

Report to the Governance Select Committee

Date of meeting: 29 September 2016

Subject: Elections and EU Referendum 2016 – Lessons Learnt Report



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Recommendations:

(1) To consider a review of the management of the following:

- (i) the Police and Crime Commissioner, District and Parish Elections 5 May 2016;
and
- (ii) European Union referendum – 23 June 2016

(2) To recommend to the Returning Officer any changes to procedure for future elections and referenda.

Introduction

Summary

1. This report discusses the planning processes and implementation of the following elections held on 5 May 2016:
 - (a) The election of a Police and Crime Commissioner (PCC) for Essex;
 - (b) 21 District Council wards, one was uncontested and two in one ward caused by a resignation; and
 - (c) 11 contested Parish Council wards.

And also looks at the running of the European Union Referendum on 23 June 2016.

2. In relation to the PCC election, Colchester Borough Council were the lead authority for Essex and for the EU Referendum, Chelmsford City Council were the regional hub. The other elections were the responsibility of Glen Chipp as Returning Officer.
3. The report outlines that, in the opinion of the Returning Officer, processes were generally followed effectively. The report reviews issues that have occurred this year and are reported in more detail below. The Elections have been reviewed by the Elections Planning Group and issues identified have been included within this report.

Commentary

4. This year has seen a huge amount of work carried out by electoral staff in running a triple election, a referendum with a particularly high turnout and having to respond to an upsurge in registration due to national campaigns.
5. The Returning Officer and a team of officers met regularly since September 2015 in order to plan effectively for the Election and to ensure that the processes were undertaken at the appropriate times. A Project Plan and a Risk Register for the combined elections and separately for the referendum were prepared, reviewed and updated on a regular basis.

Registration/Publicity Issues

6. At 1 December 2015, on the publication of the electoral register, the Districts register held xx electors. Again this year the authority had chosen to pay for a second confirmation letter in January 2016 setting out those registered in each property. This was encouraged by the Cabinet Office but only part funded. The additional confirmation letter had the effect of prompting many changes to the IER register. This further Household Notification Letter (HNL) may be repeated subject to funding being available.
7. There was a national campaign for the registration deadline which publicised the opportunity of registering online. The message to those intending to vote, particularly at the Referendum in June was too simplistic. The Electoral Commission publicity campaign made many voters think that they had to register again to be able to vote in the referendum. Experience of this publicity was that people that were already registered did so again causing officers in Elections to undertake many 100's of unnecessary deletions of duplicate registrations at a time when planning and implementation of the referendum was in full flow.
8. The Public Relations Section undertook a sustained publicity campaign through registration deadlines and during the run-up to the election days encouraging registration and voting. One of the Council's Presiding Officers was interviewed by BBC Essex on the day before the EU Referendum on his role and his recollection of working on the previous EU referendum in 1975.
9. There were repeated problems and delays with the issue of verification file processing from the Government Portal. Failure of the Government portal in the immediate period before the registration deadline led to an extension to the registration deadline being rushed through parliament using secondary legislation and had a knock on effect for register production and numbering. 1200 attempts at registration were made on the last day and 500 more on the day extension, most duplicating previous registrations.

Pre-elections/Printing issues

10. A candidate pack was again sent with every nomination form but the candidates evening was poorly attended, officers are not sure why but believe that it is worthwhile exercise to offer the opportunity to candidates and agents to ask questions about the elections process. A question for members may be: What are candidates looking for?
11. A Town Council Candidate in Loughton stood in two wards, one application was not withdrawn by deadline and as a result both nominations were invalid.
12. All of the local election papers for May were printed by the Council's Reprographics Section which again provided an excellent service bearing in mind the tight timescale for printing. The papers for both the PCC election and EU referendum were printed externally by SCI Printing with no problem. No printing errors were found except a couple of book splits, found in

checking and easily rectified. District, Parish and Town Council Ballots were printed by Reprographics using the procedure used last year whereby backs of papers were pre-printed prior to annual Council Tax billing. All books were hand checked by senior elections staff. Ward names and ballot numbers were printed on the book cover so that PO's could easily check them when issuing, this worked well and no errors in issuing occurred.

13. The use of a commonly used name of the same candidate in two wards was not picked up at ballot paper draft and checking stages (the candidate was standing in two parish and one district ward) and ballot papers were printed without using the commonly used name and postal votes had been despatched before the error was spotted. Officers have subsequently reviewed the checking process.
14. Once the error was realised, advice was sought from the Electoral Commission, Association of Electoral Administrators and Council's Solicitor. The Returning Officer determined that an appropriate response was to write to all postal vote holders advising them that they could contact the Election Office and have their Postal ballot reissued should the new information have changed the manner of their voting. Additionally officers held back the opening and scanning of those postal vote returns to a later point in the elections process to ensure that any cancelled votes were not admitted to the voting stream.
15. Additionally staff at effected stations were able to advise of the change through polling stations on the day. No requests to reissue were received but a very small number of complaints about the waste of money involved in sending letters were received. The Electoral Commission has subsequently agreed that the Returning Officer met national performance standards. The Electoral Commission will, in due course, publish their report on the conduct of the national elections and a meeting with Commission Officers is scheduled for October at which any issues can be discussed.
16. A national test for the EU Referendum was held on 25 May 2016 from 8pm until Midnight. The purpose was to test the communications and national count system from the count centre location. Night staff at the school kept officers supplied with tea for the duration. Problems of repeated crashing of this system that evening were fortunately not present on 23 June 2016.

Postal voting

17. Postal voting continues to grow in popularity:
 - 8,700 postal packs were sent out for May on 20 April, 250 of those (one team) had an issue error and had to be reissued. 5874 packs were returned and counted. A 67.5% return rate.
 - 10,200 (1,500 more than May) postal packs were sent out on 27 May for EU referendum with no problems. A further issue of 1,850 were sent out on 10 June following the close of postal applications. Of these 11069 were ultimately returned and counted, a 91.9% return rate.
 - There were a low number of ballots rejected at scanning stage but there were a number where the voter had failed to enter their date of birth correctly rather than evidence of any fraudulent activity.
 - Officers had a minor issue with scanner 2 in May which wouldn't read the barcode on some of the returned Postal Voting Statement's. This machine was looked at between May and June and performed much better in June.
 - There were a number of incidents of postal packs not being delivered by Royal Mail and these had to re-issued.
 - A Postal sweep at 9pm at the EU referendum delivered only 4 postal packs to the count centre. Officers consider this a waste of resources and could only be justified if paid for by central government grant and by their request.

Staffing

18. The levels of staffing for polling stations, verification and counts were adequate. However, staffing for June was more problematic as it is generally a holiday period.
19. Officers from Democratic Services and other sections provided much needed support to Electoral Services Staff by helping with enquiries about voting and registration.
20. Assumptions made about the level of staff required for the issue and opening of postal votes proved correct as these procedures were all completed in good time. Directors were helpful in making officers available for all of the processes. Staff attended effective training sessions for each stage of the process in accordance with the project plan.

Polling Stations

21. At both elections, and indeed despite the weather in June, all polling stations opened on time and operated all day without problem and procedures planned for queues at close of poll were not required to be invoked on either date.
22. There are a number of issues with Polling Stations:
 - Due to the closure of the Railway Hotel, Lower Sheering there is no polling station in lower sheering. At both elections electors attended the polling station in Sheering. There was a low turnout in May but this was to be expected as only election was for the PCC. At the EU referendum, turnout was on a par with the rest of the district. The local ward Councillor has made representations about the matter however there are no obvious public buildings in this area. It is suggested that the Parish Council could help to establish whether there are any properties that could be used as a polling station
 - The new Polling Station at the Willingale Road Allotments has a good location but the building is not ideal. A Local Councillor, Councillor Girling has suggested a function room at the Cottage Loaf Public House which should be investigated. A further suggestion of the Kingdom Hall in Willingale Road has also been made
 - At the St Giles Hall, Nazeing a short power outage was suffered during the day but was fixed before nightfall.
 - At St Winifred's Church Hall, Chigwell flooding and a leaking roof due to rain fall which made access to the Hall and Kitchen difficult.
 - At Upshire Village Hall it has been noted that the Disabled ramp needs repair/replacement and Officers have been in contact with the Hall regarding this.
 - At Whitebridge School, Loughton the Returning Officer has received a letter indicating that the school is undergoing refurbishment during 2017 - 2018 and further discussion on the potential solution will be necessary.
 - Loughton Town Council Offices, Buckingham Court. As the Town Council are moving to Loughton Library shortly there will be a need to find an alternative location for this station. It would be possible to relocate voters to the existing Grosvenor Hall station.
23. No further observations regarding polling stations were received during post-election consultations.

Polling day issues

24. All the Districts Polling stations were operational for both the May and the June events. Heavy rain on 22 June and 23 June caused concerns for some rural stations with localised flooding on a lot of rural roads. However, staff managed to open all stations on time. The weather did

make access to some polling stations difficult during the early part of the day. During the course of the day contingency arrangements, using Council 4x4's, were drawn up with the assistance of the Council's Contingency Planning Officer, to collect staff and boxes from some areas but rain subsided during the day and these arrangements were ultimately not required.

25. The Elections Office was busy on both days, especially on 23 June, it was apparent that many of those calling about voting either had never voted, didn't know where to vote or how the process worked. The only recorded polling station incident was an electoral agent being rude to staff in a polling station in May and failing to identify themselves as an agent. This will be picked up in subsequent elections communications to agents and candidates.
26. The opportunity was taken this year to purchase some larger ballot boxes. These were able to take a larger number of papers and saved issuing multiple boxes to some of the stations and were better from a manual handling point of view. Finances permitting, officers will look to increase their use and to look at some wear and tear issues with booths and other voting equipment during the year.

Verification and Counts

27. In May verification of District, Parish and PCC votes took place on Friday 6 May 2016 at Theydon Bois Village Hall. This commenced at 8.30 am and was completed by 11.30 am. We had been required by the Police Area Returning Officer (PARO) to declare the verification by noon. Additionally we had been directed to commence the first stage PCC count at 1.00pm. This was completed by 2.15. As no individual candidate polled more than 50% of the vote at this stage a second stage count was required and this second stage PCC count was completed at 5.15 pm. The Returning Officer had determined that District and Parish/Town Counts should be held over to the Saturday and this proved to be the correct decision as these counts could not have commenced until 6.00pm.
28. The counting of District/Town/Parish ballot papers in May and the EU Referendum count in June took place at Debden Park High School. The school, on both occasions, were particularly helpful to staff. This larger hall was required for these elections to enable a greater number of Count staff to be employed. It is the view of officers that where a single type election is concerned that this location is currently the best option. This year for the District Elections, officers hired-in PA equipment as announcements had been previously identified as an issue for those attending.
29. In May, the first result was declared at 9.17 am and the last at 12.00 (subjected to a recount)
30. In June counting started as soon as the polling finished with postal votes. The process went smoothly using a 'mini count' system. Officers had, by analysis, attempted to balance the likely number of votes on each table and this worked well in practice. The districts verification figure was supplied by 1.15 am and the final District result transmitted at 3.25 am.
31. At the last elections the Returning Officer requested officers to look at replacing some manual processes by the Accountancy Officers. This year, on both dates, a bespoke spreadsheet was used effectively to simplify procedures at the Count. It is intended that this be used at the County Council Elections in 2017.
32. The Council's Public Relations and Marketing Officer supported by the Website Officer ensured that appropriate publicity was made available at all stages with links to the Council's website. Social media was also used to spread the message. The Council provided effective media facilities at the Count.

Post-Election Consultations/Comments

33. Every Agent has been written to asking for comments in relation to the running of the Election. Members have also been asked to comment via the Bulletin. By the date of writing this report only the following comments have been received:

“In the elections I acted as Agent for Councillor Boyce and as far as I am concerned the whole operation was trouble free. The only slight blip was caused by confusion between Tony and I regarding Tickets for the Count, which you kindly resolved for us. Our thanks once again. - Brian Rolfe”

“Waltham Abbey North East Ward, staff manning the polling station were efficient pleasant and helpful , which made the polling process that day for the Cllr up for election and the community uncomplicated well done. - Lillian Mitchell”

Future Elections and Lessons Learned

34. In May 2017 there will be County Council elections only. In May 2018 there are solely District elections. Lessons learnt will be fed back into the process for next year which begins shortly. It should be noted that in 2020 the District currently has scheduled quadruple elections (Parliamentary on a new boundary configuration, PCC, District and Parish) on the same day.
35. Save the error in the use of the full name of a candidate instead of the commonly used name, there were no key issues arising at the May 2016 elections. Generally all practices were completed successfully.

Boundary Commission Proposals

36. Members may have recently seen the initial proposals from the Boundary Commission on the parliamentary boundaries. This currently proposes no change for the Epping Forest Constituency but does make proposals to both Harlow and Brentwood and Ongar. Officers will kept a watching brief on the process and will bring reports before members if necessary.

Electoral Commission Reports

37. The Electoral Commission has also recently published their reports into the May and June events. As part of their recommendations they raise the issue of elections scheduled for May 2020. That year currently sees, Local District and Parish elections combined with PCC and a Parliamentary election based on the new constituency boundaries. This will be a challenge to deliver and potentially confusing for the voter due to different franchises for each election and the prospect of different voting systems at the same election (they also coincide with metropolitan elections that year). The Government have been asked to look the schedule of elections that year. These will need very careful planning.
38. Members of the Committee are asked to provide feedback to the Returning Officer for future elections.