

Report to Overview and Scrutiny Committee

Date of meeting: 28 August 2008

Portfolio: Leader's Portfolio

Subject: Elections – May 2008 – Views of the Constitution and Members' Services Scrutiny Standing Panel

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Recommendation:

To note the report to the Panel reviewing the elections held on 1 May 2008 and the following matters raised by the Panel in addition to issues identified in the report.

Introduction

1. The Constitution and Members' Services Scrutiny Standing Panel considered the attached report at their meeting on 30 June 2008. The Panel raised some additional matters which are summarised below together with comments of the Returning Officer.

(a) Count – Layout

2. Some members expanded on the representations referred in paragraph 25 of the attached report regarding the revised layout of the Count Centre. They stated that by being restricted to standing at the end of each count table it had not been possible to scrutinise effectively all of the counters. Whilst appreciating the restrictions imposed due to the size of Waltham Abbey Town Hall and the need to accommodate the number of counters employed, it was suggested that improvements could be made by providing set places for candidates, counting and election agents. Reference was made to such an approach being adopted by other authorities.

Returning Officer's Comments

3. Further consideration will be given to future count layouts bearing in mind these comments and the requirement to give the candidates, counting agents and election agents reasonable facilities for overseeing the count proceedings consistent with the orderly conduct of the proceedings and the discharge of the Returning Officer's duties.

(b) Count – Venue

4. Some members indicated a preference for counts to be held at Theydon Bois Village Hall. They pointed out that the concerns expressed previously about the hall not being large enough for a centralised count without the use of the side hall are no longer such an issue now that the "bus stop" type signs make it clear where each ward is being counted.

Returning Officer's Comments

5. Consideration is being given to the suitability of other venues including Theydon Bois Village Hall bearing in mind the need for reasonable IT links.

(c) Count – Timing

6. Differing views were expressed about whether to count at the close of poll or on the following day. Those advocating a count immediately after the close of poll referred to the need for candidates and agents to take an extra day off work to attend a count on the following day and pointed out that some were not in a position to do so.

7. Reference was also made to another Essex district council passing a motion instructing their Returning Officer to hold the count immediately after the close of poll.

Returning Officer's Comments

8. The reasons for holding the count on the following day are set out in the attached report. The views expressed about counting immediately after the close of poll are understood and will be taken into consideration when determining arrangements for future elections. However, it should be borne in mind that in 2009 the County Council elections are likely to be combined with the European Parliamentary elections on 4 June 2009. Arrangements for the latter will take precedence and there will be little, if any, discretion to be exercised locally regarding the timing of the counts.

9. It is also possible that in 2010 Local Government elections will be combined with Parliamentary elections and, if so, the intention will be to count the latter immediately after the close of poll with the District/Parish counts being held over until the following day.

10. Full discretion to the Council's Returning Officer in relation to the timing of counts is unlikely to be available, therefore, until 2011.

11. Contact has been made with the other district council mentioned and they have confirmed that the decision to count immediately after the close of poll was taken by the Returning Officer following discussions with the Leader of the Council. They have confirmed the view that the decision is entirely a matter for the Returning Officer and a motion to Council in the terms suggested would not have been in order.

(d) Count – Grass Skirts

12. One member suggested that counts involving the use of "grass skirts" could be speeded up with the use of an Excel spreadsheet for totalling the numbers from each "grass skirt".

Returning Officer's Comments

13. Consideration will be given to this suggestion.

(e) Postal Votes

14. It was felt by some members that an in depth analysis should have been undertaken in order to compare the 153 incorrectly printed ballot papers returned by postal voters in the Epping Hemnall ward of the Epping Town Council with the 284 valid ballots returned.

15. It was also suggested that all District Councillors representing the Epping Hemnall ward should have been notified of the error in relation to the printing of these papers at the same time as notification was given to election agents and political parties so that they would have been in a position to respond to representations which they received.

Returning Officer's Comments

16. The powers available to the Returning Officer only extend to correcting an error. To have undertaken such an analysis as suggested would have exceeded the powers available

and could have led to a challenge by way of an electoral petition.

17. In the event of any similar error in the future, all relevant members will receive notification.

(f) Polling Station – Opening

18. A member advised that the polling station at St Stephen's Church in Buckhurst Hill did not open at 7 am.

Returning Officer's Comments

19. The Presiding Officer did experience some difficulty in opening the polling station on time but no elector was inconvenienced.

(g) Ballot Boxes/Booths

20. One member suggested that consideration should be given to acquiring larger ballot boxes and a larger writing area in the ballot booths to cater for the size of ballot paper required for the Theydon Bois Parish Council election.

Returning Officer's Comments

21. Consideration will be given to this suggestion and it may be possible to acquire a small number of larger boxes/booths. However, it is not feasible to consider replacing all of the current stock and the problem with the polling booths is likely to arise again with the European Parliamentary ballot paper next year.

(h) Poll Cards

22. One member reported that he had been advised that a significant number of electors in Theydon Bois had not received a poll card.

Returning Officer's Comments

23. Poll cards were delivered to electors in Theydon Bois by an experienced canvasser who has confirmed that he delivered all of the poll cards. It seems likely therefore that some electors misplaced or inadvertently disposed of their poll cards before election day.

(i) Election Agents Debriefing

24. Some members expressed concern at the poor response from election agents to the invitation to attend the debriefing held on 9 June 2008.

Returning Officer's Comments

25. Invitations were extended to all of the agents and they were also invited to submit written views in the event of being unable to attend the meeting. The importance of attending such debriefing sessions will be stressed to agents in future years.