

Report to the Overview and Scrutiny Committee

Date of meeting: 12 July 2011



Report of: Constitution and Members' Services SSP

Subject: Referendum and Elections – 5 May 2011

Chairman: Councillor David Stallan

Recommendation:

To consider this review of the Referendum and Elections held on 5 May 2011.

Referendum, District and Parish/Town Council Elections

1. We have reviewed the running of the Referendum on the voting system for United Kingdom Parliamentary Elections held on 5 May 2011 together with District and Parish/Town Council Elections.

2. The Referendum was held to decide on the following question:

“At present, the UK uses the “first past the post” system to elect MPs to the House of Commons. Should the “alternative vote” system be used instead?”.

3. The following District Council Wards were contested:

Broadley Common, Epping Upland and Nazeing
Buckhurst Hill West
Chipping Ongar, Greensted and Marden Ash
Epping Hemnall
Epping Lindsey and Thornwood Common
Grange Hill
Hastingwood, Matching and Sheering Village
Lambourne
Lower Nazeing
Lower Sheering
North Weald Bassett
Roydon
Shelley
Waltham Abbey High Beach
Waltham Abbey Honey Lane
Waltham Abbey North East
Waltham Abbey Paternoster

Waltham Abbey South West

4. There were 4 Parish/Town Council Ward contested elections:

Hemnall (Epping Town Council)
St Johns (Epping Town Council)
Marden Ash (Ongar Town Council)
Waltham Abbey North East (Waltham Abbey Town Council)

5. There were 21 uncontested Parish/Town Council wards.

Results

6. The electorate for the Referendum in the Epping Forest District was 95,778. A total of 36,909 papers were issued of which 36,908 were counted. 28,240 electors cast votes in favour of No (77% of the share votes cast) and 8,533 cast votes in favour of Yes (23% of the share of the votes cast). The turnout was 39%.

7. The overall UK result of the Referendum was 13,013,123 in favour of No (67.90%) and 6,152,607 in favour of Yes (32.10%).

8. In each of the District Wards contested, one councillor was due to be elected. Turnout in the District Wards varied between 47.80% in the Chipping Ongar, Greensted and Marden Ash Ward and 26.10% in the Waltham Abbey Paternoster Ward.

9. In the Hemnall Ward for Epping Town Council, electors were able to vote for up to 6 candidates from a list of 12. The turn out was 46.60%. In the St John's Ward for Epping Town Council electors were able to vote for up to 6 candidates from a list of 9. The turn out was 43.64%. In relation to the Marden Ash Ward for the Ongar Town Council electors were able to vote for up to 4 candidates from a list of 5. The turnout was 50.70%. In the Waltham Abbey North East Ward for the Waltham Abbey Town Council electors were able to vote for up to 2 candidates from a list of 4. The turnout was 38.08%.

Arrangements

10. The Referendum was held under the framework provided by the Political Parties, Elections and Referendums Act 2000 (PPERA). A Referendum held under PERA has a different management and accountability structure compared to any election. It requires a Chief Counting Officer to be responsible for certifying the overall result. The Chair of the Electoral Commission, Jenny Watson, was appointed the Chief Counting Officer for this Referendum. She had the power to give general or specific directions to Counting Officers relating to the discharge of their functions in the Referendum, including directions requiring Counting Officers to take specified preparatory steps or to provide any information that they have or are entitled to have.

11. The Chief Counting Officer at the outset stated that given the UK-wide nature of the event she intended to use this power to ensure that the Referendum was conducted to the same standards and principles in all voting areas. The Chief Counting Officer advised that the power of direction applied to the Referendum and elections on 5 May Accordingly, it was necessary to comply with some 207 directions given by the Chief Counting Officer. Her instructions were divided into five modules covering the following areas:

- (a) Planning and Administration;
- (b) Administering the Polls;
- (c) Absent Voting;
- (d) Verification and Count; and
- (e) After the declaration of results.

12. There was a debate about whether directions by the Chief Counting Officer were binding on Returning Officers who were responsible for concurrent elections. This was never fully resolved but did not cause any concerns locally.

Polling Stations

13. The Chief Counting Officer directed ratios in relation to the staffing of Polling Stations. She required that a Polling Station could not have more than 2,500 electors allocated to it and that in addition to a Presiding Officer there had to be one Poll Clerk for Polling Stations with up to 750 electors. She further specified that one additional Poll Clerk had to be appointed for Polling Stations with up to 1,500 electors and that one further Poll Clerk had to be appointed for Polling Stations with up to the maximum of 2,500 electors.

14. In order to abide by this direction it was necessary to provide 87 Polling Stations on 5 May 2011. This required the appointment of over 80 Presiding Officers and around 150 Poll Clerks. Sufficient staff were appointed including some standby staff some of whom had to be called upon at short notice.

15. Established Polling Stations were used except at Limes Farm, Chigwell where a hall at the side of Chigwell and Hainault Synagogue was used instead of the normal venue at Limes Farm Hall which was having works undertaken. This new venue was well received.

16. No representations have been received raising issues about the lack of facilities at any Polling Station. Some comments were received about the arrangements at the Thomas Willingale School, Willingale Road, Loughton and at the White Bridge School, Greensted Road, Loughton. The former provided its nursery building as the Polling Station and this necessitated quite a long walk from the car park to the Polling Station. There is no other suitable building in the locality which could be used as a Polling Station and a compromise has to be achieved in relation to which part of the School can be used. There is a need to respect the needs and security of the School. Likewise there was a long walk for voters across the grounds of the White Bridge School, longer in fact than at Thomas Willingale School. However, the terrain was flat and access easy from the point of view of voters with mobility problems. This did not seem to be an issue but this will be reviewed again.

Postal Votes

17. The total number of Referendum postal vote packets issued was 9540, many of which also included District Council ballot papers and some also Parish/Town Council ballot papers. Approximately 74 % were returned. The Chief Counting Officer directed that arrangements be made for a final sweep of Royal Mail Sorting Offices on polling day in order to locate and receive postal votes still in the postal system. This required a licence from Royal Mail costing £598 and payment of £544 for a sweep of the Main Sorting Office in the District and £435 for each additional sweep of other sorting offices. In the Epping Forest District there are a total of 5 Sorting Offices. A total of 4 postal votes were received as a result of these sweeps. In

the Council's post on 6 and 9 May a total of 26 postal vote packages were received, suggesting that some of those had been in the Royal Mail system on polling day. As part of feedback to the Electoral Commission representations will be made questioning the value of these sweeps, although the cost will be met nationally.

18. Difficulties were also experienced in obtaining the approval of Royal Mail to the form of the postal vote return envelope. Several drafts were submitted with the areas of the printed information needing to be moved a matter of millimetres each time. This resulted in the envelopes only just being printed in time for the postal vote issue without formal approval from Royal Mail. This could have increased costs as Royal Mail had advised that they would impose a surcharge on the use of unauthorised envelopes. However, approval was eventually received. It is apparent from the envelopes received by staff in other areas that there was no consistency in the layout of the return envelopes and again representations will be made to the Electoral Commission about this issue.

19. The issue and opening sessions for postal votes went smoothly. The software and scanners used for checking personal identifiers (signature and date of birth) again worked well. There was no evidence of any postal vote fraud although 177 postal votes were rejected because of a lack of comparison between signatures and/or dates of birth.

20. We questioned how often electors are able to provide a fresh signature as we are aware that signatures tend to change over time. Electoral Registration Officers must require absent voters to provide a fresh signature when the signature on their record is more than five years old. This does not, however, prevent an absent voter from providing the Electoral Registration Officer with a fresh signature at any time.

Ballot Papers

21. The proofs of all Referendum, District Council and Parish/Town Council ballot papers were scrutinised carefully and all ballot papers were printed in the correct format. In addition a manual check was made of each ballot paper prior to election day to ensure that books were printed correctly and that all papers included the official mark. All of the papers were printed by the Council's Reprographics Section and only a few minor errors were found prior to 5 May. It is unlikely that such a good service would have been given by an external printer.

22. There were no reports from Polling Stations of printing errors on the papers.

Spoilt Papers

23. There were 135 ballot papers rejected in respect of the Referendum, 125 for being unmarked or wholly void for uncertainty, 7 for voting for both answers to the question asked, and 3 for writing or marking the ballot paper in a way by which the voter could be identified.

24. The number of ballot papers rejected in respect of the District Council Elections varied between 25 in the Grange Hill Ward and 6 in both the Roydon and Shelley Wards. The majority of papers were rejected for being unmarked or wholly void for uncertainty.

25. In the Parish/Town Council Ward Elections there was a greater number of ballot papers rejected. In the Hemnall Ward for Epping Town Council 59 papers were rejected, in the St Johns Ward for Epping Town Council 31 papers were rejected, in the Marden Ash Ward for the Ongar Town Council 80 papers were rejected and in the Waltham Abbey North East Ward for the Waltham Abbey Town Council 37 papers were rejected. The majority of the rejected papers in all cases were unmarked. Some papers were rejected because voters used the AV system of voting, ie numbering candidates 1, 2, 3 etc. instead placing consistent

marks against their choices. National advice in relation to such papers is that, on balance, they should be rejected. The Returning Officer followed this advice.

Verification and Counts

26. Verification of the Referendum, District Council and Parish/Town Council papers commenced at 9.00 a.m. at Theydon Bois Village Hall on 6 May. The verification process and the counting of the District Council Wards was completed by 1.30 p.m. As the Chief Counting Officer had directed that the counting of the Referendum papers could not commence until 4.00 p.m. there had a break in proceedings until that time. A decision had previously been taken to count the Town/Parish Wards on 7 May as it could not be anticipated how long it would take to complete the verification process and the counting of the District Council Wards. The Referendum Count was completed by 5.30 p.m. The results were published immediately on the Council's website.

27. One Counting Agent expressed concern about restricted access preventing him from properly scrutinising the count process. No other concerns were expressed and taking account of the available space in the Theydon Bois Village Hall it is considered that the layout and the arrangements are probably the best that can be achieved. Some minor changes to the layout of the smaller hall will be investigated for the future.

28. The Parish/Town Council counts commenced at 10.00 a.m. on 7 May 2011 and were completed by midday despite the need to use "grass skirts".

Police Liaison

29. Discussions were held with the Police prior the election and the Police prepared a Policing Plan. The Police response was again very good this year with all Polling Stations receiving regular visits. There were no instances requiring immediate Police presence outside of the regular visits. There was also Police support provided at the Civic Offices at the close of poll to oversee the delivery of ballot boxes etc, and at the Count Centre. Police Officers escorted the delivery of ballot boxes from the Civic Offices to the Count Centre on 6 May. From a Policing prospective the elections gave little cause for concern. Police visits during polling day were well received by Polling Station staff.

Complaints and Queries Received in the Elections Office

30. There were few telephone calls made to the Elections Office on 5 May by electors. Some calls were made by Presiding Officers seeking clarification of procedures.

31. No formal complaints have been received regarding an alleged breach of electoral law.

32. Representations were made about the size of a badge being worn by a teller for the Referendum. The Electoral Commission published tellers' guidance including views on the size of rosettes. The Commission stated they considered a badge of a reasonable size (equivalent to a rosette of a reasonable size) would be acceptable. They also stated rosettes/badges could display the name of the campaigner, candidate or party, and/or an emblem or description. They further suggested that the use of the word 'yes' or 'no' should be considered to be acceptable. After confronting the teller a smaller badge complying with the Electoral Commission guidance was substituted.

Feedback from Election Agents and Candidates

33. Election Agents were invited to express views on the running of the Referendum, the Elections and the Counts.

34. One agent drew attention to a lack of candidate lists inside polling stations, the number of tellers/supporters outside of one polling station, the layout of the small hall for the count at Theydon Bois Village Hall and the need to keep ballot papers face up during the count. This latter point was also made by another agent.

35. One of the directions from the Electoral Commission was that the Notice of Poll which includes candidates' details was not to be displayed in polling stations. They specified that the only notices to be displayed were an A3 one in the polling booths advising how many crosses to put on each ballot paper and an A2 notice telling electors how to vote. Whilst it has been common practice to display the Notice of Poll in polling stations it is not a notice specified in the legislation for display inside polling stations and the Electoral Commission required strict adherence with the legislation. We would prefer the Notice of Poll to be displayed in polling stations at future meetings as we believe it is helpful to electors. However, if this is not possible we have that consideration be given to the display of these notices outside the polling station.

36. Some issues regarding the presence of supporters and tellers at or in the car park of the Saxon Way, Waltham Abbey polling stations were reported on the day and the stations were visited by both the Returning Officer and one of the Deputy Returning Officers. Advice was given to those present at the times of those visits but as there were two polling stations within the one building it was permissible to have separate tellers for each station.

37. As indicated in the Verification and Counts section above it is considered that the layout and the arrangements at Theydon Bois Village Hall are probably the best that can be achieved. However, some minor changes to the layout of the smaller hall will be investigated for the future.

38. Staff were reminded of the need to keep ballot papers face up during the count proceedings both at training and at the count and this requirement will continue to be emphasised in future. The Returning Officer and Deputy Returning Officers did not witness ballot papers face down at either the verification or counting stages except for some instances when bundles of 50 papers were being double checked when counters experienced papers sticking together when face up.

39. One agent referred to the locally agreed protocol which continues to require tellers to approach electors for their addresses, registration numbers only on the way out of the polling station whereas the Electoral Commission has advised that it is permissible for electors to be approached by tellers when entering the polling station. The agent has asked that the protocol should be changed as in his view electors are less likely to have their poll cards or talk to tellers when leaving the polling station.

40. This protocol was agreed with agents of all parties a few years ago and has worked well. Electors are not delayed from entering the polling station. Some members of the Panel prefer the Electoral Commission guidance as some electors offer their details to tellers on the way into the polling station and are bemused when told they have to do this on the way out. The Returning Officer has agreed to seek the views of agents and reconsider the local protocol.

41. Representations were also made about tellers having to stand outside of a polling station and to one presiding officer retaining poll cards and not allowing electors to keep them to hand to tellers on exiting the polling station.

42. In some polling stations it is possible to accommodate tellers inside the building, eg in a lobby to the main room where voting takes place. However, some polling stations only comprise the main room and at such locations tellers have to stand outside. Presiding officers are instructed to arrange for the secure destruction of any poll cards left in the polling station by electors. However, they are not expected to retain poll cards and it is a matter for the elector as to whether they hand their poll card to a teller on leaving the polling station. The Returning Officer has spoken to the Presiding Officer in question and has been assured that the correct procedure was followed.

43. All of the issues raised will be taken into account in relation to the planning and running of future elections.

Members' Views

44. We wish to congratulate the Counting Officer/Returning Officer and his staff for the efficient way in which the Referendum and Elections were run.