

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Leader of the Council's report to the special meeting of Full Council

5 December 2017

<u>REPORT TITLE:</u>	Independent report into issues faced by voters in Newcastle- under-Lyme at the 8 June 2017 General Election
<u>Submitted by:</u>	Cllr. Elizabeth Shenton, Leader of the Council
<u>Portfolio:</u>	All
<u>Ward(s) affected:</u>	All

Purpose of the Report

To inform Members that the independent review into the issues at the General Election in June 2017 has now been completed and for Members to consider the report and its recommendations.

Recommendations

- a) That this special meeting of Full Council notes the contents of the independent report into issues faced by voters in Newcastle-under-Lyme at the 8 June 2017 General Election.
- b) That Full Council agrees to receive an update from the Leader of the Council on matters relating to the independent report.
- c) That Full Council endorses all actions taken so far by the Leader of the Council on behalf of the authority in relation to matters relevant to the independent report.

Reasons

A significant number of issues have been raised by this independent report into election services in Newcastle-under-Lyme and it is vital that councillors fully consider the document and its recommendations so that the authority can begin to rebuild public confidence into local democratic processes.

1. Background

- 1.1. On 18 April 2017, Prime Minister Theresa May called a snap General Election.
- 1.2. This announcement came just over two weeks before the Staffordshire County Council elections were to take place on 4 May 2017 where all 62 councillors were due to be elected. The elections team at Newcastle-under-Lyme Borough Council oversaw this process.

- 1.3. On 8 June 2017, the General Election took place and three candidates contested the Parliamentary seat for Newcastle-under-Lyme. After recounts, the result was finally declared in the early hours on the morning of Friday, 9 June.
- 1.4. Following receipt of representations from a number of interested parties about issues they faced during the election process the Borough Council announced on Tuesday, 13 June that it had contacted the Association of Electoral Administrators (AEA) and asked them to carry out an independent review. I asked for this report to be commissioned so it could look into the issues raised by candidates and residents with the electoral processes both on polling day and the run up to it. I wanted to know what had gone wrong and what we needed to do to put it right.
- 1.5. Andrew Scallan CBE was put forward by the AEA to carry out that review and his final report has now been received by the Council and it is attached in full as an appendix to this report.
- 1.6. Mr Scallan is the former Director of Electoral Administration at the Electoral Commission. He received his CBE for services to electoral democracy and worked at Manchester City Council for many years before joining the Commission in 2006. He has been involved in electoral services since 1983.
- 1.7. His final report was received by the Council on Thursday, 23 November.

2. Issues

- 2.1. The independent report confirms that at least 998 people were denied the opportunity to vote at the Parliamentary election and a further number of up to 362 may also have been disenfranchised.
- 2.2. On behalf of the Council I would like to apologise to all of those who were impacted by the issues raised in the report. And whilst the Council cannot turn the clock back and right what went wrong in June, it can consider how best to make sure these things do not happen again and we can begin the task of rebuilding public confidence in the democratic process in our borough.
- 2.3. The report makes 16 direct recommendations to the Borough Council and these are itemised in the table below.

	Recommendation to the Acting Returning Officer/ Electoral Registration Officer
1.	The inexperience of elections office staff should be urgently addressed. The current structure, with a reliance on consultants, is not conducive to building experience across the team. The Acting Returning Officer (ARO)/Electoral Registration Officer (ERO) should therefore take immediate steps to create a post of Electoral Services Manager at a salary of about £35k and create at least two full-time equivalent posts to support it. If this fails, then the ARO/ERO should consider pooling his resources by creating a shared service with a neighbouring authority.
2.	To help restore trust in the management of the elections, the ARO

	should write to all electors who have been affected by any of the issues listed in this report with an apology.
3.	The ARO/ERO should undertake a thorough independent review, assisted by the Electoral Commission, to ensure that all practices followed in the office are legally compliant.
4.	The ARO should ensure that on-site checks are carried out of all postal vote batches as they are being printed.
5.	Ahead of the next scheduled polls, the ARO should review the process for issuing postal votes to overseas addresses, with a view to ensuring that postal votes being sent abroad are issued in a more timely fashion. While overseas electors are not entitled to vote at local elections, there may well be a number of electors at next year's polls who request their postal vote to be re-directed to an overseas address while they are temporarily away on business, holiday or for any other reason. The smaller scale of postal votes being sent abroad next year may provide the ARO with an opportunity to trial the manual issue of these postal votes.
6.	Confirmation whether an absent vote application has been successful or unsuccessful should, as required by law, be sent to all applicants.
7.	The relevant parts of the absent voting lists, including the list of postal voters, should in future be supplied to each polling station, as set out in the election rules.
8.	Staff at collection points should be fully briefed by the ERO on the importance of keeping registration and absent vote applications secure and transmitting them in a timely fashion.
9.	Especially in light of the upcoming accommodation changes, elections office staff should be reminded to regularly collect documents from those collection points, as well as check all in-trays, post boxes and desks to ensure that no documents are missed. They should also regularly check any generic e-mail addresses used by the elections office, as some electors may have sent in their application to a generic inbox, rather than to any e-mail address specifically set up to receive applications.
10.	The ARO/ERO should, as a matter of urgency, ensure that adequate training on the elections software and law is provided to elections office staff and the Head of Audit and Elections.
11.	The ARO should ensure that future project plans give dates by which the software needs to be switched to "election mode." The risk register should also be updated to highlight the risks associated with not doing so.
12.	The ARO should review the means of communication between polling station inspectors, polling station staff and the elections office.
13.	The ERO should review the office's resource requirements to ensure that staff are able to deal with any peaks in activity ahead of an election

	and contact, where necessary, those applicants who need to supply further information or evidence in order to register.
14.	To avoid confusion by those who applied to register after the deadline for an election, the ERO and his staff should familiarise themselves with the contents of all the letters generated by the elections software and review the timing of the issue of confirmation of registration letters ahead of each future election.
15.	All elections office staff and any other staff dealing with elections, including temporary staff, should receive training in good customer care ahead of next year's scheduled polls.
16.	At future elections, senior staff in the elections office should provide scripts to anybody dealing with the public and keep these under review, so that accurate information can be provided to electors who may be experiencing particular issues.

2.4. In addition to these recommendations to the Acting Returning Officer/ Electoral Registration Officer, the report goes on to make five other recommendations to other bodies. These are:-

A) Recommendations to the Electoral Commission

- (i) The Electoral Commission should consider making explicit reference in its guidance and templates for Returning Officers to switching the elections software to "election mode" and carrying out any necessary checks.
- (ii) The Commission should assist the ARO/ERO in their recommended review of office practices to ensure that they are all legally compliant.

B) Joint recommendation to the Electoral Commission and the Cabinet Office

The Electoral Commission and Cabinet Office should review the appropriateness of the wording of the confirmation of registration letters in the context of an election and provide advice on the timing of its issue.

C) Recommendation to the UK Government

The circumstances in Newcastle-under-Lyme demonstrate the need for the petition process to be modernised and the UK Government should reconsider the appropriateness of the current method of challenging the outcome of elections.

D) Recommendation to IDOX and other elections software companies

IDOX and other software houses should consider if there is any more they could do to help their customers check that their software has been set to "election mode."

E) Recommendation to the Association of Electoral Administrators (AEA)

The AEA, as the largest provider of consultants and temporary electoral services staff, should review its procedures for allowing members on to its panel and consider how they can ensure that their consultants do not give advice contrary to law or not in the voters' interests for the sake of administrative convenience.

- 2.5 Whilst considering these recommendations from the report, members are also asked to take into account the following information:-
- (i) Electoral Commission Guidance for (acting) Returning Officers at a Parliamentary Election

https://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/175365/UKPE-Part-A-Returning-Officer-role-and-responsibilities.pdf

- (ii) Part 2 of the Electoral Commission's guidance for EROs
https://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/162573/Part-2-Registration-framework.pdf

- (iii) Part 5 of the Electoral Commission's guidance for EROs
: https://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/162580/Part-5-Absent-voting.pdf

- 2.6 In addition to the points above, elected members should be aware that in the conclusions element of the document, the context of the report from Mr Scallan changes and he talks about the Newcastle-under-Lyme constituency in isolation rather than the overall picture impacting on voters across all constituencies which the Council elections team had an involvement with.

3. Actions taken so far

- 3.1. After receiving the report on 23 November, and after taking advice from the Local Government Association, I took the following actions which I now ask Full Council to note and to endorse:-
- a) I have suspended the Council's Chief Executive (who acts as the Acting Returning Officer and Electoral Registration Officer) and the Monitoring Officer (who acts as the Head of Audit and Elections) until further notice and will be convening a meeting of the Chief Officer Appointments, Dismissal, Review and Appeals Committee to confirm their suspensions.
 - b) I have secured agreement with Stoke-on-Trent City Council for Fiona Ledden, their Assistant Director for Governance (who acts as their Acting Returning Officer and Electoral Registration Officer) to provide support to the Council in ensuring that the Council's election processes and systems are fit for purpose. As members are aware, the Borough Council has two by-elections taking place next week and ensuring we have a sound and robust process in place for these two by-elections has been one of my first priorities. That has been achieved thanks to the agreement with Stoke-on-Trent City Council with regards to their elections team coming in and I have passed on my sincere thanks to the City Council for its excellent support which has been given at short notice.
 - c) I have written to the Electoral Commission, the Cabinet Office, the Government, IDOX and the Association of Electoral Administrators informing them of the recommendations in the independent report and supplied them with a copy of the document for their consideration.

- d) I have been in touch with the candidates and agents at the General Election who were impacted by the issues in Newcastle-under-Lyme. As well as providing a copy of the report I also offered them the opportunity to make an appointment to come into the Civic offices to discuss and consider the contents of the report.
- e) I organised a number of media briefings for our local press organisations so they had an opportunity to report to residents the issues raised in the report, the recommendations it put forward and also the actions the Council was taking as it begins to try and rebuild voter confidence in the local elections system.
- f) I have briefed Cabinet colleagues and Executive Management Team on the interim managerial arrangements which have been put in place as a result of the suspensions.
- g) I have arranged for information to be circulated to staff and elected members about this developing situation.
- h) I have shared the contents of the report with Staffordshire Police for their consideration in line with point 7.19 in the report.

4. Legal and statutory implications

- 4.1. There are a number of legal and statutory implications for the Council as a result of the report and further advice will be taken on these matters between the publication of this document and the special meeting of Full Council and it will be my intention to update members on these matters as part of my proposed verbal update to the special meeting.

5. Financial matters

- 5.1 There will be a number of financial implications for the Council as a result of the report. These cannot be fully quantified until further work has been undertaken in respect of recommendation one of the independent review (see section 2.3 of this report).
- 5.2 Any additional budgetary requirement for the Elections Service will be built into the ongoing budget process in respect of the 2018/19 financial year.
- 5.3 Any additional costs incurred in the current financial year, including the cost of the independent report, will have to be met from the Council's Contingency Reserve Fund.

6. Appendices

- 6.1 The independent report into issues faced by voters in Newcastle-under-Lyme at the 8 June 2017 General Election is attached to this report as an appendix.