

5 July 2010		ITEM 4
Corporate Overview and Scrutiny		
REVIEW OF THE ELECTION PROCESS 2010		
Report of: Tasnim Shawkat, Head of Legal Services and Returning Officer		
Wards and communities affected: All	Key Decision NO	
Accountable Head of Service: Tasnim Shawkat, Head of Legal Services and Monitoring Officer		
Accountable Director: Bob Coomber, Interim Chief Executive		
This report is Public		
Purpose of Report: To inform members of the review that was undertaken following the election on 6 May 2010 and the action plan that is proposed for significant improvements to the election process.		

EXECUTIVE SUMMARY

This report brings to the Corporate Overview and Scrutiny Committee the outcome of the review of the election arrangements following the 6 May 2010 combined election. The count in Thurrock took a relatively long time and the review has been focused on this element of the election arrangements. The review also identified other changes which could significantly improve future election arrangements.

1. RECOMMENDATIONS:

The Corporate Overview and Scrutiny Committee is asked to consider the two reports attached to this report as well as the action plan and make any recommendations they feel appropriate to the Returning Officer.

2. INTRODUCTION AND BACKGROUND:

- 2.1 The elections which were held on May 6th covered both a general election and local elections for a third of the wards for Thurrock Council. It took considerably longer to complete the count in Thurrock than many other areas. In addition to the Returning Officer undertaking her own immediate assessment of what could have been done better, an independent external expert with many years election experience was asked to undertake a review. This report brings together the conclusions from both and an associated work plan.

- 2.2 The Returning Officer's review is attached as **Appendix A**. Both she and the Deputy Returning Officer visited two authorities, Southend Council and Havering Council prior to formulating her judgements. The internal review not only looked at why the election count took so long it also considered what general improvements could be made to future election arrangements. The independent external review was undertaken by John Turner, Chief Executive of the Association of Electoral Administrators, and is attached as **Appendix B**.

Key Findings

- 2.3 Both the internal and external review identified the reasons for the delay as follows:
- (a) The process of waiting for all ballot boxes to come in before starting the verification process added 1½ to 2 hours to the delay.
 - (b) The staff working on the count did not follow count instructions and were not appropriately supervised. As a consequence some took an over cautious approach and counted ballot papers a minimum of 3 and up to 10 times before passing them on to the count superintendent.
 - (c) There was a lack of firm management of the count assistants by the count supervisors and a lack of co-ordination.
 - (d) Despite extensive training, some staff still appeared not to fully understand what was expected of them.
- 2.4 The volume of work leading up to the election day due to late registration and increased postal vote applications meant that resources were extremely stretched both prior to and on the night of the election.
- 2.5 Finally the estimate given by the Returning Officer for the Parliamentary result around 3 am was not realistic. At the seminar arranged by the Electoral Commission where most London authorities were represented it was established that only two authorities has started the count process by 2am and the vast majority did not.
- 2.6 It has been recognised that the Returning Officers and the small election team were responsible for the whole process whereas more capacity would be required for a speedier process.
- 2.7 During the course of the review further areas of improvement were identified, including more effective training, written material at the count venue setting out the count process and better event management.
- 2.8 On completion of the internal review and following receipt of the report of John Turner, the Returning Officer has drafted an election improvement action plan which is attached to this report as **Appendix C**.
- 2.9 The decision to use a combined ballot box was considered in the review. This practice was not unique to Thurrock and the conclusion by John Turner in his report, highlighted that this was not a contributory factor in the delay. The decision on combined or single ballot boxes will be reviewed again should a combined election occur.

3. ISSUES AND/OR OPTIONS:

- 3.1 Both the internal and external review mentioned above identified three main reasons for the delay in delivering the result of the Parliamentary elections. These are set out in paragraph 2.3 above.
- 3.2 The Returning Officer's conclusion as to how the issue of delay could be addressed in the future is as follows:
- 3.3 Firstly, the practice adopted by Thurrock of waiting for all ballot boxes to come in before starting the verification process will be stopped immediately. This process of waiting for ballot boxes was a very secure process but added considerably to the total count time. The practice of other authorities is to ensure a much faster receipt and checking of ballot boxes and the commencement of verification as soon as boxes are in the place of count.
- 3.5 In future ballot boxes will be retained in a secure manner by the count supervisors as soon as they arrive. This in itself will speed up the process significantly.
- 3.6 The Returning Officer is also exploring a particularly fast way of allocating ballot boxes which will require an additional five staff and parking spaces for up to five cars. These staff will undertake the ballot box accounting process in a parking area and the ballot boxes will be passed from the cars on to count supervisors as soon as they arrive and in a secure manner. This is the process that is adopted by Havering Council and seems the speediest way of starting the verification process.
- 3.7 Secondly, the Returning Officer has established that other authorities have employed staff at head of service level or other staff who are very experienced to undertake the role of count supervisors. The count supervisor's role is not just to brief the count assistants and ensure the count takes place in accordance with the process identified but also to manage the candidates and the agents and prevent any undue interaction between the candidates/agents and count assistants and manage the performance of counting assistants.
- 3.8 Therefore, these staff need to have sufficient authority to prevent candidates and agents, some of whom may be councillors, not to interfere with the count process or require count assistants to count and recount ballot papers, as was happening on 6th/7th May. The Returning Officer therefore intends to appoint more senior staff as count supervisors for future elections.
- 3.9 Thirdly, the Returning Officer also proposes appointing one or two additional Deputy Returning Officers in order to manage the work load. One Deputy Returning Officer would be dedicated to overseeing the postal vote opening process and would probably be the Director of Finance and Corporate Governance who has experience of managing the postal vote opening process.
- 3.10 The second Deputy Returning Officer should be Head of Finance who will be responsible for organising and managing the count process on the evening of the count.

- 3.11 This would then free up the current Deputy Returning Officer, Elaine Sheridan, to manage the elections team's day to day responsibilities and ensure that other officers who are responsible for delivering other aspects of the process are in fact delivering, for example, security, premises, event management, general election issues that arise and technical issues prior to and on the evening of the count.
- 3.12 This will in turn enable the Returning Officer to take an overview of the whole process and to intervene where appropriate.
- 3.13 These are the three main recommendations which will help to significantly speed up the count process. However, the Returning Officer has gone on to make further proposals which will help improve the general delivery of the future elections. Details of these further proposals are set out in **Appendix C**, the Action Plan.

Thurrock Practices in Perspective

- 3.14 Members are asked to note the positive aspects of the election process in Thurrock Council as set out in the initial assessment report of 10 May in brief these are:
1. All polling stations operated effectively. All issues which arose at polling stations were resolved by Polling Station Staff, Inspectors and Deputy Returning Officer eg broken ballot box seals, queuing issues dealt with, extra polling booths supplied.
 2. During the course of the day electors who raised voting queries and wanted to vote were able to do so because all clerical errors were corrected, postal votes were re-issued due to being lost or spoilt etc. As far as the election staff are aware no voter who tried to vote and were eligible to do so and who contacted us were disenfranchised.
 3. 100% of the required ballot papers were printed and allocated correctly to the polling stations. We did not experience shortages at polling stations. Therefore unlike some other authorities we were not in a position where we had to close Polling Stations and disenfranchise voters.
 4. The decision to issue combined postal votes and to issue 'in-house' was the correct one considering that our external contractors could not accommodate this. We were able to complete the issue of postal votes on Friday 23 April and Monday 26th April.
 5. In the weeks leading up to the election we dealt with Candidate's and Agent's concerns even though these issues should have been reported to the Police and the Returning Officer has no role or the resources to investigate. We took a pragmatic approach and effectively dealt with issues relating to imprint requirements by telephoning and then emailing three independent and one BNP candidate/agent. We also responded to allegation of fly posting against the two main parties by contacting their agents.

6. In the context of the election administration and increased workload, the election staff processed 1842 absent vote requests in April compared to 123 in March and 39 February. The team processed 675 new additions to the register, 438 deletions and 351 changes in April. This compared to 143 new additions, 150 deletions and 24 changes in January.

3.15 Queues at Polling Stations were not a major issue in Thurrock. During the course of 6th May referrals were made about three polling stations where it was suggested there were long queues. Inspectors were asked to return to two polling stations but they found that queues had disappeared. At the third polling station an extra polling booth was provided. Nevertheless it may be useful, if turnout figures continue to rise, to have extra polling booths. These are costly; 30 additional polling booths would cost £7,770 and 50 booths would cost £12,450. In the current financial climate it may be that this is not a priority for improvement.

3.16 Members are asked to consider in detail the action plan at Appendix C and made any recommendations for any further actions to the Returning Officer.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

4.1 The Labour and the Conservative Group Leaders have been consulted about this review and have had sight of the attached documents.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

5.1 None specific.

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Meinir Hall**
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The majority of the improvements proposed in this report will have no financial implications. However, some of the recommendations, if implemented, may have significant financial implications. Not all of those have been costed as yet. If any of the recommendations adopted have financial implications these will be fully costed and included in the Medium Term Financial Forecast and budget setting process.

6.2 **Legal**

Implications verified by: **Tasnim Shawkat**
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Each council is required to appoint one of its officers as a Returning Officer for the purposes of local government elections at principal area level. The council is also required to appoint one of its officers as an electoral registration officer. The electoral registration officer of the council becomes the acting Returning Officer for the purposes of the conduct of the UK Parliamentary elections.

The Council is required to provide the Returning Officer with sufficient resources to conduct local government elections and pay the costs thereof. In terms of UK parliamentary elections, the cost are borne by Government.

Once appointed, the Returning Officer is a statutory office and has a separate legal duty to that of the council which appointed him or her. The same applies to the role of the acting Returning Officer.

The Returning Officer is not fettered by the council's normal procedures in terms of conducting the election. The Returning Officer cannot be subject to direction or instruction from the members of the council in respect of the discharge of the responsibilities falling to the statutory office.

6.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
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The majority of the proposals noted in this report do not have equality and diversity implications. However it should be noted that these proposals may impact positively in terms of improving access and participation to voting through eliminating queues at polling stations and ensuring voters in the electoral area are all able to vote. Due consideration should be given to disabled voters and those with caring responsibilities who may be adversely impacted by queues or delays at polling booths.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

7. CONCLUSION

- 7.1 Members of the Committee are asked to note that whilst the Council took longer than it should have completing the election count, this was primarily a result of adopting an excessively cautious approach to count management which most other Councils do not adopt. No fundamental flaws were identified in Thurrock's election count and it is there likely to be able to implement changes which speed up the count and retain the integrity of the count process.
- 7.2 Members are asked to consider the reports and make recommendations, if any, to the Returning Officer. When considering this matter members will be aware that the organisation of electoral matters is ultimately the responsibility of the Returning Officer. Given the criticism of the Council it was however felt appropriate to offer members both an explanation as to the events on May 6th as well as a proposal for future improvements.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT

- None

APPENDICES TO THIS REPORT:

- Appendix A – Initial Assessment Report of the Returning Officer, dated 10 May 2010
- Appendix B – Independent Assessment Report of John Turner, dated June 2010
- Appendix C – Election Action Plan

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