paul Comer: Paul Comer, the former Compliance Director.

Q156 **Mr Andrew Turner:** As one of the two designated campaigns in the



referendum, how effective did you find the existing regulatory framework for referenda?

Will Straw: Can I start by thanking Mr Chairman and the Committee for inviting us to give evidence here this morning? Whatever side of the debate you were on, this is a really important inquiry that we want to contribute to and help the Committee with their findings.

Also, a personal thanks to Ms Hoey. Ms Hoey has been my MP for the majority of my life so it is a great pleasure to be here this morning.

Chair: She never misses a vote.

Will Straw: Indeed. Our view was that the administration of the regulation in the main worked well. We had a good relationship with the Electoral Commission; we were in touch with them on a regular basis, had regular catch ups and were able to talk through with them some of the concerns we had.

In our submission we touched on a couple of issues where we felt, potentially, there was some room for improvement of the law and of the administration. One is around the working-together arrangements, which were at times confusing to some of the campaigns on the remain side and where we believe there could be room for greater clarity from the Electoral Commission about what constituted working together and what did not.

As we outlined in our submission—and have heard from others, including the previous witnesses, and from some of the other submissions sent to the Committee, including from Full Fact—we also had some concerns around whether there could be an improvement in the way that claims made by both campaigns could be tested and examined by an independent body, possibly the Electoral Commission.

I would be delighted to elaborate on either of those.

Chair: Mr Comer?

Paul Comer: All I would add is that there are some minor areas where the rules that are applied to referenda have been pretty much taken straight across from existing law on elections and where looking to adapt those slightly for referenda, going forward, may benefit things. For example, simply on the periods to make payments after a campaign has finished, they are the same as they are for elections, 30 and 60 days, whereas, when you are running a national campaign, often your suppliers are very large and have longer billing periods and 60 and 90 days might make more sense. So, just some very minor suggestions where the rules from elections I think could benefit from looking to see whether they are fully appropriate for referenda.

Q157 **Mr Andrew Turner:** How could the existing regulatory system for referenda be improved?



Will Straw: With regard to the working-together arrangements, it is more a question of clarity from the Electoral Commission. In some instances, when we asked for greater clarity, they said, "It is for you to interpret whether you are working together with another organisation and, if you are, to sign a formal working-together arrangement and, therefore, account for their expenditure as part of your £7 million regulated spending limit." That does not necessarily give you the guidance that you need.

One area of concern was around the extent to which in a local town centre or village where we had a Stronger In stall and another remain campaign—perhaps a political party's remain campaign had their own stall—we could put the two tables together and hand out each other's literature. It was not clear from the guidance whether that would constitute working together or not. In the end, because the sums of money were relatively trivial for the paper being handed out, we suggested that, so long as the tables were kept independently branded, there was no harm in terms of the volunteers—who often were a member of a political party and had signed up to be in our campaign—acting together. However, some clarity on some of those practical considerations would be a help.

In terms of the veracity of claims, we obviously have followed some of the criticism of both campaigns. Unless members want us to, I don't want to rehearse the arguments about whether our claims were better than their claims but it was our intention, at every point, to inform the public. On the literature we produced we always sourced the claims we were making, so that voters could go and look at that source and find out whether they wanted more information or not.

We would have had no problem at all in submitting our literature to an independent body, perhaps the Electoral Commission, for them to decide whether what we were saying was accurate or not. We certainly felt that where taxpayers' money was being spent—for example with the election addresses, which were mailed to every elector in the country for the referendum campaign broadcast, which took primetime spots on national television, and indeed the Electoral Commission's own address, which included statements from both of the lead campaigns—we would have been very happy to have submitted information, and perhaps that could have improved the public's views of the claims being made in the campaign.

Mr Andrew Turner: Mr Comer?

Paul Comer: I don't have anything to add.

Q158 **Mr Andrew Turner:** What were your impressions of the designation process and how could it be improved?

Paul Comer: Our only comment about the designation process is that really it was handled very well by the Electoral Commission. Obviously,



where there is competition for the role of lead campaign they face a very difficult evaluation. In terms of the time length for it, in our submission we are simply saying that four weeks may be overly generous for campaigns to prepare their submissions to become a lead campaign because the reality is for a national campaign, if you are intending to do that you will have been preparing your submission a long time before that. That could possibly be shortened; however, the two weeks to determine who gets it seems perfectly appropriate and was necessary in this case.

The Electoral Commission could benefit the process in the future by being clearer about what sort of criteria they use to evaluate between those campaigns contending to be lead. There was certainly some chatter. That wasn't necessary for the remain side—we were the only application that went in—but for the leave side there was certainly a lot of chatter in online circles and blogs afterwards. The GO movement were saying they felt a bit robbed and that they were not clear why they had not got it, as opposed to Vote Leave. I would not question the judgment that was made by the EC on that, but just giving clarity to those bidders before they put their applications in may have helped those different campaigns be clearer in their applications.

Q159 **Chair:** Before I ask my question can I just declare formally that I was a board director of Vote Leave?

How sufficient was the purdah period for the EU referendum?

Will Straw: We felt it was sufficient but as the lead campaign we would have worked with whatever rules Parliament set.

Q160 **Chair:** How effective do you think was the application of purdah?

Will Straw: We thought it was effective. We had no contact with Government civil servants and, during that four-week period, the Government did not produce any reports of the kind it had done beforehand. In the case of special advisers, who were actively engaged in the campaign, all of them that were engaged in the campaign were paid by the remain campaign during purdah for the proportion of their time that they were working on the campaign.

For example, Craig Oliver, the No.10 Director of Communications, was spending the majority of his time on the campaign, although not all of it. We paid 80% of his salary during the four-week purdah period and the Government paid 20% so he could cover other Government business as it was taking place. We felt that worked well. It meant that there was a political operation that was playing an active role in the campaign but very much as part of the Stronger In campaign, whereas the impartiality of the Civil Service was not undermined in any way.

That was important to me personally, having been a civil servant at the start of my career and having been a civil servant in the Treasury during the 2005 general election, when it was quite proper and important that



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there was a purdah period and that civil servants were not affected by it. We were quite clear on the campaign that there should not be any engagement with the Civil Service during that time.

Q161 **Chair:** What would be the consequences if the purdah period had been 10 weeks as opposed to four weeks?

Will Straw: From our point of view, I don't think it would have been any different. During that period we would have extended the amount of time that the special advisers were in a sense partial employees of the campaign; we would have adjusted our communications grids accordingly and the activity would have been carried out by the campaign rather than the Government during the first six weeks of that period. That would have been unprecedented, if it had been 10 weeks, in relation to other referenda that we have had in the UK, and to general elections, but, as a matter of administration, it would have been absolutely fine from our point of view.

Q162 **Chair:** What were those special advisers doing for the campaign before they joined your campaign?

Will Straw: They were working on Government business but we would have regular meetings with them to share information. For example, we knew that the Treasury was producing its reports on different aspects of the debate. We knew what day it was going to be, but the special advisers in the Treasury, and indeed in No. 10, would work on that with their officials.

Q163 **Chair:** How much should I infer from your answers that, in fact, those special advisers were able to effectively work for the campaign as full-time special advisers up until the purdah period? Otherwise, you would not be telling us that you needed to employ them for the full 10-week period, if they were superfluous to your campaign.

Will Straw: No. When the Government was in purdah, those people who had very close relationships with the senior politicians in the Government, who were on the remain side, would have been completely muted if they had not been brought into the campaign, so it was appropriate—

Q164 **Chair:** That would imply that they were not muted before; they were campaigning—

Will Straw: They were campaigning for the Government.

Chair: While they were special advisers working for the Government before the purdah period. That is the implication of what you are saying.

Will Straw: They were certainly campaigning; they were campaigning for the Government in the period before purdah, because the Government had set out its position following the February European Council. During that period there was a clear delineation between the activities of the campaign and separately of the Government, both, of



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course, campaigning for a remain outcome, at least for those members of the Government that were on the remain side.

Q165 **Chair:** How appropriate do you think it is for special advisers to be proxy campaigners for one side of a referendum when they are being paid by the taxpayer to be civil servants?

Will Straw: I don't think there is any difference in the pre-purdah period between what the special advisers were doing and what the whole of the Government was doing. The Government's position was to support a remain outcome after the European Council. I read the evidence that Jeremy Heywood—

Q166 **Chair:** Can I ask about the overlap period when there were devolved elections taking place and the referendum campaigns were also underway? How did the proximity of other elections and the referendum date affect the way you operated?

Will Straw: Our view was that it was problematic. The decision of when the referendum should take place was a matter for the Government, but the campaign's view was that it was problematic because of the overlap with the local and indeed national—

Q167 **Chair:** What are you recommending in respect of future referenda?

Will Straw: When I was asked my opinion I always said that I thought an autumn referendum would be preferable, because that would avoid the overlap with the local elections. I was concerned about students not being in their universities during the referendum. That was one of the concerns that the National Union of Students, and other organisations concerned with students' engagement in the democratic process, made plain to us. I also felt that more time would be needed organisationally, because the remain campaign had formed in the summer of 2015 whereas the leave campaign, under the guise of Business for Britain, had been going for a number of years previously. However, it was not my decision when the referendum took place. That was a matter for the Government and for Parliament.

We did feel that during those three weeks there were a couple of problems. First of all, the public, particularly in Scotland, Northern Ireland, Wales and London, were poorly served because in those three weeks their politicians in the main, and their media, were focused on their important local or national elections rather than in the EU campaign, so in a sense they only had seven weeks of that regulated period, rather than 10. However, some political parties, whose main reason for being was to leave the European Union, campaigned very hard on Europe during the first three weeks of the regulated period. As a campaign, we did not register with the Electoral Commission to be an active participant in those elections. We thought it would be improper. Therefore, there wasn't a countervailing story in those first three weeks about the European questions and we thought that was problematic.



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Q168 **Chair:** I am still a bit confused about one aspect of your answers on these two topics. You clearly think the 10-week referendum period was very important for campaigning but you don't think that any restrictions should apply to the Government until the last four weeks. Why is this?

Will Straw: My view is that it doesn't matter what the length of the periods are. That is a matter for Parliament and the Government. As long as there is a level playing field the campaigns will move their plans accordingly. It would not have mattered to us whether the regulated period had been 14 weeks, 10 weeks or six weeks; that was the period where we had to focus our campaign and focus our £7 million regulated campaign budget. Our view was that, since the decision was taken that it was to be 10 weeks, there was a problem because the first three weeks overlapped with the local and national elections.

Q169 **Chair:** My question is going back to the purdah question. If the 10-week referendum campaign is so important in its entirety—and it clearly is according to the answer you have given to me about the overlap with other elections—why is it not important to have purdah for 10 weeks in order to create that level playing field, which you clearly think is very important?

Will Straw: It would not have mattered to the campaign how long the purdah period had been but there was a precedent in previous referenda, and indeed in general elections, to have a shorter period.

Q170 **Chair:** You would not object to a longer purdah period?

Will Straw: From my point of view, no, and I think from the campaign's point of view, no, because we were working on the rules that were set.

Q171 **Chair:** Okay. Thank you very much. Moving on, what impact did individual electoral registration have on the campaign?

Will Straw: In the main it was a positive development but there were some teething difficulties, particularly for younger voters and for overseas voters. The issue for younger voters was in many instances being used to the head of household putting their name on the electoral register, and therefore having concerns that they had not been registered. I think that was mainly overcome by the strong public campaign from the Government, from the Electoral Commission, and from both the leave and remain campaigns to encourage people to vote.

It was tougher for people who were overseas—Paul might elaborate on that in a moment—but our view was that it was not just the registration that was the issue; it was also registering for postal and proxy votes. The timing of the referendum, particularly for students, was problematic because they had been in residence at universities in the May local and national elections and in most universities had then left campus by the time of the June referendum, so merely registering to vote was not enough if they were not going to be at the address that they had stated on their return to the Electoral Commission. Indeed, had they been



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travelling or otherwise away from wherever their home was, they would need a postal vote or proxy vote as well. The system for applying for postal votes and proxy votes is rather more antiquated than the rather good system for registering to vote in the first instance.

Q172 **Chair:** Your clear message is: generally, if you are going to have a referendum, have it in the autumn and not following elections. That is a very strong point of view from you.

Will Straw: That was my view. You could have it earlier in the year as well, so you did not get into the cycle of the local and national elections, but I certainly think that there is an issue with having it in those summer months.

Chair: Thank you. Kate Hoey.

Q173 **Kate Hoey:** Before I ask my question, Dr Usherwood said earlier that, in his view and in the paper they produced to us, an issue of such magnitude as this should not have been subject to a referendum. Is that the view of your organisation?

Will Straw: No. We certainly respect the will of the people. On a question as significant as this there is a case for having a referendum in the first instance, so we have no concerns about that.

Q174 **Kate Hoey:** I presume you would not agree with him either when he said that the public did not really understand the issues.

Will Straw: I cannot claim to speak on behalf of the whole of the public. There were some people who were very engaged in the debate and took a lot of time and trouble to form their own judgments and, inevitably, with any political questions, there will be others who form their view based on just a few snatched conversations with friends or what they see on the TV or on social media. What I do think is that our campaign sought to inform the public and it is for others to judge whether we succeeded in doing it.

Q175 **Kate Hoey:** We have talked about the regulatory framework and so on, but, administratively, did you come up against any real problems with the administration of the referendum?

Will Straw: As I said in the answer to Mr Turner, generally we felt that the administration was good. Certainly, of the election itself, the administration of the polling stations, the postal-vote system and so on. We had no complaints at all. I don't know if there is anything you want to elaborate on, Paul.

Paul Comer: Included in our submission were a couple of picky suggestions, one of which—and you may touch on this later—was about the role of the Electoral Commission as both provider and regulator. All we would simply observe is that, where we were posing regulatory questions of a possibly thorny nature to the Electoral Commission, clearly their chair was recusing them from any involvement in the determination



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of those because of their role as the Chief Accounting Officer. So, there is just a question as to whether in future referenda their role as chair of regulator should take precedence and someone else acts as Chief Accounting Officer, so that they can apply their judgment to those sorts of questions.

Q176 **Chair:** Was there any occasion where you were asking the Electoral Commission to do something, or to give a ruling on something, and they declined to do so?

Paul Comer: No. But just for example—and we touched on this in our submission—the question of whether some of the campaigns seeking to become permitted participants are fully independent from other campaigns or not, and whether they are linked or not, raised all sorts of questions about the working-together provisions, about whether they were properly constituted bodies and so on. Also, feeling that the chair was not there to help guide the senior staff at the Electoral Commission just raised the question as to whether it is more appropriate that they recuse themselves from those sorts of decisions to be the Chief Accounting Officer, or whether they should actually be applying their judgment to those issues instead and have someone else as Chief Accounting Officer. To us, in terms of the administration of the election, it seems they are very well run and there hasn't been much contention about any elections for a long time.

Q177 **Kate Hoey:** I had better declare my interest, too, that I was involved in campaigning on the leave side.

I am sure you all remember it, but what impact did the crash of the Government's electoral registration website have on campaigning? What did you feel about that?

Will Straw: It was clearly unfortunate that it happened. It would be better if the Government servers had had more capacity to deal with the spike in demand that evening. However, I think the decision to extend by 48 hours meant that everybody who was trying to register on that evening got the chance to do so. I am sure that nobody involved in the referendum would dispute the right of people to register to vote.

Paul Comer: The only thing I would add about that is I certainly think it does flag a tangential issue. The overall impact was marginal in terms of the size of the electorate, but what it did flag is the number of multiple applications required to be on the electoral register. There were apocryphal comments from some electoral registration officers that two-thirds of the applications that they were getting were from people that were already on the electoral register, at a time when they were under pressure to get the register accurate for a vote. There must be some way of solving that better for the future, where people can check to see whether they are already on without having to go through a full application process.

Q178 **Chair:** How clear do you think the Electoral Commission's communication



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inviting registration was to try to avoid that? Anecdotally, there were plenty of examples of people thinking they had to make a separate registration in order to be able to vote in this referendum. What did you think about their communication?

Paul Comer: I thought their communication in the round was pretty good. It is very simple in outline, but, as soon as you get into an individual case, if they are anything other than being in the place that they live for quite some time and are going to be there on polling day, then you start to get into all sorts of complexities about do they apply for postals or proxies and all the rest very quickly. It does need to be quite simple in headline.

I thought their communication wasn't bad around it, but I do think some simple method in the future where people can check, because at the moment many councils have moved to a system where if you e-mail them to say, "Can I confirm that I am on the electoral register?" you get a holding e-mail back saying, "Yes, we will respond to you within five days", which is the normal response handling.

Q179 **Chair:** When you went to register, if it said, "Check: are you already registered?" and you put in the information to see if you are already registered, it would have been easy to prevent?

Paul Comer: It could have been. There might be issues about identifying yourself and not being able to discover whether other people are registered or not, but there must be some way around this. The example that I mentioned in the submission was that I have a little app on my phone that allows me to exchange between pounds and other currencies. That has to meet the financial regulations about money laundering, and I can do that simply by taking a photograph of my driver's licence or my passport and it goes through and it is automatically identified. There are ways to validate who you are that do not require this, so there must be solutions to it.

Will Straw: I would encourage the Committee to look not just at the registration, but also at the postal votes and proxy votes. I think that was an issue and the administration there is some way behind in terms of postal registration.

Paul Comer: What I would flag on that, just very quickly, is that it is very easy to get yourself registered now through the online system, but if you want to put in a postal or proxy vote application—if you are an overseas voter, for example—then you have to be in the situation of printing out an actual form, signing it, scanning it back in and sending it. That is if you are not using the old system of putting it in the post and then you get into real time delay issues around that. Again, there must be a technological solution to validate people's identities and allow them to apply for postal and proxy votes.

Ronnie Cowan: If that is to do with voting systems, you have come to



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the wrong place.

Chair: Is that a question?

Ronnie Cowan: No, I am just stating a fact.

Chair: Would you like to ask a question?

Q180 **Ronnie Cowan:** Yes. Talking about the machinery of Government, how appropriate was the role that the Government played during the EU referendum campaign?

Will Straw: Prior to the purdah period, I thought the Government had an important role to play, since it had a position on the outcome of the referendum. That was separate from the campaign. The way they conducted themselves is, in a sense, their business and for Jeremy Heywood and others to be accountable to, as I know they have before this Committee. But we had no concerns about the conduct of the Government in the referendum period.

Q181 **Ronnie Cowan:** There were issues that arose from documents being produced by the Government Departments, which may have been seen to have been briefing on the side of the remain campaign.

Will Straw: We did not have a concern with that. There is clear precedent in previous referendums, not least the Scottish referendum, where the UK Government produced documents on one side, the Scottish Government produced documents on the other, going back to the 1975 referendum, when the Government produced documents in favour of its position.

Q182 **Ronnie Cowan:** Is that the role of Government?

Will Straw: I think if the Government have a position, then they have every right to inform the public on that position. Obviously that was in line with the position that we were campaigning for, but we thought as a matter of informing—

Q183 **Ronnie Cowan:** To use the machinery of the Civil Service to back up the Government?

Will Straw: I do not see there is a problem with that. When the Government has a position on any number of issues, then it has every right to use the machinery of Government and the Civil Service to inform the public about what it is seeking to do and to make its case. I do not see why that is any different, given that following the European Council meeting in February, where the renegotiation was agreed, the then Prime Minister set out very clearly what the Government's position was and his intention to campaign for that outcome.

Q184 **Paul Flynn:** Could I ask you, Mr Straw, how you are enjoying your role as a Commander of the British Empire? How fares the Empire under your command?



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Will Straw: I have not yet been to receive my award, but it has had no clear change on my role.

Q185 **Paul Flynn:** Why were you given your award?

Will Straw: I don't know why I was given the award. I did not ask for it.

Q186 **Paul Flynn:** You were given it by the Prime Minister and the Queen.

Will Straw: The Prime Minister made, as I understand it, his recommendation of people who should receive awards to the Civil Service Committee.

Q187 **Paul Flynn:** This is a reward for the losing side. Were the winning side showered with ermine and awards too?

Will Straw: As I say, I did not ask for the award but, when I was offered it, I was not going to turn it down, not least because I had been—as campaigners on both sides of this question and people engaged in politics are—away from my family for a lot of the campaign, and I wanted to have an occasion to take my wife to the Palace, as we will be doing in the near future, and to have something to remember the hard work that I and others put into the campaign.

Q188 **Paul Flynn:** We have a twinge of doubt at the fact that the awards were given to the losers and not to the winners.

Will Straw: As I say, I did not ask for any award. It is down to those who gave them out to account for who they chose to give them to.

Q189 **Paul Flynn:** Mr Comer, in the dying days of the campaign, if not the dying hours of the campaign, your campaign gave £600,000 to a 23 year-old who rapidly passed it on to an IT company. It has been suggested that it was a way of subverting the rules, of getting around the rules on expenses. Was there anything sinister in that payment of £600,000?

Paul Comer: That wasn't us. That was the other side.

Paul Flynn: Was it? Oh, it was the other side.

Will Straw: Just in response to that question, we took the view that it would not have been appropriate to give grants to other organisations. We obviously had contractual relationships with consultants, but accounted for all of our working together with other campaigns in the appropriate manner. That counted against our £7 million of regulated expenditure.

Q190 **Paul Flynn:** Why was it done so late?

Will Straw: Why was what done so late?

Paul Flynn: The money, handing it over at such a late hour.

Will Straw: That was the Vote Leave campaign.



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Paul Flynn: I thought it was Vote Leave. You are both on the same side.

Will Straw: We are on the same side.

Q191 **Paul Flynn:** I am sorry for confusing you. We shall ask them, I am sure.

On the role of Government in this, we have heard a great deal about the influence of Government and the purdah and so on, but what do you think mattered in the campaign? Was it the propaganda that you produced or was it the influence of what we saw on the 6 o'clock news every night, with Boris and Priti and Michael mouthing their untruths, or was it the exaggeration of your side about the economic sinkhole that the economy would fall into the day after the referendum? Was it the propaganda, was it the truth or was it Government evidence that mattered? Who persuaded the public to vote the way they did?

Will Straw: It is a very complicated question to try to answer precisely, why the outcome was the way it was. There were clearly many, many different factors and the debate that has taken place since the referendum about whether it was immigration or sovereignty that was the greater issue for leave voters I am sure will run along. During the campaign we made every attempt to inform the public. As I mentioned earlier, in all of our literature we set out the sources of the information that we were making. We sought to make both the positive case and patriotic case for why it was good to stay in the European Union, as well as setting out the risks of leaving. Our literature included that balance, as did our referendum campaign broadcasts and other speeches given by campaigners.

Q192 **Paul Flynn:** I said during the referendum campaign that the winner would be the one who told the most convincing lie. Were your lies less convincing than your opponents?

Will Straw: I don't think we told any lies at all. I think all of the claims that we made are stacked up by the available evidence.

Q193 **Paul Flynn:** We are still waiting for the emergency budget.

Will Straw: That was an announcement made by the then Chancellor of the Exchequer, who then lost his job soon afterwards.

Q194 **Paul Flynn:** He did indeed, yes. We are very sorry to see another matter the Committee forgot to tell ACoBA, that he had an interest outside, as *The Daily Mirror* reported in splendid style today.

What additional protection do you think you need for the Civil Service to keep them from meddling in referendums? The most outrageous case we had of course was Nicholas Macpherson in the Scottish referendum, who broke all precedent and issued advice that he was giving to the Chancellor of the Exchequer and published it. It is a very rare thing to happen, but do you think there should be some more restriction on civil servants from operating so blatantly in a biased manner?



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Will Straw: I do not feel qualified to comment on the Scottish independence referendum. In relation to the European referendum, we thought that the purdah rules worked well. There was no contact between the campaign and the Civil Service at any point in the campaign. Of course, we liaised with the special advisers to the Government, as I mentioned, who came on board the campaign during the purdah period for a proportion of their time and we paid their salaries in proportion to that time allocated. During the purdah period, the Civil Service were operating under the same rules that they would during a general election or other referendum, so we felt that those rules worked well and that the integrity of the Civil Service was protected. I was interested to read Jeremy Heywood's views when he came and gave evidence to this Committee as well.

Q195 **Paul Flynn:** He is a totally unbiased source, of course, that you quote. But we are concerned about the impartiality of the Civil Service. There are many things about Mr Heywood that we could discuss, about the impartiality of them, but it is a continuing concern in this Committee that the Civil Service will become politicised. You did not think so on this occasion. There might be people on the other side that thought perhaps they were politicised, because they were clearly of one view and they are very much of one view now. It is claimed that after the referendum they are doing a great deal to frustrate the decision that was taken. Isn't that a great worry, as a civil servant yourself?

Will Straw: I have the utmost respect for our Civil Service in this country. I think they do a tremendous job in managing the transition of power from one Government to another, and as we have recently, from one Prime Minister to another. I don't think their integrity was under any duress during the campaign. What they were doing, quite appropriately, in the period before the purdah kicked in, was to support the Government of the day on its policy and that was very clearly stated, following the European Council in February. They put all of their efforts into supporting that policy, as they are now supporting the Government with its policy of implementing Brexit.

Q196 **Paul Flynn:** The public are confused by the information they had. They rightly do not believe what either side was saying in the referendum; they wisely did not believe it. They do not believe the political parties on this. Possibly they believe the newspapers, or they might believe the Boris bus, with its lie on the side. Can you think of any body—possibly the Advertising Standards Authority or the body on National Statistics—that enjoys respectful impartiality, that should have a leading role in assessing the truth or otherwise of propaganda?

Will Straw: I know that a recommendation of the previous witnesses this morning, and of the Full Fact organisation, was to suggest that there should be a body—perhaps the Electoral Commission or the Advertising Standards Authority—that would examine the veracity of claims, particularly those that were being disseminated with taxpayers' money.



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As the lead remain campaign, we would have had no problem at all with those rules if they had been in place during the referendum campaign.

As I have said several times, we made every attempt to inform and to include the sources that backed up the claims that we were making and would have been happy to have handed over before they were distributed all of our leaflets and referendum campaign broadcasts and so on, so long as there was symmetry with the other side. In future, given some of the concerns about the information in the campaign, that would be a very good step for Parliament to take forward.

Q197 **Paul Flynn:** You have come to the conclusion you lost because you did not tell a bigger lie?

Will Straw: I think that is for others to judge. Certainly there were many people on our side who accused the leave campaign of lying during the latter stages of the campaign and there has been a lot of focus on the claims on the side of their big red bus. I do not think we lied at all during the campaign and that if we wanted to go into the details of any of the claims that we made, we would be very happy to support the claims.

Paul Flynn: I am very grateful to you. Thank you.

Chair: Thank you very much. Unless there is anything more you want to add, we are very grateful to you for appearing in front of the Committee.

Will Straw: Thanks very much for your time.

Chair: I think the fact that we can have this discourse after such a campaign is testament that our constitution works one way or another.

Examination of witnesses

Witnesses: Matthew Elliott, William Norton and Antonia Flockton.

Q198 **Chair:** We will endeavour to keep our questions short. If you can give us crisp answers, that would be very helpful. Could I ask each of you to identify yourselves for the record, please?

Matthew Elliott: I am Matthew Elliott. I was the Chief Executive of Vote Leave.

Antonia Flockton: Antonia Flockton. I was the Financial Director of Vote Leave.

William Norton: My name is William Norton. During the referendum I was Legal Director of Vote Leave. I was also the Referendum Agent for North East Says No in 2004 and the referendum responsible person for No to AV in 2011. I am not now and have never been a Commander of the British Empire.



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Chair: Can I just put on the record that I was a board director of Vote Leave and, therefore, you are all very familiar people to me? I will allow, as much as possible, others to ask the questions. Andrew Turner.

Q199 **Mr Andrew Turner:** As one of the two designated campaigns during the referendum, how effective did you find the existing regulatory framework for referendums?

William Norton: By “existing” do you mean in PPERA or do you mean what was issued during the course of the referendum to conduct this particular referendum? Because that is an issue in itself. Under PPERA, there is a certain basic minimum regulatory framework that governs any referendum that is held under the Act, but it leaves space for particular bespoke regulations governing, for example, the question itself, the date and various other ancillary matters. For example, in the course of this one, there was a series of regulations issued at various points prior to polling day, dealing with matters such as pre-poll reporting of certain donations and when the general reporting and restrictions for the controlled period would come into force.

My own view has been—and it has been reinforced by this particular referendum—that the basic minimum set out in the Act needs to be strengthened. For example, there needs to be a minimum period between designation of the two main campaigns and actual polling day itself. This is now the third one I have fought and the same problem comes up, that it is very tight for time between becoming a designated campaign—in other words, knowing that you are going to have the right to send a freepost mailing—and then the amount of time in which you have to get the damn thing out to the voters before it is too late.

The Electoral Commission has always said that you should have a 16-week minimum period for the whole referendum. It is probably better seen as being a certain minimum from designation onwards. The example in Scotland was a very good one; I think that is the period they had there. We were told we were going to have a 16-week referendum campaign, but in fact it was six weeks for designation plus 10 and that was still too short.

Antonia Flockton: May I add to that? I think coming to it fresh and never having been involved with a political campaign before, it seemed to me, as a new campaign group starting from scratch and building ourselves up, we were shoehorned into a set of rules that envisaged an existing machinery, existing offices, existing people, which caused difficulties.

William Norton: That is a fair point. The general conception of the regulation as a whole seems to be that if you look at PPERA, the way in which it is set up, it is the Political Parties, Elections and Referendums Act and it is done in that system. First of all, it brought in the rules on donations and how you govern political parties and the naming, then you have the general election, so for the first time you had the national



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campaign. The philosophy there is that each of you will have been subject to controls under the Representation of the People Act as candidates, so that has always been with that regime.

PPERA was put on top of what you do with a national campaign for a general election and it deals with certain costs. There the philosophy is it is the marginal cost, because political parties are in existence from day-to-day and they are looking at what is the national campaign, especially for that controlled period. When they came to do the legislation for referendums, they decided that the referendum is closer to a national campaign for a general election than it is for a candidate in a constituency, and I think quite rightly. In order to save themselves a lot of work, they just simply copied over the same regulations. They were almost certainly working on the assumption that the referendums would be fought by parties mainly in addition to their normal activity. I can understand why it is done that way and it is probably the most credible way of setting up the structure.

As I say, the issue is what is the irreducible minimum as to what PPERA says and what is left to discretion at the time of holding a referendum? I think that we need to strengthen it. For example, we had very little advance notice that the rules on donations and the obligations that had come with that would come into force on 1 February. It was very sudden, simply because the Minister announced he was going to table regulations. It would be better if we could have more advance notice or a sort of minimum lead time for that sort of period. But I am mainly more concerned about the minimum period for the referendum itself, as designation plus, to get to polling day.

Q200 Mr Andrew Turner: Are you suggesting that the arrangements were not satisfactory or are you merely suggesting that they could have been better?

William Norton: They could have been better. As I say, this is now the third referendum I have dealt with and we have the same problem cropping up every time, which is that you get designation—

Q201 Paul Flynn: Can we be precise, for my benefit, please?

William Norton: Of course, yes.

Paul Flynn: What is it that you would do to improve it?

William Norton: I would have in PPERA a minimum requirement that when you set the polling day, it must be a set number of weeks after the designation of the two lead campaigns or a determination that they cannot designate. At the moment it is still up in the air and I would go for a minimum of at least 16 weeks. I would follow the timetable they had in Scotland, where it worked very well. For example, in Scotland everyone knew well in advance that polling day was going to be on a certain date in September and the controls came in immediately from when the Act was passed in the Scottish Parliament, so everyone knew exactly what



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they were. There was a designation well in advance by the Electoral Commission as to who were going to be the lead campaigners. That worked very well and I don't think there is any reason why that could not have been done with this referendum.

Mr Andrew Turner: Thank you. Any more to add?

Matthew Elliott: Perhaps I could add some points to what William said. I agree very much that these are essentially general election regulations foisted on a referendum and one of the consequences of that is there isn't parity between the two sides. Of course, both the official leave side and official remain side can spend up to £7 million in controlled spending, but when you take into account the fact that political parties are also able to spend amounts of money, that adds another disparity. For example, the political parties on the leave side, UKIP and the DUP, had a collective spending limit of £4.7 million, but if you add up all the political parties on the remain side, their spending limit was roughly £19 million. Then layered on top of that you had the fact that the Government spent £9.3 million in putting out its message, so there is a clear spending disparity in this referendum and that was a particular hindrance to the leave side.

Q202 **Mr Andrew Turner:** How could the existing regulatory system for referendums be improved and what are your impressions on the designation process and how could that be improved?

Matthew Elliott: Shall I talk about the designation in a minute?

William Norton: I think just as a general point, to say this is now the third time I have gone through these hoops and I don't think we have any complaints. I thought it was pretty fair. It was four weeks plus two for a decision. I would rather it stayed at four plus two and then you sorted out the period that happens after designation than trying to cram it in any further. I suspect we are no nearer guessing what the criteria are as to how you get designated, but, since I have been designated three times now, I am not really going to worry about it.

Mr Andrew Turner: I understand.

Matthew Elliott: Perhaps I could add some points on the designation. William has talked about the length of time. It is worth going back to the fact that the people taking part in the referendum only had access to the electoral rolls for the local authorities 21 weeks before the referendum date. The amount of time it takes to compile all of the individual electoral rolls—you collect them from the local authorities, then compile all of these datasets, all of which are put together in a different way, into one national database—basically means that you have essentially lost a lot of campaign time before you have that one national database you now need for a national referendum campaign.

Then, laid on top of that with the designation process, it could have been speeded up. We are in a situation where the referendum date was announced on 20 February by the Prime Minister, and we did not have to



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have the designation documents until 31 March. It was a five or six-week period while we were compiling them. That could have been shortened to perhaps two weeks. I think we knew who the two contenders were to be leave campaigns at that point. Both of them basically had their act together in terms of producing designation documents, so the whole process could have been extended.

That would have stopped the problem that we had when it came to designation. Basically we were designated as Vote Leave, as the official campaign, on 13 April and then the control period started on 15 April. Essentially, until 13 April, we did not know whether we would be a campaign spending £7 million or one spending £700,000. That brought in several budgeting and cash flow issues, which Antonia, as Finance Director, would be well aware of.

Antonia Flockton: You can see that in terms of the pre-poll reporting that was done in terms of when our cash came in. If you look at the designated campaign on the remain side, you will see a curve that goes like that; on the Vote Leave side, you will see one that goes like that, because obviously your main donors are not going to give you money unless they know you are going to be the designated campaign. That has an impact in terms of your campaign planning.

Q203 **Chair:** Can I just interpret, for the record, what your hand signals meant?

Antonia Flockton: Oh, I am so sorry.

Chair: Or maybe you would like to do so.

Antonia Flockton: I am possibly exaggerating here, but on the remain side, you could see that they were virtually fully funded from the outset, and on the leave side you can see that the funding increased to its maximum during the course of the campaign. It wasn't from the outset that it was fully funded, so on the campaign planning side that has an impact.

William Norton: I think you would describe the Vote Leave graph as rising exponentially from zero and the remain campaign as being reasonably flat all the way through from a high peak.

Q204 **Chair:** Would anybody be entitled to draw the conclusion that the late timing of designation could have been designed to disadvantage one campaign or another?

Antonia Flockton: I don't think you can do that, because it could not have been foreseen that there would be such—if I am allowed to say it—an acrimonious split in the leave side. It was just a factor of the fact that—sorry, Matthew, you should probably take this one.

Matthew Elliott: It was quite useful to the Government that it was so late in the day, because it did mean that during a long period, that run-



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up to the referendum, you had both the leave campaigns preparing for designation rather than working out how to debate the other side—the remain campaign.

Q205 Mr Andrew Turner: Was there not a sense of competition on the leave side that was of benefit to both groups, albeit one of them eventually was designated?

Matthew Elliott: I think there are two very clear strategies. From the outset, the strategy of Vote Leave was to build a cross-party campaign that was able to appeal beyond the traditional UKIP base of people who supported leaving the European Union. We felt that by having that cross-party campaign, by having senior business figures and senior military figures involved as well, that was better able to represent the full totality of people who were on the leave side of the debate in the country, whereas it is fair to say that the other campaign, Grassroots Out, felt they could base their campaign more around UKIP and Nigel Farage. There were two very different strategies and approaches to this, hence there being two campaigns.

Q206 Chair: On the question of purdah, how sufficient was the regulation of purdah during the campaign?

William Norton: I was surprised that the Government tried to abolish it in the first place. I am not aware that the arguments given at the time were valid. Going back to the philosophy that we have, that the whole regulatory period is trying to sort of mimic a general election, we have purdah for a general election, don't we? The country seems to get on pretty well and Government seems to survive during that period, so the concept of purdah itself, I think is clearly valid.

Q207 Chair: But it is not legally binding during a general election.

William Norton: No, but it still seems to work. It is interesting why you have to single out referendums, why you can't just simply take the same approach for a referendum. In fact, I know that the predecessor Committee to this one looked at this in the last Parliament and I have a very good idea, because I know perfectly well, Chairman, that you and I both considered this in the course of how you can address it. We came to the conclusion that you can solve the problem for referendum purdah, for protecting civil servants' independence and the integrity of the whole process, by adding—I think it was—two sentences to the existing code, or possibly three, I forget the exact number. I put the question back to you: why has that not been taken forward?

Chair: We are asking the same question and we may well reiterate that finding from our previous report about the Civil Service and impartiality.

William Norton: The next question I suppose with purdah is the length of time. Now, for reasons that we do not know, because it was never tested when the Bill was taken through Parliament, the purdah period is set at 28 days and it is just the complete 28 days. It is worth noticing



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that for the last general election the period was in fact 39 days, because I dug out the old timetable. The purdah would have applied from dissolution on 30 March to election on the polling day of 7 May, so, if the Government can carry on quite amicably with a purdah period of 39 days for a general election, why is 28 a sort of horrific period of time for a much smaller matter like a referendum? I think I would have the position of a referendum exactly the same as for a general election. It seems to work every five years. I do not see why we cannot have that situation.

Matthew Elliott: Looking at the bigger picture, it is worth pointing out how important purdah was in the referendum. I know that this Committee fought hard to make sure there was a purdah period in the referendum. It was crucial to the final outcome because, if you look at the pace of the referendum campaign, it was not until purdah kicked in that we felt that both sides were given a fair hearing, particularly in the broadcast media, where you would have each night both of them competing to come top of the news. Up until that point, it was extremely difficult for the leave campaign to cut through, because at any point the Government could issue a new press release that would immediately knock any campaign activity we had had during the day off the headlines of the news. So the purdah was extremely important in the referendum and thank you to the Committee for making sure it was in there.

It is also worth pointing out that the extent to which the Government used the whole machinery of Government to push the remain campaign was, I think, unprecedented. I cannot imagine that situation in a general election campaign. Imagine the general election of 2020, and imagine if the Government used the machinery of Government to produce Treasury Committee reports saying how terrible it would be if Jeremy Corbyn was elected and how the economy would go to ruin; imagine if the Government used taxpayers' money to send out a leaflet to every household saying how terrible it would be if the Opposition were elected; imagine if the Prime Minister used 10 Downing Street to do speeches during the election campaign itself. All of these things happened during the referendum, so it is worth pointing out the extent to which the machinery of Government was used to push the case for remain.

William Norton: The purdah itself, in terms of the actual workings and how it is drafted and how the provisions work, has been an issue in every single referendum I have been involved with. I cannot comment as to what happened in Scotland. I hear that there was an issue in Wales in 2011. It is a longstanding problem. It is a very badly-written piece of legislation, but it is the best bit of legislation we have on it. It could be improved. It is remarkable that in a referendum campaign you have what must now be running into the sort of hundreds of regulations that apply to the main campaigners. There is only one that applies to the Government in its capacity as Government; there is no enforcement mechanism, there is no sanction.



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We had a situation in 2004 when I was complaining against the then Deputy Prime Minister, for reasons that life is too short to explain, and I went through the Electoral Commission, who claimed that it was nothing to do with them, which wasn't true—they also had their own version of what "publication" meant, by the way—going all through the rigmarole. Eventually we came to the conclusion that the person that decided whether Mr Prescott, as he then was, had broken purdah was Mr Prescott and the sanction was Mr Prescott telling Mr Prescott to apologise to Parliament. I don't think that is quite adequate. You might want to think about that and how you enforce it, but then that is an issue you have, I suppose, with the whole Ministerial Code.

Q208 Chair: We have discussed with the Electoral Commission before whether they should have any role in overseeing purdah or applying sanctions for breach of purdah. How do you think that could be done?

William Norton: It is the basic problem: who guards the guards? We have not solved that in about 2,000 years. I welcome the views of the Committee on it. Ultimately—

Chair: If you have any further proposals, do let us know.

William Norton: Yes, I will ponder that.

Q209 Chair: Can we also look at the overlap that existed between the elections in Scotland, Wales and Northern Ireland, the local government elections and the referendum period? What issues do you think this raises?

Matthew Elliott: I think the big effect of that from a campaigning point of view was twofold. First of all, the campaigns, particularly in Scotland, did not really get going until the Scottish Parliament elections were out of the way, so they had less time to consider the issues in the EU referendum.

The second point is that, when it came to politicians involved in the other election campaigns going on, they felt less able to declare their hand in the EU referendum debate until their elections were over. I think in future having less of an overlap or no overlap would be preferable.

William Norton: On the administration side, it turned out to be less difficult than we were expecting. The experience that I had with the AV referendum in 2011 is that it coincided again with devolved elections, it was held in the same period and it was a struggle for the administrators. The worry here was that you would have local and devolved elections and then suddenly you have to turn around, within less than two months, and implement a referendum. There wasn't as much chaos as I was expecting. There is always chaos, there is always uncertainty, there is always people getting the wrong forms in any sort of election. It is interesting that it did not cause as much trouble in immediately stopping with the devolved elections on the administrative side and then going straight into a referendum. They either had a very good idea when the



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referendum was going to be held or they did remarkably well in turning themselves around.

Q210 **Chair:** What was the impact of individual electoral registration on the referendum?

William Norton: You mean did it make any sort of difference in terms of what we would have expected? I am not aware of there being any particular either positive or negative impact as compared to say, for example, 2011.

Q211 **Chair:** The remain campaign told us just now that they thought that the timing of the referendum discouraged students from voting because they might have registered, but they might not have been in their hall of residence by the time the referendum occurred, and higher participation might have resulted if the referendum had been delayed until the autumn. What view do you have about that matter?

William Norton: I do not know. About a year out from the actual polling day, when we first sat down in 2015 and tried to guess, "When do we think it will be?" I thought that, if they were not going to combine it with the elections in May, it would not be feasible to do it until September in 2016 for a variety of reasons; probably that might have been one of them. It was not my decision to hold it in June. There was enough advance notice. People knew there was going to be a referendum at the end of June. If you were really worried about your vote, you could have sorted that out. There is the other issue as well with the online registration. It was made very helpful. I am not aware of there being any particular problems. That is not to say there were not any, but then there always are problems with these things.

Chair: Do you want to add anything?

Antonia Flockton: I thought the evidence as to how many younger people voted had been contradicted. I know there is a prevalent view that fewer younger people voted, but I thought that was a subject of argument about it. It would be good to see what the accurate figures were on that.

Chair: Do you have any further information on that, Mr Elliott?

Matthew Elliott: No.

Q212 **Chair:** In the absence of colleagues, I am going to have to ask the questions myself. This may have been covered, the way the referendum was administered by local authorities and the Electoral Commission. How satisfied were you with that?

William Norton: Are we talking about specific issues such as the electoral roll, which is always a pain for referendum campaigns? The answer to that one is: most councils were better than they were in 2011, but there were still one or two that were difficult in releasing the electoral roll. Quite a lot of them had difficulty understanding the difference that



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we were not a regulated party that already had a copy of the roll, and it took them a while to get their heads around the fact that we could still apply once we were registered with the Commission.

Yes, compared to 2011, where it took an awfully long time to get all the council data in, this time more councils handed over the data to us earlier, but there are still one or two stragglers. It would be invidious of me to name any particular council.

Q213 Chair: Of course. We have already discussed the Electoral Commission to some extent, but are there any additional powers you would give to the Electoral Commission?

William Norton: I would encourage them to use the ones they have more regularly and with greater clarity and transparency.

Q214 Chair: Can you give an example of where you felt they were not clear and transparent?

William Norton: This is probably your area, is it, do you think?

Antonia Flockton: There is the Ryanair issue. Ryanair announced that they were spending more than €20,000 on campaigning during the election. I think they also offered reduced flights to people specifically to come to the UK and vote for remain, and they were not a registered campaign. Our complaint was the rules are very clear on this: if you spend over £10,000 you must register as a campaign. We don't understand how that decision was reached, for example.

William Norton: It is interesting. Going back to the question about purdah, I have now dealt with three referendums. Purdah catches "publication" of material. I have now gone through about five different definitions of what that means and it always seems to mean that nobody has done anything wrong.

Q215 Chair: For example, does it cover electronic communications sufficiently?

William Norton: It ought to, but it depends who you ask and it depends what you are complaining about. As I say, publication seems to mean whatever it is necessary to mean in order to conclude that nobody has done anything wrong.

Q216 Chair: What do you feel about the Electoral Commission as both administrator and regulator? Is it sensible that the Electoral Commission has both these roles?

William Norton: I do not see any other practical way of doing it, because otherwise, if you then end up with two different regulators, who regulates between the two regulators and then who regulates the regulators? So we are back to, "Quis custodiet ipsos custodes?", aren't we?



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No, I think, as I say, the problem with the Electoral Commission is that it is essentially an auditor rather than a referee. It is more the case that it does not blow a whistle and say, "That is offside." It is much happier coming back about five months later and saying, "Three of the goals were offside," and so on and so forth. They are getting better at intervening where there is a clear and present danger of a breach, and I would rather they kept closer to campaigners and were more forthcoming.

In 2011 they introduced something called the SPOC, or single point of contact. That was in response to our comments from the 2004 referendum. So there was one person at the Commission, if you had a problem you would go straight to them and they would sort out the background and then get you an answer. In the autumn of 2015 I was told that they were not going to do that system this time around. I think in effect they ended up with a sort of de facto one. It was nice and clear in 2011, there was one person, you contact them and they will get the answer to you as quickly as they can, or give it to you themselves directly.

Antonia Flockton: They did establish that quite quickly during the course of the campaign. I would have thought we would have some key recommendations around this, around the electoral roll.

Matthew Elliott: On the electoral roll, one very practical suggestion would be that if the Electoral Commission could urge all local authorities to compile the electoral roll in one format. That would mean in future campaigns, when parties have to compile nationwide databases, it is far easier to do so, rather than the situation we had where we had some in the form of very neatly laid out files, others in the form of CD-ROMs, and different tables being used. It was really all over the place.

Antonia Flockton: We were sent PDF files. We spent a lot of money and a lot of time putting that data into a useable format. It seems a perfectly sensible and an obvious thing to do for someone—and the obvious person is the Electoral Commission—to say to all the councils, "You must keep it in this format," or to keep it centrally themselves.

Q217 **Chair:** That is helpful. When the website crashed, first of all, what was your take on this?

Matthew Elliott: I thought it was pretty incompetent that it happened. A lot of money had been put in to urging people to register to vote in the referendum, and to have a website that could not take the bandwidth of a number of people signing up to be registered was pretty incompetent. They should have had a better produced website and more bandwidth capable of being able to have all the people register.

I was also slightly disappointed that they extended the deadline. Of course it was important that as many people as possible were able to sign up, but this does set a very bad precedent for the future. It essentially means that if there are any delays in the future, if websites crash on the



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eve of a deadline in the future, it will automatically be extended for another few days. It is now relatively easy for people to crash websites with denial-of-service attacks, so it is quite important that, once they are in there, deadlines are stuck to.

William Norton: It is interesting. It is also on a par with the problem you have with people queuing at polling stations just before the deadline at a general election. I do not remember that happening before, until the last few elections. I would like to know how does it happen because, if in fact turnout is falling—as it genuinely is over time, the trend is down—what seems to be happening is that we are now almost budgeting our systems, in terms of people at polling stations and the number of staff there, whether we set up websites to deal with online registration, we seem to be almost budgeting for failure. It suddenly cannot cope with people using their legal right to register to vote or to turn up at a polling station. I think there is more of an issue there about the long-term organisational planning.

Q218 **Chair:** The queues outside the polling stations was a local returning officer issue, it was not an Electoral Commission point.

William Norton: Yes, I know. It is just a general point about systems.

Q219 **Chair:** It was about not printing enough ballot papers. That was the problem. You answered the other bit of the question, but you say that it sets a bad precedent. Why does it set a bad precedent?

Matthew Elliott: It sets a bad precedent because it means that in future, if a campaign felt it would benefit from an extension of the deadline for registration, it would be relatively straightforward for that campaign to organise for a website to crash immediately before a deadline.

Q220 **Chair:** Wouldn't that be illegal?

Matthew Elliott: It would be illegal, yes.

Q221 **Kelvin Hopkins:** I should declare that I have an interest, I was co-chair of Labour Leave in the referendum campaign, and we know Matthew very well, of course.

On that point, I was very concerned about that. Should there not be some very firm legislation agreed across the whole of Parliament that such deadlines should not be changed at short notice by any Government, and that in future that deadline will be observed, full stop? As you say, the possibility of crashing websites and so on can be manipulated and portrayed as being innocent but actually be mischievous. Having an absolute deadline that is agreed across the parties, whatever happens that deadline will be observed, would that not be the way?

Matthew Elliott: I could not agree more. That is correct.



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William Norton: In fact, just to make the point, we have one very firm deadline in an election, and that is when the ballot boxes are shut. We can extend the argument further, "I am awfully sorry, I forgot to vote yesterday. Can I turn up and vote this morning? By the way, I have 300,000 friends who also failed to vote. Can they turn up and vote?" There is a point where you have to draw the line.

Q222 **Ronnie Cowan:** The difference there is that individuals decided not to turn up and vote, as opposed to going to a website where it has crashed within two days of it.

William Norton: Yes. But then there is an issue about: where do you stop?

Q223 **Ronnie Cowan:** I have been in IT for 35 years; websites crash. Let's not go all uppity about, "There is a plot out there. There is something subversive. It is the Russians. It is whoever." Websites crash because they are badly designed and poorly implemented in the first place. The Government's fault in this instance was having a badly designed, poorly implemented website.

Matthew Elliott: That is what I said.

William Norton: We agree.

Q224 **Ronnie Cowan:** But you went on to say the possibility was that in the future it could be targeted and crashed.

William Norton: In the future.

Q225 **Ronnie Cowan:** Not if it is designed and implemented properly, and that is the duty of the Government to ensure that facility is there for the citizens that come to vote, who turn up at 10 o'clock to vote. As long as you are at the polling station at 10 o'clock you can queue to get in. As long as you are there for 10 o'clock, you can go back to the end of the queue and say, "I was here at 10 o'clock". If there are 200,000 people outside, they all get to vote.

Matthew Elliott: Yes.

Q226 **Kelvin Hopkins:** Supplementary to that, would it not be sensible in such circumstances to have hardcopy backups on a daily basis so that, even if a website does crash, you still have a hard copy? It is old fashioned I know, and I still use pen and paper myself. Would it not be a way of overcoming and avoiding that kind of problem?

Matthew Elliott: I do not know enough about the technology behind websites or how the registration is compiled to answer that question.

Q227 **Paul Flynn:** I am a bit surprised about the line of questioning. I can understand people making nit-picking objections if you lose a referendum, but I am baffled as to why people make them when they won, and they are complaining about this incident.



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William Norton: It is because of our public-spirited wish to help the work of the Committee.

Q228 **Ronnie Cowan:** Looking at the machinery of the UK Government, you touched on it earlier on; you said that you believed that the UK Government had used their machinery to support the remain campaign, as they did during the Scottish referendum campaign when they supported the no campaign. I don't remember the same outrage at the time. Would you both be of the same opinion that the UK Government supported the remain campaign?

William Norton: Sharks in a shark pool act like sharks. The Government wanted, insofar as they had a collective view, to win the referendum. These things happen.

Q229 **Ronnie Cowan:** Why did they lose?

William Norton: I could say because of the good sense and intelligence of the British electorate.

Q230 **Ronnie Cowan:** You could, but isn't it a case of—as we have seen in the past—if you are going to put on a negative campaign the person who has the most negative campaign wins?

Matthew Elliott: I do not think that is the case. I would take issue with that. A lot of studies have been done since the—

Q231 **Ronnie Cowan:** You do not think they ran a negative campaign?

Matthew Elliott: It certainly was a lot more positive than the remain campaign was. In fact, surveys done since the election suggest that voters think that the Vote Leave campaign was by far the most positive campaign, and also they trusted the facts and figures that we put out far more than the remain campaign's facts and figures. I think we ran a better campaign, a more positive campaign, and a more credible campaign.

Q232 **Ronnie Cowan:** Why did all 32 electoral constituencies in Scotland vote to remain?

William Norton: I would assume because there was some special talent in the Scottish remain group.

Q233 **Ronnie Cowan:** There was pretty much no remain campaigner in Scotland, as far as I can see.

William Norton: Then I must say I think it would be invidious to comment on particular parts of our wonderful country.

Ronnie Cowan: It is a family of nations.

William Norton: We are in danger of re-fighting the referendum, sir. It is not going to change the result.

Ronnie Cowan: That is what we have been doing for the last two



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months.

Chair: Ronnie, any further questions?

Q234 **Ronnie Cowan:** We have covered them, because it is quite clear the panel here are going to say that the UK Government backed the remain campaign.

William Norton: They did.

Ronnie Cowan: That forgoes the batch of questions I have here.

William Norton: I think, unless I have misread the newspapers, the Government's policy, insofar as it was a collective policy, was to remain in the European Union at the time. I remember something about it in *The Telegraph*, Mr Chairman.

Q235 **Paul Flynn:** Mr Norton and Mr Elliott, you have both mentioned the fact that you proudly took part in the Alternative Vote referendum. I have mentioned—and I think you were here when I mentioned it—the prominent poster that I saw on Vauxhall Bridge that said that Alternative Vote will cost money, therefore the Government will cut the amount of money they give to special baby units in hospitals and cut the protective equipment that our soldiers in Afghanistan use.

William Norton: Your memory is defective, sir. It said no such thing.

Paul Flynn: Yes, it did.

William Norton: It did not. It said no such thing.

Q236 **Paul Flynn:** No, no, no. My memory is perfectly right. As I say, I passed this daily on my way into work. That was the implication: because the AV would cost a protozoan amount of money, a minute amount of money, they would cut the most—

Matthew Elliott: £250 million, I think was the figure.

William Norton: It was, in fact, yes. I remember it precisely, because—

Chair: Order. Mr Flynn will ask his question, and I will allow you to answer, so please do not interrupt Mr Flynn.

William Norton: I do apologise.

Q237 **Paul Flynn:** Do you think that was an honest campaign? Do you think the public understood what they were voting for?

William Norton: Yes.

Q238 **Paul Flynn:** Could you point to the campaign where you said that this would be an improvement in our democracy and that the representatives in Parliament would represent the way that people voted instead of the system we have.

William Norton: Just for clarification, which referendum are we re-fighting, Chairman? Are we re-fighting the one in 2011—



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Chair: Please answer the question.

William Norton: I do apologise. If you are referring back to the AV referendum in 2011, first, your memory is defective. I never signed off a poster that put it in those terms.

Q239 **Paul Flynn:** I have it in front of me: "He needs a bulletproof vest not an alternative voting system."

William Norton: Correct.

Paul Flynn: That is an advert that you put out suggesting that anyone voting for AV wants to imperil the lives of our soldiers in Afghanistan.

William Norton: We are inviting the voter to make a choice.

Paul Flynn: There is another one about babies.

William Norton: Someone once said something about the language of priorities. We are inviting the voters to consider their priorities: which would they rather money was spent on?

Q240 **Paul Flynn:** No, you are misleading them with an atrocious lie. That is what this propaganda is.

William Norton: We are encouraging them to vote.

Q241 **Paul Flynn:** You are purposely misleading them. The vote was about improving the quality of our democracy, and both sides lied on that. If you take this referendum, are you happy that the public were not told that the pound was going to lose 17% of its value, but they were definitely told that there was going to be £350 million extra per week for the Health Service. Aren't you ashamed of that? What do you call that—a lie; an untruth?

Matthew Elliott: I think I would defend every aspect of the Vote Leave campaign. If you take the issues in turn, the issue about £350 million, the point we were raising there was basically: who controls how taxpayers' money is spent?

Paul Flynn: Where is the £350 million—

Chair: Let him respond, please, and then you can ask another question.

Matthew Elliott: The point is: when it comes to the next election in 2020, will there be a situation where most probably we will be outside of the European Union and then it will be up to electors to decide how that Brexit dividend is then spent? At Vote Leave we hope the money will be spent on the NHS. Other people may wish to elect candidates who want to spend that money on something else, but the key point was all about taking back control. Who makes these decisions? Are these decisions about spending made in Brussels or are they made here in Parliament? At Vote Leave we want them made in Parliament.

Q242 **Paul Flynn:** What do you think of Mr Farage posing in front of a group of



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people who are obviously foreigners and stirring up fears and racist feelings? Are you proud of that?

Matthew Elliott: I thought it was a disgraceful poster. We said so at the time. It had nothing to do whatsoever with the Vote Leave campaign, and in fact the reason why we set up Vote Leave was so we would not be campaigning alongside UKIP and Nigel Farage. It was meant to reach out across the mainstream, cross-party, bringing in the mainstream of voters, and not be a UKIP-based campaign.

Q243 **Paul Flynn:** All the evidence I have, certainly from Wales, is that the public have become disillusioned with their own vote. They have changed their mind since June 23, and there is strong polling evidence to suggest there is now a strong majority in favour of remaining. The Government said on 30 September 2010, in response to a report from the House of Lords, that those who are responsible for taking a final decision on referendums are the Government. Isn't that sensible? Should we depend on the snapshot of a vote for one day, based on all kinds of wild propaganda, or should the decision be taken by the Government when it is clear what the results of that vote are and on sober reflection, and then the Government should be in charge, not the snapshot of a referendum on one day.

Matthew Elliott: I think in this case the Government are going to make the decision about Brexit, and Theresa May has been very, very clear that Brexit does mean Brexit so we will be leaving the European Union. The Government is implementing the will of the people, and we are happy with that.

Q244 **Paul Flynn:** But do we trust the will of the people when it is taken on the basis of lies and propaganda, and promises that are not fulfilled? I have given you the example. There was no promise of many of the things that have happened subsequently, the economic problems and the worries about jobs. Now the perception and public opinion in Wales, certainly in my country, is that they want to pull out.

Chair: I think there was a question in there somewhere.

Q245 **Paul Flynn:** Isn't it right that the public, when they realise the results of this vote that was taken on 23 June, should be subject to second thoughts when they realise what its implications are?

Matthew Elliott: I do not think that should be the case. I do not think there should be a second referendum.

Q246 **Chair:** Can I ask Mr Norton to answer the question?

William Norton: Mr Flynn, your concern is that a momentous decision of this nature, with such importance for blah, blah, blah, was taken on a snapshot single day. You were elected on a snapshot single day, sir. Do you think your constituents should be given another—

Paul Flynn: No, I was not. I was elected on a snapshot on seven days. I was elected seven times.



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William Norton: But you know perfectly well that you are only as good as your last election.

Q247 **Paul Flynn:** I find that much more convincing, and not on the basis of untruths. I am happy to accept my election. Can I give you an example of a lorry driver on LBC—which I am sure you listen to—talking to James O’Brien?

William Norton: I listen to them avidly every day.

Q248 **Paul Flynn:** Indeed. Excellent. The splendid James O’Brien. The lorry driver said he had finally found the backbone to admit that he had changed his mind over voting to leave, realising the detrimental effect it will have on the life of his 13-year-old son, and the evidence of many others who had realised they had been lied to, and broken promises, that he had been conned by a single phrase, “Taking back control”. He then said he feels less in control of his life than ever. Isn’t it right that lots of people like this, a lorry driver and others, should take a mature decision and have a second vote when it is clear what the disasters that lie ahead are?

Matthew Elliott: There is lots of evidence to suggest that more people regret voting remain than regret voting leave. Were the referendum to be run again, the leave vote would be higher. This is just—

Paul Flynn: There is as much truth in that as the promise to give the money to the Health Service. I see—

Chair: Order, order, let him answer the question, please.

Q249 **Paul Flynn:** Where is the evidence of that? Who has come up with that?

Matthew Elliott: There was a YouGov poll recently on this point. There is also another poll—I don’t think it was YouGov, I think it is somebody else—where they asked people, “How did you vote on 23 June?”, and it indicated that 60% of people voted leave on 23 June. Of course, they did not. It was 52%, but this suggests that most people want to associate themselves with the leave vote. I do not buy this idea that there are whole swathes of leave voters who wish they had voted remain.

Paul Flynn: I think, according to what is happening in Ireland—

Chair: Order, order.

Paul Flynn: Let me make a point. You have gone on endlessly.

Chair: If you are not changing the subject.

Paul Flynn: In Ulster there is a dawning realisation of what will happen with a hard border; that it will certainly be very expensive and be unenforceable. The feeling in Scotland is they have been ignored by the Little England Prime Minister that we have who is seeing it as an English issue and dragging England in. Surely it will do a lot to drive a wedge in the country and accelerate the breakup of the United Kingdom. There has been great antagonism to this decision when it should be on how it is



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going to work out with jobs, with the economy—

Chair: That is your opinion, Mr Flynn. Is there a question?

Q250 **Paul Flynn:** Yes, indeed. The question is: don't you agree with what the Government have said previously, that we do not find ourselves prisoners of an opinion taken on one day, but it should be taken when it is clear what that decision is, perhaps years later? That is what the Government policy is and was announced to be.

Chair: Do we agree?

William Norton: You can make the same point about any general election.

Q251 **Paul Flynn:** You did. The other point that I had was the one on the £600,000. I do not know if that is an entirely innocent act that it happened days before the end of the campaign, when this £600,000 was given to a 23-year-old man.

Antonia Flockton: It is very clear—and we have talked about this in terms of not just the main campaigns but also political parties being able to campaign and various others—that the intent of the law is that there be a variety of campaigns on either side, and they be funded to a certain degree. There is nothing—in fact, quite the contrary. Anyone can donate, provided they are registered electors, to other campaigns. We were donating to other campaigns from late in 2015 regularly.

I talked about the curve of our funding. When it became obvious that we were in surplus funding, we chose to donate to other campaigns. There is a question as to whether they were independent campaigns acting independently. They were. Therefore, there is no issue in relation to our expenditure. The rules, to our minds, are quite clear. We did it consciously and we did it on condition that those donations were reported. We were repeatedly clear about that, so we were clear that it should be transparent. I do not see any issue.

Chair: Mr Flynn, do you want to ask about the impartiality of the Civil Service?

Q252 **Paul Flynn:** Yes. The Civil Service, in the shape of Mr Macpherson, was condemned by this Committee because of his interference in the Scottish campaign by leaking—well, not leaking, he published it—the information that was given to the Chancellor, which traditionally is for the Chancellor to announce and not for a civil servant. He did it under his own name and, therefore, interfered in that. Are you concerned about the impartiality of the Civil Service?

William Norton: I shall leave that to my glamorous assistant.

Matthew Elliott: There is a big issue with the role of the Treasury in the referendum. Of course, they did a number of reports. One of them was the long-term impact report on this question of £4,300 per family by 2030, being worse off. Then there was the immediate impact report that



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talked about how there would be a self-inflicted recession were we to vote to leave. I think that these two highly partisan reports supporting the remain case have really undermined the credibility of the Treasury in a big way. There will be lots of voters out there who now cannot really trust Treasury forecasts going forward. They predicted a self-inflicted recession. That has not happened. Growth in the last quarter has been 0.5% rather than the minus 0.1% they predicted. I think there is a huge issue now when it comes to Treasury forecasting, because they were corralled into being such partisan supporters of the remain campaign.

Q253 Paul Flynn: You are reinforcing the point that both campaigns told giant untruths, which we now know to be greatly misleading, yours on the Health Service, and the fear of foreigners, and exploiting racial feelings, and the other side exaggerated the slump, which might still occur. That is quite possible.

Matthew Elliott: I do not accept that.

Paul Flynn: Do you really think that we should shape the future economy for the next 50 years on a snapshot of public opinion based on—

Chair: I think you have asked that question already, Mr Flynn.

Paul Flynn: We have to keep asking it.

William Norton: In response to the original question, we are in favour of the impartiality of the Civil Service. I believe this Committee has done good work on that subject in the past, specifically in response to the Scottish referendum. I would be interested in knowing why the recommendations the Committee made have not been progressed.

Antonia Flockton: On this assertion that the leave campaign lied throughout its campaign, this question of the £350 million came up before the referendum vote. On this point you make about a snapshot decision on one day, there was a long campaign, and the position was explained again and again as to where that £350 million figure came from. We know that it came from the people from the Office for National Statistics, table 9. People know where it came from. We explained that it was a gross figure. We explained the impact of the rebates. When people say that we were lying, we were not lying. What they are saying is that people did not understand, and they did understand.

Q254 Paul Flynn: People understood that there was going to be £350 million extra per week to the National Health Service.

Antonia Flockton: No, they did not.

Paul Flynn: It is not happening. It is not going to happen.

Antonia Flockton: No, they did not.

Paul Flynn: That is what it said on the bus in big letters.



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Antonia Flockton: It has not been said on the bus. It does not say that on the bus.

Paul Flynn: It does. Do you want to see it? I think your people are in denial. You denied the fact of the soldier in the AV referendum, and the babies, but that is how the campaign was run. It was run to distort public opinion, to play on their emotions, and to play on their racial feelings in order to get that vote in, and the country voted that way. It is the same as selling a baked beans packet—

Matthew Elliott: Just for the record—

Paul Flynn: It is untrue. We say that—

Chair: Order. He is going to answer your question.

Paul Flynn: He is not; well, let's see.

Matthew Elliott: Just for the record, Antonia was not part of the No to AV campaign, so she cannot be blamed for any posters there. More generally speaking, I think the key point that came out of the referendum and in all the surveys is: why did people vote leave? People voted leave to take back control so decisions were made in the UK, in the Parliament, rather than in Brussels. When it comes to the next election when people are thinking about which Government to elect, which party to elect, I hope that a big part of that debate will be: how do we spend the Brexit dividend? I would like the money spent on the NHS. It is up to the public to decide how it is spent.

Q255 **Ronnie Cowan:** Very quickly on this bus issue, in the Scottish referendum campaign—I don't know if you remember—at that time the Yes campaign published a 670-page document that addressed 651 questions. What you did was write a poster on the side of a bus that said, "We send the EU £350 million a week. Let's fund our NHS instead. Vote Leave. Let's take back control." Can I suggest that maybe, going forward, writing your entire campaign manifesto on the side of a bus is not the best way to engage with the electorate?

Matthew Elliott: I have a few points on this. First of all, the Scottish referendum was very different, in the sense that this was a referendum called by the Scottish Government. They had a White Paper. They were in a position where they would be the Government. Had it been a yes vote they would have been the people sitting down with the UK Government working out what the deal for an independent Scotland would be. We were never in a situation at Vote Leave where we would be the people—if we won the leave vote—who would go over to Brussels to negotiate the new relationship between an independent UK and the rest of the European Union. The two situations are not analogous.

The second point, I reject the idea that there was not a plan. I can show you a whole host of plans produced by people on the leave side, not least a 1,000-page document, which I was widely mocked for, put together by



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Business for Britain called “Change, or go”, which I think was sent to every MP and a vast majority of peers, outlining how Britain could survive, prosper and thrive outside the European Union. A lot of hard work was done, but it was not up to us as Vote Leave to come up with a plan, because we would not be the people going to Brussels to implement and negotiate that plan.

Q256 Kelvin Hopkins: I have to dissociate myself from the nonsense being spoken by my friend Paul Flynn. The fact is I think the Health Service issue has been well explained by Antonia Flockton. I myself have campaigned time and time again, and I have said if we had at least £10 billion—just because that is the net contribution in the budget, £10 billion—we could spend that on the Health Service. Obviously, yes, we would spend it on the Health Service. Nobody challenged that at all. Then there is the agricultural subsidy, reduce that and we have the money. Would you not agree with me that we have not just restored democracy to Britain, or we are still a democracy, we have seen our economy bounce since the referendum? This is not just me speaking. This is the former governor of the Bank of England, the former deputy director of the IMF, and indeed Joseph Stiglitz, the great economist. He is a Nobel Prize winner. They have said we could thrive outside the EU. Would you not agree with all those assessments?

Matthew Elliott: I would completely agree with that. If you look at the whole of the build-up of “Project Fear”, where everybody from the Treasury through to international organisations, through to big US investment banks were putting out countless reports, time and time again, saying how there would be a huge cliff edge were people to vote leave—I think George Osborne called it a self-inflicted recession were we to vote leave—that has not happened. The economy is going great guns, consumer confidence is up, manufacturing is up, and we are doing really well post the leave vote.

Q257 Kelvin Hopkins: Just supplementary to that, the people of Sunderland voted in big numbers for leave and have been rewarded by a massive investment by Nissan. Is that not good news?

Matthew Elliott: Very good news.

Q258 Chair: We are not going into that controversy. Could I ask one last question, which is: supposing the Civil Service had not been banned from considering how to prepare for the alternative that the Government did not want and Vote Leave had been invited to discuss with civil servants how to prepare for a no vote, would that have been a practical proposal?

Matthew Elliott: It would have been. One thing that was very notable with all of the forecasts put together by the Treasury were they always considered staying in the European Union, the Norway option, or us operating under WTO trading relationships. What they never considered was what it would be like if we had a free trade agreement with the European Union. They were not considering what I think will be the



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logical outcome of the negotiation. Yes, they should have sat down and they should have understood where we were coming from. It was very, very clear on both sides—both the leave side and the remain side—that leaving means leaving the single market but retaining access to a free trade deal. They never considered that.

Q259 **Chair:** If the Civil Service had rung up Vote Leave and said, “Come over to the Cabinet Office and explain to us how you think we are going to leave,” would that have been a practical thing to ask Vote Leave to do? Or would Vote Leave have felt, “What are they going to get from us that they are going to use against us?”

Matthew Elliott: We would have been very happy to give any briefing to any Government Department they wanted.

Chair: Are there any further questions? Thank you very much indeed for coming in front of the Committee. It was always going to be a controversial session, but I think some of the points that have been made will be very useful for our inquiry. Thank you very much.