

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 NOVEMBER 2016

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Cook

ELECTIONS UPDATE

1. Summary

To provide feedback from the May 2016 Police and Crime Commissioner (PCC) Elections and the EU Referendum June 2016 and consider the implications of planning for the forthcoming Mayoral Elections in May 2017 and future election programmes.

2. Recommendation

That the report be noted.

3. Reasons for the Recommendations

To update Cabinet.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

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RECOMMENDATION

That the report be noted.

DETAIL

BACKGROUND

1. This report highlights what went well, lessons learned and the next steps needed to allow the Returning Officer to undertake a successful Combined Authority Mayoral Election in 2017 and plan for future polls.
2. Elections teams faced unprecedented challenges in 2016 with nationwide polls in May followed by the EU Referendum in June, both coming on the back of the transition to Individual Electoral Registration (IER). By way of illustrating the scale of the work undertaken in Stockton

PCC Election

- 400 assenter details on nomination papers had to be checked against the electoral register, across four Council areas
- 101 agents were appointed
- 100 polling stations were booked
- 435 staff were appointed to 1,078 jobs
- 32,249 postal ballot packs were issued and 17,224 were receipted and opened
- 1021 postal votes were returned on polling day which all had to be opened and processed for verification as soon as possible after 10pm

EU Referendum

- 100 polling stations were booked
- 536 staff were appointed to 1,098 jobs
- 34,953 postal ballot packs were issued and 31,520 were receipted and opened representing an unprecedented 90% turnout of postal voters
- A staggering 1950 postal votes were returned on polling day which all had to be opened and processed for verification as soon as possible after 10pm

3. The interest in the EU Referendum and extension of the registration deadline also resulted in a surge of registration and postal vote applications which put additional pressures on the Electoral Team working to new IER processes at a time when work on administering the elections was gathering pace. During the statutory elections period:
 - 8,626 registration applications were received
 - 1499 registration applications were received during the 24 hour extension to the registration deadline between 8 and 9 June
 - 2,418 postal vote applications were received
4. Overall, the 2016 polls at Stockton were delivered successfully despite the significant challenges. Clear leadership, effective team working and project management enabled a timely and planned approach to delivery including positive working relationships with partners and suppliers and thereby achieving a successful election outcome. Clear roles and good communications contributed to this success and will stand us in good stead for future elections.
5. Regular meetings were held in the region and sub region particularly in the early planning stages. These meetings and good communication with the Electoral Commission and Association of Electoral Administrators continue to be invaluable in sharing ideas and best practice.

DETAIL

POLICE AND CRIME COMMISSIONER ELECTION (PCC)

Public Awareness

6. Feedback from electors at the PCC election was that they were satisfied with the process of registration and Stockton's register grew in the run up to the PCC election. The public awareness campaign ran from 14 March nationally and a local group was established across the forces area to ensure consistency and promote participation.
7. Although this was the second PCC election, feedback from the Electoral Helpline and at polling stations revealed that voters still felt uninformed candidates. Despite representations being made to Government after the 2012 PCC election about the need for more information to be made available to the public, the Government adopted the same approach as in 2012 of publicising candidate information on-line rather than sending a booklet to each household.
8. Voters also remained unsure about the supplementary vote system and whether they had to exercise a second vote and again there were a high number of rejected ballot papers at the count (5,635). A Facebook rumour generated numerous duplicate registrations which resulted in significant abortive work for the Electoral Team at a critical time and this should be taken into account when further developing on-line registration.

PCC Nomination Process

9. Some candidates, mainly independents, reported that it was difficult to collect the necessary 100 subscriber signatures and equally this presented challenges for the electoral team in managing the nominations process and checking assenter details across four different electoral registers. In addition, independent candidates were more likely to say that they had difficulty in raising the £5,000 deposit. The Electoral Commission supports change in this respect.

Turnout

10. On a positive note turnout in Cleveland was up by 5% from 15.12% in 2012 to 20.16% in 2016.

EU REFERENDUM

11. Electoral Teams were placed under significant pressure as the statutory election period for the Referendum was underway before the polls for the PCC Election had been held. The impact on workload and the risks associated with concurrent planning should not be underestimated. ERO's also accepted an additional 2.1 million applications to register. In Stockton this saw registration rising from 138,894 in January to 143,603 in June 2016.

Voter satisfaction and Registration Issues

12. Feedback nationally revealed that voters had a positive view of the EU Referendum processes and were also satisfied with the process of registering to vote. However, technical problems with the on-line registration website from 10:15pm on Tuesday 7 June were not resolved until the deadline for registration which led to Government extending the deadline to Midnight on Thursday 9 June. This decision created a significant additional workload with 5,476 duplicate registrations received between 15 May and 9 June 2016 in Stockton. Duplicate registrations continue to place a significant pressure on staff resource and this re-enforces the need for on-line registration to check the status of voters.
13. Voters felt they had enough information on how to cast their vote and felt they had enough information to make an informed choice. Despite this, the EC did receive over 1,000 complaints from the public about the content of the campaign material and there continues to be significant public commentary about the accuracy of certain campaign arguments.
14. The national awareness campaign began on the 15 May and Stockton worked across the region with colleagues to encourage and maximise participation locally. Between the launch of the campaign on the 15 May and registration deadline of the 7 June, over 2 million people registered to vote. In Stockton, we received an additional 8,626 registration applications between 15 May and 9 June.

Overseas Voters

15. In support of overseas voters, 4 February 2016 was nominated as overseas voter registration day and in Stockton we completed a campaign and worked with foreign and commonwealth office, and wrote to overseas voters offering proxy votes etc. International Business response mail was used for all overseas voters.
16. Delivery and return of overseas postal votes continues to be a concern within the statutory timetable. Government's proposals to allow votes for life removing the current 15 year time limit of voting rights of British Citizen living overseas for UK Parliamentary elections is likely to increase pressure on the postal voting timetable. It is clear, however, that changes to improve access to voting for overseas electors are needed.

Postal Voting

17. Dealing with postal votes at the close of poll continues to present a pressure in terms of finalising verification of personal identifiers to enable ballot papers to go forward to the count. For the Referendum, additional postal vote opening teams were employed and, anticipating the high turnout and high volume of postal votes handed in at polling stations on polling day, additional poll clerks were also employed on stations. These poll clerks were utilised to courier postal votes immediately after the close of poll to the count venue. Again, these proved to be prudent decisions as postal vote turnout was 90% and 819 postal votes were returned to polling stations on polling day.

Marking of the Ballot Paper

18. Concerns were also expressed via the media and social media about the use of pencils to mark ballot papers.

Directions and Results Collation

19. The Chief Counting Officer issued directions which were complied with and all necessary management information was submitted.

20. Live testing of the national results collation system was carried out across the country ahead of the 23 June and there were no significant issues experienced by Stockton.

Mobile Stations

21. In anticipation of a high turnout and following complaints from voters during the May 2015 polls about the inaccessibility of mobile polling stations and queues forming, a decision was taken to book a number of larger mobiles for polling districts where the electorate warranted it. Despite a Referendum turnout of 71%, the same problems were not encountered.

Issues Relevant to both Polls

Mini Count

22. As in recent elections, a mini count approach was adopted for both polls. This means that each individual table is its own count and ballot papers allocated at the start of the process remain with the table at all times. This approach has proven to be quicker and more accurate and if problems arise they are isolated to a particular table and are easier to resolve. A visual display of the results on six screens for the PCC election at the rear of the count hall proved very successful and allowed attendees and media representatives to view the overall results as the count was progressing.

Managing Suppliers

23. ADARE have been reappointed as our elections printers via the NEPO contract and we continue to work closely to maintain our good relations with the company to ensure their best service. No significant problems were experienced during the 2016 polls but feedback has been provided as in previous elections in order to strengthen quality assurance measures.

Training

24. For the 2016 polls, face to face training was once again provided for all polling station staff and count staff in accordance with a detailed training plan. In addition an online training package was used to train doubtful ballot paper adjudicators. Inevitably, there will always be some issues on stations, but there were no significant issues during the 2016 polls.

Working with Council Services

25. Early planning meetings and close liaison with Council Services are essential to the smooth running of elections. Care for Your Area and Security Services continue to provide excellent support and contribute to the smooth running of arrangements leading up to, during and after polling day.

26. ICT is critical in enabling the delivery of the election and through good working relationships with IT staff we are able to overcome any problems that we might encounter. IT critical dates are provided at an early planning stage and attendance by IT support staff at the first postal vote opening sessions and verification and count provide essential support. IT support staff continue to provide us with excellent support, and have been instrumental in developing the new visual display results system.

Integrity Issues

27. Liaison with the Police through our Single Point of Contact (SPOC) allows us to discuss security and integrity issues in a timely manner, facilitating a risk assessment to identify and address potential concerns about electoral malpractice, thereby complying with EC advice. Prior to every electoral event, our Integrity Plan is reviewed and shared with our SPOC.

Staffing

28. The appointment of staff continues to prove very difficult. Corporate commitment remains invaluable in recruiting sufficient temporary election staff from within the Council, however, yet again during the 2016 polls some staff reported that there were managers who would not release them for elections duties. A renewed corporate commitment will be essential for smooth and successful elections in the future.

Electoral Commission Feedback

29. The Electoral Commission have published feedback on the May 2016 polls. The recommendations contained in the reports are attached at Appendix A.

PERFORMANCE STANDARDS

30. The EC performance framework standards for Electoral Registration Officers continue to reflect what needs to be done to prepare and deliver well run elections. The standards focus on key outcomes from the perspective of voters and those who wish to stand. The standards also specifically cover the role of statutory office holders.

BOUNDARY REVIEW

31. In 2011 legislation was passed to reduce the number of MPs from 650 to 600, but the review of constituency boundaries that would have made the recommendations necessary to implement these changes was halted because of disagreements within the previous Government over constitutional reform.

32. A new review by the Boundary Commission must be conducted after the 2015 General Election and completed by October 2018. It must again divide the UK into 600 constituencies.

33. On 13 September, the Boundary Commission for England published their initial proposals for the new Parliamentary constituency boundaries. The North East has been allocated 25 constituencies – a reduction of four from the current number. It is proposed to divide Stockton-on-Tees into three constituencies two of which include overlapping parliamentary boundaries with Middlesbrough and Hartlepool.

34. The Boundary Review will be subject to separate, more detailed reports to Cabinet and Council as the review progresses.

35. The Review will conclude in September 2018 and revised constituencies will be implemented at the 2020 parliamentary elections.

FUTURE ELECTIONS

36. In February 2017, elections for Stockton's Member of the Youth Parliament (MYP) will take place across Stockton secondary schools. Two years ago, eleven schools participated.
37. In May 2017, the Mayoral Election will be held for the first time for the Tees Valley Combined Authority. The poll will be administered across Local Authority boundaries and to new legislation and guidance.
38. May 2019 will be the next scheduled elections for district and parish Councillors at Stockton and Electoral Services are being advised by the Cabinet Office and Association of Electoral Administrators to continue to plan for the European Elections in this year also.
39. May 2020 presents the possibility of an unprecedented number of combined elections with the Parliamentary, PCC and Mayoral elections falling in the same year; some Councils will also have local elections. This will present a huge challenge in terms of managing the electoral programme and whilst early advanced planning can help to mitigate the risks for those managing the May 2020 elections, the challenges and risks should not be underestimated. The Commission are requesting that Government should immediately begin to analyse and consult on the risks of holding these polls on the same day, including the potential for changing the date of elections so as not to coincide with the parliamentary election to be held on 7 May 2020.
40. The combination will mean administration of the polls across three different boundaries, franchises and voting systems:
 - Voting areas in 2020 will not be consistent as UK parliamentary elections boundaries are likely to change under the current boundary review and the poll will therefore be administered across three Council areas
 - The PCC election is administered across the Cleveland Force area and the Combined Authority Mayoral Election will also include Darlington
 - Electors will be faced with a number of different ballot papers across a number of different voting systems
41. The Electoral Commission have highlighted that the unique convergence of polls in 2020 presents a significant number of risks to the delivery of these polls. These are set out as follows:
 - **Legislation:** Previous polls have demonstrated the importance of legislation being in place well in advance of polling day to ensure effective resourcing and planning of the polls and to ensure that the Commission's guidance is developed and distributed in good time. We have consistently recommended that all legislation relevant to the polls needs to be in place at least six months before it is required to be implemented or complied with. The UK Government must therefore ensure that it plans effectively to deliver all relevant legislation to support the May 2020 polls.
 - **Planning and resources:** The added complexity of the 2020 polls will require more detailed and significant levels of planning by electoral administrators working with their suppliers. An early decision is needed on the combination of polls in 2020 to give administrators the maximum amount of time to plan and resource the polls.
 - **Delivering the polls:** Currently there are different election timetables and nomination requirements in place for the scheduled polls in May 2020. Attention will need to be given

to ensuring consistent delivery of the elections in the light of these differences. Administrators will face significant challenges – for example, in relation the administration of postal voting and the management and timing of the counts.

LAW COMMISSION REVIEW

42. The EC continue to support the Law Commission's recommendation that the current laws governing elections should be rationalised into a single consistent legislative framework governing all elections. This would allow resources to be re-deployed to improve electoral processes for voters and candidates. The Law Commission require the approval of UK Government before they can move on to the next stage of drafting new legislation. The EC continue to urge the UK Government to support this work and allow the law commission to start drafting new laws in time for it to be implemented for the many 2020 polls.

REPORT OF SIR ERIC PICKLES' REVIEW INTO ELECTORAL FRAUD

43. In August 2016 Sir Eric Pickles MP published his report into electoral fraud. He was asked by the Government to consider what further changes were needed to make the electoral system more secure. This was particularly in light of the 2015 Tower Hamlets election court judgment that saw the disqualification of the elected mayor for a number of corrupt and illegal practices. The report makes 50 wide ranging recommendations into all aspects of electoral registration and the administration of elections including:

- clamping down on postal vote 'harvesting' by political activists
- piloting some form of identification at polling stations
- action to tackle the links between electoral fraud and immigration fraud
- stronger checks and balances against municipal corruption

COMMUNITY IMPACT IMPLICATIONS

44. Government proposals will have an impact on democratic engagement.

FINANCIAL AND LEGAL IMPLICATIONS

45. Duty to comply with the requirements of the electoral legislation.

RISK ASSESSMENT

46. Development and implementation of 2017 Mayoral Election will include an appropriate risk log, integrity plan and business continuity plan to mitigate against any perceived risks.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

47. Democratic participation is a building block of strong and healthy communities.

CONSULTATION

48. All stakeholders will be consulted on the arrangements for the 2017 mayoral elections.

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Background Papers:

Ward(s) and Ward Councillors:

Property Implications:

Electoral Commission Report of the administration of the 5 May 2016 Police and Crime Commissioner Elections in England and Wales, including the local government elections held across parts of England

Recommendations

Voter Experience

1. Electors should have better access to information about candidates at future PCC elections
2. The design of the ballot papers for elections using the supplementary vote system should be improved

Administering the Poll

3. Legislation for elections should be clear in good time before it is required to be implemented or complied with
4. Information and analysis of the costs of the 2012 and 2016 PCC election should be made publicly available
5. Electors should be able to check online whether they are correctly registered to vote

Candidates and Campaigners

6. The number of subscribers should be set as low as reasonably possible in order to promote candidate participation in elections
7. Candidates should not be required to pay a deposit in order to stand for election
8. Independent candidates should be given more equal access to the electoral register for electoral purposes
9. Candidates spending returns should be published online
10. Legislation for the registration of party names and descriptions for use on ballot papers should be reformed

Looking ahead to 2020

11. Analysis and consultation on the risks of holding polls on the same day

Electoral Commission Report on the 23 June 2016 referendum on the UK's membership of the European Union

Recommendations for future referendum legislation

1. The UK Government should establish a clear standard legal framework for the conduct and regulation of future referendums
2. Referendum legislation should be clear at least six months before it is required to be implemented or complied with
3. Referendums should not normally be held on the same day as other significant or scheduled polls

Recommendations for providing information for voters at future referendums

4. Any Government considering providing funding directly to EROs for public awareness ahead of a future referendum or scheduled polls should consult EROs and the Electoral Commission in sufficient time to ensure that effective plans for local and national activities can be developed and implemented

5. Governments should make use of all available owned channels to promote voter registration ahead of any major poll

Recommendations for the management and delivery of future referendums and other polls

6. Northern Ireland should be designated as an electoral region for future UK-wide referendums, with the Chief Electoral Officer appointed as a Regional Counting Officer
7. The capacity of the UK Government's online voter registration website should be tested to ensure it can cope with significant volumes of applications close to the deadline ahead of future scheduled polls
8. Electors should be able to check online whether they are correctly registered to vote
9. Access to the voting process should be improved for overseas electors

Recommendations for the regulation of campaigners at future referendums

10. Those eligible to register as a referendum campaigner should be the same as those eligible to register as non-party campaigners at elections
11. The responsible person should be required to sign the application to register as a referendum campaigner, and be barred from being the responsible person for any other registered referendum campaigner at the same time
12. The Commission should be able to reject applications to register certain referendum campaign group names from unincorporated associations
13. Unincorporated associations should be required to provide details of their membership as part of their application to register as a referendum campaigner
14. Designation of lead campaigners should take place before the start of the referendum period; alternatively the referendum period should be extended
15. The UK Government should consult on options for redrafting Section 125 PPERA to clarify the nature, scope and enforcement of the restrictions