

28 June 2011		ITEM 5
Corporate Overview and Scrutiny		
REVIEW OF BOROUGH ELECTION AND UK PARLIAMENTARY REFERENDUM 2011		
Report of: Tasnim Shawkat, Head of Legal Services		
Wards and communities affected:	Key Decision:	
N/A	N/A	
Accountable Head of Service: Tasnim Shawkat, Head of Legal Services		
Accountable Director: Martin Hone, Corporate Director of Finance and Corporate Governance		
This report is public		
Purpose of Report: To inform the Committee on the progress and improvements made in the conduct of the election demonstrated on 5 May 2011 following the review of the election on 6 May 2010.		

Comment [s]: PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)

Comment [s]: Please leave this for completion by Democratic Services

Comment [s]: PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16 and in capitals) - Cabinet

Comment [s]: Please enter details of any Wards and Communities affected by the report. If this section is not

Comment [s]: Yes/No/Not Applicable – a 'Key Decision' is generally one affecting more than 2 wards or above 550,000

Comment [sj]: Please state the Head of Service's name and job title

Comment [sj]: Please state Director's name and job title

Comment [sj]: State whether your report is Public or Exempt. If Exempt (i.e. not to be given to the public or discussed in

Comment [sj]: Briefly set out the purpose of your report

Comment [sj]: Please provide a summary of the key points in your report

Comment [s]: The recommendations should be set out in bold in the form of the decision that the decision

Comment [s]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4 of the report writing guidelines

EXECUTIVE SUMMARY

This report is brought to Corporate Overview and Scrutiny Committee to outline the progress made following the review of the election held on 6th May 2010 and to suggest further improvements for elections in 2012. The recent borough election and parliamentary referendum held on 5th May enabled the service to demonstrate improvements and suggest further process refinements for the future.

1. RECOMMENDATIONS:

1.1 The Corporate Overview and Scrutiny Committee are asked to consider the content of this report and make any recommendations they feel appropriate to the Returning Officer.

2. INTRODUCTION AND BACKGROUND:

2.1 The UK Parliamentary Referendum and Borough elections were held on May 5th. The Borough election covered 16 of the 20 wards in Thurrock. The Referendum covered all of the wards in Thurrock. The Referendum was the primary election and the Chief Counting Officer, Jenny Watson issued directions, which influenced the decisions taken by the Returning Officer on local election issues. As a combined poll it presented many different issues for consideration.

2.2 At the combined Parliamentary General Election and Borough Election in May 2010 it took considerably longer to complete the count in Thurrock than in some other areas and a review was undertaken. The resulting action plan is attached at Appendix A with an update on the progress made and the influence this had on the elections in Thurrock on 5th May 2011 outlined below.

3. **ISSUES AND/OR OPTIONS:**

3.1 Members may recall that following the Parliamentary General Election and Borough Election in 2010 two reviews took place. One was an internal review undertaken by Tasnim Shawkat (TS), Head of Legal Services and the other was an external review undertaken by John Turner (JT), Chief Executive of the Association of Election Administrators.

3.2 Following the two reviews an Action Plan was drawn up to give effect to the recommendations. The Action Plan is attached to this report as **Appendix A**. This report outlines the progress made since the elections in May 2010 with reference to the Election Action Plan attached at Appendix A. Each recommendation is taken in turn and the progress against each recommendation is outlined below.

JT Recommendation 1

3.3 The Chief Counting Officer issued a direction that counting of the Referendum votes must commence at 4pm and verification of the Referendum votes must be complete by 1pm on Friday 6th May. The Returning Officer, following consultation with Group Leaders, determined that the whole count would be conducted on Friday 6th May.

3.4 In the light of that the actions 1 to 4 were not prioritised for the 2011 election. It is recognised that there are still improvements to be made to the count process to enable a count which takes place immediately following the close of poll to proceed swiftly and accurately. Improvements are still required in the areas of ballot box receipt and concluding the final postal vote checking process. More resources will be put in place to assist with the closure of postal vote checking and the actions numbered 1 – 4 will be implemented.

JT Recommendation 2

3.5 An additional Deputy Returning Officer (DRO for Count) was appointed with the sole responsibility of managing the count process. The DRO for Count was employed to review and consult with the Electoral Services Manager and the Head of Legal Services to ensure the conduct of the count was in accordance with instructions and legal practice.

3.6 Of the eight count supervisors, six were Head of Service level or Directors. Two training sessions for Count Supervisors were held prior to the count and a briefing session held at the count venue prior to commencing. Feedback from counting assistants was positive. They appreciated the strong leadership of their supervisors and stronger management of the conduct of election and count agents. This contributed to a faster and accurate count of

Comment [s]: Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and **must** include:

1. a brief summary of options considered;
2. consultation outcomes
3. a risk assessment.
4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)

- See para.5.5 of the report writing guidelines.

ballot papers. The supervisors have been requested to make themselves available next year. Written instructions were given to the Count Supervisors and Superintendents and the Central Count were briefed of their duties by the Count Manager.

- 3.7 A similar process will be undertaken for future elections. It is possible that a combined poll will occur in May 2012 with the Police Commission elections but there is currently little information known at this stage as to how this will affect local elections if combined.

JT Recommendation 3

- 3.8 The influence of the Chief Counting Officer in preparing for the Referendum and the impact of her directions on the borough election made it difficult to prepare notes in advance. The Electoral Commission updated information throughout the process and this had to be taken into account in our planning. Furthermore, the recommendation to distribute briefing notes to count agents is not realistic given the low turnout of agents and candidates to briefing meetings and the statutory date for appointing count agents is only six days before the date of poll. This was overcome by updating candidates and agents present at the beginning of the count on the process to be followed.
- 3.9 Count Supervisors were well briefed and given written notes on the duties of agents and candidates to enable them to carry out their roles with confidence. A final briefing of all count staff before the commencement of the count reinforced the processes to be followed. This success of this action confirms that staff at the count must not have worked at a polling station. To do so would prevent them from being seated and available for a briefing before the commencement of a 10pm count.

JT Recommendation 4

- 3.10 No venues were identified as having a large enough hall to hold an election count. The Port of Tilbury was considered and contacted but booking restrictions did not permit this to be a suitable venue. The Culver Centre was booked but as a contingency venue only.
- 3.11 The Civic Hall was booked and the layout in consultation with the Count Manager and Head of Legal Services was reconsidered. Difficulties were encountered when the rehearsal identified that the Thurrock IT network was no longer available from the Civic Hall and provision was made to enable Remote Postal Vote Checking and connection to the internet. These provisions will need to be in place for 2012 but it was pleasing to note that the Election Management System, chosen in 2009 already had provision at no additional cost for the Remote Postal Vote Checking and that the system was relatively simple to use. With the revised layout it was also possible to provide a small number of seats which was well received by the candidates and agents.
- 3.12 Further issues have been identified which will need to be considered for 2012.
- a) The layout used for 2011 did not account for postal vote checking which had concluded by the time of the count on Friday 6th May. An area will need to be made available in 2012, if the count is to take place in the evening.

b) Postal voting still took a relatively long time to conclude and this would have impacted on the timing of the count had we counted in the evening. The Electoral Services Manager has recently met with election staff at Barking and Dagenham to explore new ways of working and processes for the final postal vote session. Management of the existing staffing resources and tighter management of the process may be required.

JT Recommendation 5

- 3.13 As the count took place on the following day employing staff who had worked on the poll was not an issue. It was noted that staff, when this issue was discussed were disappointed that they would not be able to count as they considered this the conclusion to their day. The Returning Officer will still aim to ensure the majority of staff employed as counting assistants have not worked in a polling station throughout the day. This is essential to ensure staff are seated ready to be briefed to start counting at 10pm.
- 3.14 The Electoral Services Manager will, as requested by Members, contact local banks to explore the use of bank staff at the count. This does impose a small risk that staff, unknown to the authority will be expected to turn up to work for a few hours. Potentially we could have staff of varying quality and experience and non attendance.

TS Recommendation 6

- 3.15 The appointment of Deputy Returning Officers and Senior staff was considered by the Head of Legal and the Electoral Services Manager. Three Deputy Returning Officers (one of which was the Electoral Services Manager) were appointed who could oversee the Postal Vote process thereby sharing the duties and the time spent.
- 3.16 The rehearsal of the count process did not take place on 4th May although the venue was booked and set up on this day. This was an improvement from 2010 when the set up took place on polling day. A national rehearsal for the Referendum took place on the 8th April following a direction from the Chief Counting Officer.
- 3.17 The increase in volume of telephone calls leading up to election day was anticipated following the elections in 2010 and it was decided, during a review of the Legal Services structure, to merge Democratic and Electoral Services. This meant that Democratic Staff could be trained to use the Election Management System and answer queries from the public. The staff were given access to the system in March, the telephone group was changed to include Democratic Staff, one to one training was given and Frequently Asked Questions developed to assist them. The core Electoral Staff appreciated the positive difference this additional resource made and noted the skill of Democratic Services staff in adapting to this new task.
- 3.18 The setup of the count venue took place a day early with assistance from staff outside of Electoral Services. It was recognised that this is still an area for refinement and the whole task could be passed to someone outside of the Electoral Services team.

- 3.19 Transport was provided by Sustainable Communities to assist with transporting materials before the count and following close of poll. Despite planning it was difficult to secure a van of the correct size when required and this will be raised with the transport team.
- 3.20 Furthermore, if and when counting on the night of the election, a large van should be used to take polling station equipment straight to the stores rather than moving the equipment twice, once into the hall and then from the hall into another van. It was appreciated that Sustainable Communities provided transport was at short notice on Friday when it was realised a change of plan would assist the team clearing up materials. The final plan for removal of equipment and materials is therefore a recommended improvement. This is influenced by how the equipment is received at the count and needs further work to refine the process.

TS recommendation 7

- 3.21 Presiding Officers were invited to attend two review sessions in 2010 and those that attended gave some valuable feedback. One of the ideas was to create 'Mentor Presiding Officers'. These were experienced Presiding Officers with whom less experienced Presiding Officers could make contact with if they had small queries, thereby lessening the telephone calls to the Electoral Office. The feedback received so far was that this was a positive step and it encouraged the less confident staff to step up to the position of Presiding Officer, which also contributed to increasing the numbers of staff available. Presiding Officers' performance was reviewed and some staff were not appointed on the basis of their previous performance. Similar feedback was requested from the election in this year.

TS Recommendation 8

- 3.22 Meetings with internal security staff were scheduled early in the planning process and a meeting was held with the Police to review security and issues arising from the 2010 elections. The security staff employed by Vertex were more tightly managed and participated more actively. All persons at the count were accounted for by reception staff and badges were provided indicating which areas the person had access to within the count hall. This was part of the Event Management role managed by the Communications Team.

TS Recommendation 9

- 3.23 The Communications Team were brought in to consult and manage aspects of the Count. There was an improvement in the registration process and security and staff had a clear idea as to where members, candidates, agents and guests were permitted. All staff were clearly identified and compliments were received from the press on the timely supply of information to them. Advice was taken on when and how to inform candidates and agents and the feedback received was positive.
- 3.23 The election communication strategy was led and influenced by the Electoral Commission directions for the Referendum. The Referendum was publicised nationally and locally as directed by the Electoral Commission. Costs for the local publicity were recorded and a claim has been sent to the Electoral

Claims Unit. Frequent news releases were planned in relation to the Borough Elections and dispatched to inform electors of relevant dates.

TS Recommendation 10

- 3.24 The Chief Counting Officer issued directions on the number of electors permitted to vote at a polling station and the number of staff required at a polling station in line with the electorate. These directions were complied with and addressed the issue of queues. A policy for dealing with queues was developed for Presiding Officers and no queues were reported on the day. A small number of new polling booths were purchased from the existing budget funds and a proportion of this cost will be claimed from the Referendum fees and charges in line with the fees and charges order.
- 3.25 The Head of Legal Services and the Electoral Services Manager visited Havering Council and Southend Council to discuss their processes in 2010 and their processes contributed to the improvements recommended in the Election Action Plan 2010. The Electoral Services Manager met with Barking and Dagenham staff in June 2011 to discuss further improvements for the Count Process and the conclusion of the final postal vote opening session.

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

- 4.1 The improvements reported in this report and suggested for the future are the result of consultation and input from Member, election agents, staff at all levels involved in the election process in 2010 and 2011. The election team will continue to welcome feedback and will continue to improve its services. The lesson from 2010, which has been taken on board by the Council is that election is a corporate project and needs significant resourcing to make it successful.

5. IMPLICATIONS

5.1 Financial

Implications verified by: **Mike Jones**
 Telephone and email: **01375 652772**
mxjones@thurrock.gov.uk

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.

Comment [j]: This should include any consultation with Ward Members and Shadow Portfolio Holders, as well as any public or statutory consultation

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

Comment [sj]: See Guideline 6.2

5.2 **Legal**

Implications verified by: **David Lawson**
 Telephone and email: **01375 652087**
dlawson@thurrock.gov.uk

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 and was designated the Counting Officer for the Referendum.

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 costs are borne by Government.

Once appointed, the Returning Officer is a statutory officer 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 or the Counting 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 members of the council in respect of the discharge of the responsibilities falling to the statutory office.

Comment [sj]: See Guideline 6.3

Comment [sj]: See Guideline 6.4

5.3 **Diversity and Equality**

Implications verified by: **Samson DeAlyn**
 Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

The majority of the proposals noted in this report do not have equality and diversity implications. However the recommendations from the May 2010 action plan and their implementation may have impacted 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. The polling booths purchased were wheelchair accessible to further improve accessibility and encourage voter participation.

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

None

6. CONCLUSION

- 6.1 Members of the Committee are asked to note the progress made as a result of the Election Action Plan May 2010 and recognise that further refinements will be made to enable a fast, accurate and transparent counting of votes in May 2012.
- 6.2 Members are asked to consider the report and make recommendations, if any, to the Returning Officer. Members are asked to note that the organisation of electoral matters is ultimately the responsibility of the Returning Officer but the input of members where appropriate will be considered in the planning processes.

Comment [sj]: This should inform the recommendations in the report

Comment [sj]: See Guideline 8. If any Papers are to be placed in the Members room that relate to this report, you should also list them here

Comment [sj]: List the Appendices referred to in the Report

Comment [sj]: Insert the full contact details of the author of the report

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Report to Corporate Overview and Scrutiny Committee on 5 July 2010

APPENDICES TO THIS REPORT:

- Appendix A - Election Action Plan May 2010

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