

AGENDA ITEM

REPORT TO CABINET

8 SEPTEMBER 2011

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Corporate Management and Finance – Lead Cabinet Member – Councillor Harrington

REVIEW OF 2011 ELECTIONS AND EMERGING ISSUES

1. Summary

To provide feedback from the Elections 2011, and highlight emerging issues.

2. Recommendations

That the report and specifically the impact that additional legislation will have over the following three years with regards to individual registration and Parliamentary Boundary changes be noted.

3. Reasons for the Recommendations/Decision(s)

To keep members informed of implementation of the new Acts, the Electoral Commission's approach and to highlight the likely impact on electoral services.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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DETAIL

BACKGROUND

1. The Elections 2011 were unique in that a UK wide referendum was taking place at the same time as all other polls due on this date. It was the first time that more than 2 combined elections were held on the same day. In previous years parish elections have been postponed. This report highlights what went well, what could be done better. The report highlights the complexity of providing for the Referendum in conjunction with the local and parish elections, in particular the complexity of the procedures for postal vote opening and the count.

REGIONAL AND SUB REGIONAL FEEDBACK

2. The Chief Counting Officer and the Electoral Commission published in excess of 200 detailed directives, guidance and bulletins which whilst sometimes helpful directed resource away from managing the process.
3. The AEA Chief Executive contacted the CCO during the election process to raise concerns about the complexity of the polls, the detailed prescription and the impact this would have on officers' welfare as a result of trying to deliver the elections and meet the commission's directions within the tight statutory timescale.
4. Following the conclusion of the 2011 Elections the CCO wrote to each counting officer on 18 May to thank them and their staff for all the effort and hard work they put into ensuring the elections and referendums were a success. Several messages of congratulations and thanks were also received from our local councillors, and colleagues who had supported the Elections.
5. Post election the AEA attended a meeting with the EC on 20 May. This meeting included a discussion with the Chief Counting Officer and representatives from the Electoral

Commission about the administration of the UK-wide referendum and the other polls that took place on 5 May 2011. The discussion covered legislation, management and monitoring issues, the exceptions process, communications, fees and charges, specific issues relating to the conduct of the poll, and verification, count and results collation.

6. They all agreed that it had been one of the quietest election days on record; however Stockton turnout increased in 2011 compared to 2007. Similarly, the verification and count arrangements appeared to have largely worked. The AEA raised the issue of the complications at the count caused by parish council elections and the length of time it had taken to count many of these where there had been a large number of candidates contesting large numbers of seats. The AEA suggested that the time had come to allow electronic counting for such counts.
7. The Head of Democratic Services (HODS) and the Team Leader for Elections (Deputy Returning Officers) attended an AEA and Electoral Commission post election seminar on Monday 6 June 2011. The meeting reviewed the 2011 Elections and colleagues were open and frank with their comments on one of the most difficult elections yet. All who attended had felt this was the most difficult to manage to date and felt the Referendum should have been a stand alone election. The authorities that had large parishes felt they should have been postponed as has been usual practice in the past.
8. At the Adare (elections contracted printer) lessons learned seminar held on 23 June 2011 discussions took place regarding their performance and areas for improvements were identified. It was recognised that the project planning started very early and that this was welcome as it showed a real commitment to deliver successfully and on time. Adare was proactive in obtaining and following EC meetings and AEA guidance. The liaison between Adare and Royal Mail was also appreciated for approval of envelopes and collection of poll cards and both issues of postal votes including overseas electors. Areas for improvement were highlighted but through influence and negotiation SBC achieved a satisfactory delivery schedule. It was acknowledged that under very difficult, complex and unique circumstances we continued to work together effectively to ensure an accurate and timely election.

CONSULTATION

9. Stockton has fed into the AEA survey of members which sought to obtain views on the challenges and problems we faced in preparing for and delivering the 2011 elections. They also asked members to report successes, what practices worked well and why, together with any learning points. The AEA published this authoritative report on the administration of the referendum and the other elections across the UK in 2011 on 14th July 2011. The AEA report is available, on request, from the contact officer detailed at the end of this report.
10. Stockton has also contributed to the Electoral Commission report on the 5 May polls with the final report expected in the autumn. The EC were keen to gather feedback on our experience of delivering the polls and the challenges we faced in doing so, to inform their report and to influence the approach to the 2012 elections.

LOCAL ISSUES

11. Following the Parliamentary General Election review, where on the whole feedback was positive, further steps were taken to address issues of cramped mobile polling stations which had reduced from 17 to 9 and to allocate more space for adjudication of doubtful ballot papers at the count.
12. Feedback was requested from all staff who took part in the May 2011 elections. Positive feedback was received in respect of joint team training for PO/PCs, briefing sessions, count process and management of the election as a whole.

13. Main areas for improvement for future elections centre on the drop off and receipt of ballot boxes at close of poll and the arrangements for Parish counts in a combined election. The Pavilion is limited by the lack of nearby parking and the count hall being on the 1st floor. In addition we acknowledge that this election was unique in the amount of equipment the Presiding Officers had to transport to and from the polling stations and drop off after the close of poll.
14. At the close of poll all ballot boxes were received and the final postal vote session was held. This meant key election staff were at the Pavilion until 2.00 am Friday 6 May and back at 7.30 am to conduct the count. The requirement to report on the progress of the referendum and the inability to declare any district results until after the referendum verification total had been transmitted to and acknowledged by the regional counting officer meant that in some cases there were what appeared to be unnecessary delays. Two of the larger parish counts continued through the referendum count and the final declaration was made at 7.00 pm. Only 6 out of 22 parishes were contested and if more had been contested the count would have continued well into the evening. This would not be the case if the referendum had been held separately, or the parish count had been postponed.
15. To summarise a year's worth of planning, working with partners and suppliers paid dividends with a successful election outcome. Clear roles and good communications contributed to this success. In particular close working relationship with the ICT enabled us to eliminate potential ICT difficulties for the unique combined elections.
16. The communication with and delivery of information to Candidates and Agents having been reviewed to further improve the services offered were well received and attendance at the briefing was exceptional. This also contributed to our performance against the Electoral Commission Performance Standards framework for Returning Officers.
17. Early appointment of election station staff was a very successful exercise and enabled us to train promptly within the short election timetable. This saved valuable time. However we still experienced a high drop out rate close to poll day, mainly due to personal circumstances / emergencies.
18. We continued to enjoy a successful partnership with the NEPO contracted printers Adare maintaining our good relations with the company to ensure their best service. Several meetings were held to plan the best approach for Stockton.
19. Royal Mail work continued to ensure we maximised all available efficiencies. Additional licences meant that postal vote envelopes were delivered ready sorted saving staff time. We will continue to work with Royal Mail re SBC service requirements to ensure the most efficient and economical product is selected.
20. The Verification and Count were held at The Pavilion. Transport was provided for staff and candidates and agents due the restricted parking at this venue. The count was arranged to accommodate all wards verifying and counting at the same time. This meant using all available space at the venue .The impact of this was added strain on the RO and his team. However an efficient and accurate election outcome was secured. Areas for further consideration and improvement are the postponement of parish counts in combined elections, alternative venues, and alternative counting style and set-up.

EMERGING ISSUES

21. **The Parliamentary Voting System and Constituencies Act** provides for boundary changes to be made to reduce the size of the House of Commons to 600, with the exception of two preserved island constituencies in Scotland, the remaining seats will be distributed between the four parts of the UK according to their relative electorates in the

registers that were published on 1st December 2010. Under the revised rules a UK electoral quota will then be calculated on the basis of those registers, and constituencies recommended by the Boundary Commissions will be required to contain a number of electors that is within 5% either side of the quota (subject to a small number of tightly drawn exceptions).

22. The Boundary Commission for England will soon be publishing initial proposals for new constituencies in England. The following places of deposit have been identified within the local authority in which the proposals can be displayed for the 12 week consultation period starting 13 September and ending 5 December;
 - The Municipal Buildings
 - Stockton Central Library
 - Thornaby Central Library
 - Ingleby Barwick Library
 - Roseberry Library
 - Yarm Library
23. The initial proposals will consist of an A4 report booklet, an A0 size map and an A3 size book of maps for each proposed constituency to be placed on deposit. In addition there will be 200 summaries of the initial proposals and an information sheet about the Commission and the Review in general that may be taken away by members of the public.
24. The Act requires the Boundary Commissions in each part of the UK to complete a review of the distribution of Parliamentary constituencies and report to Government before October 2013. This deadline envisages the completion of the review of seats in the UK in a far shorter timescale than has been achieved previously. It is essential that the Boundary Commissions have the full support and co-operation of Electoral Registration Officers and their staff if they are to achieve the task set for them by Parliament, a task to which Ministers attach considerable importance. The 2013 deadline has been set to allow administrative preparations to be made for a general election on new boundaries in 2015, and to allow political parties time to select candidates in advance.
25. It is worth noting that the combined effect of the reduction in the number of constituencies and the requirement for those constituencies to be more equal in size means that this review is likely to result in a considerable degree of change to the existing boundaries. There are many possible patterns for drawing up constituencies that will be consistent with the new rules and the final word will go to the Boundary Commission working in each of the component nations of the United Kingdom. It is also likely to result in a larger number of constituencies crossing local government boundaries than at present, which has implications for the conduct of elections.
26. **The Fixed-Term Parliaments Bill** fixes the date of the next General Election at 7 May 2015, and provides for five-year fixed terms. It includes provisions to allow the Prime Minister to alter the date by up to two months by Order. There are also two ways in which an election could be triggered before the end of the five-year term:
 - if a motion of no confidence is passed and no alternative government is found
 - if a motion for an early general election is agreed either by at least two-thirds of the House or without division
27. The third reading, the final chance for the Lords to change the Bill - took place on 24 May 2011. The House of Lords considered the Commons amendments to the Bill on 18 July; the next date is yet to be announced.
28. **Police Reform and Social Responsibility Bill.** A meeting of the Police and Crime Commissioners Elections Panel was held on 24 May. The Panel has been established by the Home Office to assist them with the preparation for the first elections of Police and

Crime Commissioners planned to take place in May 2012. In addition to Home Office staff, there are also representatives from the AEA, Cabinet Office, DCLG, Electoral Commission, the Election Claims Unit and Solace. The House of Lords continues to scrutinise the Bill. On 11 May the House voted in effect to remove from the Bill the principle of a directly elected Police and Crime Commissioner. The Government is clear that the directly elected PCC policy is a Coalition Agreement commitment and will seek to overturn the relevant amendments when the Bill returns to the House of Commons. More generally the Government will continue to consider carefully points made in debate as the Bill proceeds through Parliament.

29. The EC has raised concerns about the timescales for the elections and getting the necessary regulations and orders in place in time.
30. The Cabinet Office explained the key issue for decision is on the hierarchy of elections. The question is whether the election should be at the same level as European ones. This would affect whether the PCC or Local elections would lead, the practical implications of this decision for example on the appointment of returning officers and the effect on postal votes.
31. The Home Office noted that a submission had gone to Ministers and it had recommended that the PCC election be conducted on the same level as the European elections. It was agreed that as the Referendum was complete the Returning Officers would be asking about the arrangements and rules. It was felt there would be value in having a background note with the timetable so that Local Authorities could start committing resources to it now. The Electoral Commission are ready to provide the guidance and undertake the relevant awareness activities once the legislation is in place.
32. Final amendments were made to the Bill during the third reading on 20 July; the next date is yet to be announced
33. The Bill sets out that a Police Area Returning Officer (PARO) will be appointed for each force area. It also sets out that the designation of that appointment, for each force area, will be to the Acting Returning Officer for a designated UK Parliamentary constituency falling wholly or partly within the force area. PAROs will be responsible for the overall conduct of the election of a Police and Crime Commissioner for the Police Force area. The PARO will therefore liaise with and co-ordinate of the work of Local Returning Officers in that capacity, in a similar way to a Regional Returning Officer for European Parliamentary elections. The Local Returning Officer will be the person appointed as the Returning Officer for local elections in each local authority. Where elections take place on the same day, they will be combined with PCC elections.
34. The next meeting of the Police and Crime Commissioners Elections Panel will be held on 8 September when it is hoped that further information will be available about the secondary legislation, the issue of localised v. centralised counts and the appointment of PAROs.
35. **The Localism Bill** received its second reading in the Lords 7 June 2011 and the committee stage of the bill began on 20 June. After consideration by the Lords, the Bill will return to the Commons for consideration of Lords amendments. The Report stage is scheduled in the House of Lords for 5 September. It is anticipated that the Bill will receive Royal Assent in late October or November of this year. Particular provisions will be introduced in stages after the Bill passes into law. The Bill will devolve greater powers to councils and neighbourhoods and give local communities more control over housing and planning decisions.
36. The Key area in relation to Electoral Services is giving residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases

37. **Local referendums** part of the Bill sets the framework for local people to trigger referendums and one way people can do this is with a petition. The Government say that giving people a new power to trigger a referendum will enable people to exert real influence over local decision making and is putting in place a full, though non-binding, local referendums regime which will give residents greater influence, increase participation, make councils more accountable and should lead to better outcomes.
38. The government recognises that given the significant impact that a referendum will have, both in terms of the management of the poll and the impact of the referendum result, it is necessary that local authorities adhere to robust processes when dealing with such petitions and conclude that Government involvement is therefore appropriate in these circumstances.
39. **Electoral Commission Performance standards.** The EC are introducing new standards for elections and electoral registration that will need to be incorporated into future elections and canvass project plans.
40. **Elections** - The EC will be consulting on a new set of standards for Returning Officers between August and December 2011. They will publish the revised standards in the New Year and they will be used in respect of May 2012 polls.
41. **Electoral Registration** - Self-assessment forms for EROs will be sent out in August for return in December 2011. This will be the last collection of ERO performance information based on the current set of standards as the EC will be consulting on a new set of ERO standards early in 2012 in preparation for the 2012 annual canvass.
42. **The absentee voting (England and Wales regulations 2006)** Collection of personal identifiers from electors registered for an absent vote. In January 2007, Electoral Registration Officers had to send a notice to all postal, proxy and postal proxy voters who have an entry on the absent voting record requiring them to supply a specimen of their signature and their date of birth. From 1 January 2007, every new absent voting application had to include the applicant's signature and date of birth to be valid.
43. Electoral Registration Officers are required to refresh the identifiers on their record; currently this is required every five years. Therefore the identifiers received from new applications in early 2007 will need to be refreshed in January 2012. This is a resource intensive project that will need to be planned and managed closely. The Cabinet Office has confirmed that no special funding will be made available in respect of the costs of the refresh.
44. **Draft legislation on Individual Electoral Registration (IER)** In order to meet its commitment to speed up the introduction of IER so that it is ready for implementation in 2014, the Government published draft legislation in June 2011 (details available on request from the contact officer detailed at the end of this report). Once Parliament has reported on the draft proposals, the Government will formally respond to the Committee's report, making any necessary changes to the draft legislation with a view to laying a final Bill before Parliament in early 2012.
45. The Government wants to take steps to improve the accuracy and completeness of the electoral register and between June and December 2011, a number of local authorities will run pilots to test data matching schemes to see if the existing public authority databases can be used to improve the accuracy and completeness of the electoral register. The pilots will allow local authorities to compare their electoral register with other public databases to identify people missing from the register or entries on the register that are inaccurate or fraudulent.

46. There are 22 pilot schemes which between them will use combinations of data from public authorities including the Department for Work and Pensions, the Department for Transport, the Department for Education, HM Revenue and Customs, the Department for Business, Innovation and Skills and the Ministry of Defence.
47. If data matching identifies eligible individuals who are not already on the register then officers responsible for Electoral Registration will be able to offer them the opportunity to register. As is the case now, it is the choice of the individual whether to register to vote. If data matching identifies names on the register that are not found elsewhere then officers will be able to investigate whether those entries are legitimate. The pilots will be independently evaluated by the Electoral Commission.
48. The AEA have circulated notification from the Cabinet office that very shortly, the Government will outline its thinking on the implementation of IER in some detail and they intend to offer to come along to AEA branch meetings once again to give a short briefing and Q&A on the proposals.
49. In addition they would like to schedule further discussions with AEA members to hear views on these more detailed proposals when they are published, but also to discuss how IER will work in practice in more detail, including the full impact of the change on our systems and processes.
50. Workshops were held in London and Birmingham in July 2011. The workshops were part of the process of consultation that will inform development of a detailed business design for IER. In particular;
 - Identify needs and requirements from the new system
 - Identify issues that we will need to resolve to ensure success
 - Ensure that the IER business design meets customer expectations.
51. Feedback suggests that administrators had welcomed the early opportunity to input into plans for business processes, and emphasised the need for ongoing engagement. The IER consultation remains open until 14 October 2011
52. A meeting of the IER Strategic Communications Working Group was held on 10 August 2011. The offer by Cabinet Officer to attend AEA Branch meetings to discuss IER has been taken up by two Branches, one of which is the north east branch at the meeting to be held in Durham on 5 September. Most pilots are now under way and ongoing communication is taking place. Scoping work is also under way for other potential wider registration improvement options to be considered. The EC presented outline proposals for the public awareness work for 2014 and 2015.

NEXT STEPS

53. Continue to monitor progress of the new bills, implementation of the new Acts and the EC's approach and assess the impact on electoral services.
54. The Annual Electoral Registration Canvass has begun and active community engagement was vital to ensure that a comprehensive register was published on 1 December 2011.
55. The deadline for submission of accounts for the referendum on the voting system for the UK Parliamentary elections to the Elections Claim Unit has been set at 8 months from the date of the referendum, instead of the usual 12 months, and accounts must be submitted by 5 January 2012.
56. The recollection of personal identifiers from electors who have been registered for 5 years will begin in January 2012 and end in March 2012.

57. Contribute to the EC consultation on a new set of standards for Returning Officers between August and December.
58. Contribute to the EC consultation on a new set of ERO standards early in 2012 and manage the implementation of revised performance standards in preparation for the 2012 annual canvass.
59. Contribute to the contracting process for Electoral Printing currently being lead by SBC.
60. Contribute to the Cabinet office consultation on IER through our AEA membership and at regional meetings
61. Plan and prepare for directly elected Police and Crime Commissioner elections as more information becomes available from Parliament and the EC

FINANCIAL IMPLICATIONS

62. The total costs of the move to individual electoral registration is unknown at the present time, however it should be noted that there will be a significant impact on staff systems support and accommodation costs. There will be funding available for implementation and to fund the on-going additional costs post move to the new system of individual registration. This will be considered further based on the outcomes of the data matching pilots which are currently underway.
63. Potential costs associated with changes to the existing constituency boundaries will need to be assessed following consultation on the proposed changes. Costs will be dependant upon any complexity resulting from constituencies crossing local government boundaries which will have an impact on the conduct of elections.

LEGAL IMPLICATIONS

64. Duty to comply with the requirements of the Electoral Administration Act 2006 and the Parliamentary Voting System and Constituencies Act. The proposals highlighted within this report will assist in ensuring compliance with the legislative requirements relating to electoral services.

RISK ASSESSMENT

65. This report is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

66. Stronger Communities
67. The implementation of legislative change and improved working practices will strengthen public awareness and promote exercise of their democratic rights.

EQUALITIES IMPACT ASSESSMENT

68. This report has not been subject to an Equalities Impact Assessment because it is not seeking approval for a new policy, strategy or change in the delivery of a service.

CONSULTATION INCLUDING WARD/COUNCILLORS

69. Polling station review post 2011 elections.

70. The implementation of any revised arrangements will be consulted upon with CMT and elected members.

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Education related? No

Background Papers

Polling districts, polling places and polling stations 2010

Boundary Commission for England, a guide to the 2013 review

Ward(s) and Ward Councillors:

All

Property

Schools libraries(<http://sbcintranet/library/64521/RES/Capital.doc?view=Display>)