

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION – MOVING THE DATE OF ENGLISH LOCAL GOVERNMENT ELECTIONS TO THE DATE OF THE EUROPEAN PARLIAMENTARY ELECTIONS IN 2014

Submitted by: Senior Member Services Officer – Nick Lamper

Portfolio: Communication, Transformation and Partnerships

Ward(s) affected: All

Purpose of the Report

To formulate the council's response to the above consultation paper.

Recommendation

That the council's response to the consultation be based on that set out in the report, subject to any additions/amendments agreed at the meeting.

Reasons

Responding to the consultation will ensure that the council's views are considered when the Secretary of State determines whether to make an order to move the date of the elections and, crucially, in determining any consequential provision amending other legislation in order to deal with the practical consequences of moving the election date.

1. Background

- 1.1 Section 37A of the Representation of the People Act 1983 provides that the Secretary of State may change the date of local elections in any year so that those elections will coincide with a European Parliamentary election being held in that year. This power has been exercised in the years of the last two European elections – 2004 and 2009.
- 1.2 In 2014 such a combination of polls would lead to the local government elections being moved from 1 May to either 22 May or 5 June 2014. The European election is currently scheduled to be held on 5-8 June but the Council of the European Union has proposed moving this to 22-25 May. On this basis it is more likely that the combined poll would be held on 22 May.
- 1.3 Prior to making such an order the Secretary of State is required to carry out consultation, and has therefore published the attached consultation paper which is targeted particularly at those local authorities which have elections in 2014, Newcastle-under-Lyme being one.

2. Issues

- 2.1 There are a number of advantages and disadvantages to combining polls in this way, but it is generally accepted that the advantages outweigh the disadvantages. These include cost effectiveness, minimising confusion (in most scenarios) and maximising convenience for voters, increased turnout, and enabling the effective use of available resources over one election period rather than two, which are effectively separate yet overlap.
- 2.2 In particular, where the combination of polls relates to one which is externally funded and another where the cost is borne by the authority itself, as in this case, there are direct

financial savings for the local authority, while democracy is also better served by the increased engagement and turnout.

- 2.3 The disadvantages are mainly practical, and include matters such as the need to hold the annual council meeting later (the legislation would provide extra flexibility for this; the Local Government Act 1972 provides that the annual meeting of a principal council must be held within 21 days of the day of retirement of councillors in an election year) and consequential adjustments to the committee timetable, as well as increased administrative complexity in combining the polls.
- 2.4 Although there is some added complexity in running a combined poll, this is preferable to running two polls very close together with overlapping timetables, as would be the case if the date of the 2014 local elections were not aligned with the European poll. European Parliamentary elections in England have since 2009 been administered on local authority boundaries rather than those of the English Parliamentary constituencies, which has further simplified their combination with local government elections.
- 2.5 Furthermore, electoral administrators and other staff at district councils in two-tier areas are well experienced in running combined polls, having delivered county council elections combined with Parliamentary ones in 1997, 2001 and 2005, a combined county and European poll in 2009, and combined district council elections and Alternative Vote referendum in 2011. Those in districts which go by thirds, such as Newcastle, also ran district elections combined the European ones in 2004 and with the Parliamentary in 2010.
- 2.6 The consultation document makes reference to the potential for confusion amongst the electorate under both scenarios – where the polls are not combined and voters will be exposed to publicity for both elections in the lead up to the first; and where the polls are combined and electors will be expected to cast multiple votes at one time using different voting systems.
- 2.7 In practice, voters tend to cope well when two polls are combined and it is only where three or more are held together that significant confusion may start to creep in. Although the paper makes mention of the possibility of parish council elections and Council Tax and other local referendums, these are unlikely to be an issue in Newcastle, with the next parish elections being scheduled for 2015 and no reason to expect any other type of local poll. In any case, risks of voter confusion can be largely mitigated by robust training of the staff presiding at polling stations and those dealing with queries in relation to postal votes, as well as clarity of design of postal ballot packs.
- 2.8 The consultation document also seeks views on moving the date of any council tax referendums in addition to that of the local government elections. This proposal is not supported for the reasons set out in detail in section 3.4 below.

3. **Proposal**

- 3.1 The consultation seeks views on six specific questions, and suggested responses are set out in relation to each of these in the following sections.
- 3.2 **Do you consider that Government should seek to move the date of elections to principal local authorities in 2014, including elections of directly elected mayors, from 1 May so that they are held on the same day as, and in combination with, the European Parliamentary elections?**
 - Yes. The advantages in terms of cost effectiveness, project and risk management, minimising confusion and maximising convenience for voters, increased turnout, and

making the most effective use of available resources far outweigh any disadvantages of combining the polls.

3.3 If we change the date for those elections should we also move the date of parish council elections where they are scheduled to take place on 1 May 2014?

- Yes, for the reasons set out in response to the previous question.

3.4 If we change the date of elections to principal authorities, should we also move the date of any council tax referendums where they are scheduled to take place on 1 May 2014?

- Although the same administrative advantages would apply to moving any referendum as would apply to moving the local government elections, it would be preferable to hold a Council Tax referendum on a date as early as possible. If it became necessary to hold a Council Tax referendum there would be a degree of uncertainty created to taxpayers, which would have administrative and collection implications. Although preferable to minimise any uncertainty, we should be mindful of the potential administrative savings alignment of the dates would bring. Based on the need for a Council Tax referendum only being a possibility rather than a reality at this time, on balance it would be advantageous to align the dates but this is by no means clear-cut.

3.5 What practical issues do you foresee in combining effectively local elections with the European Parliamentary elections?

- Requirement effectively to run two separate processes simultaneously;
- Increased demand on print capacity in terms of the volumes of ballot papers and increased complexity of postal ballot packs;
- Potential voter confusion over the type of polls being held;
- More complex verification and count procedures;
- Increased staffing levels for some processes – eg postal vote opening, polling staff, verification, count;
- Ensuring the correct franchises are used for each poll.

3.6 What practical issues do you foresee in combining effectively local elections with any referendums?

- See answers to previous two questions.

3.7 What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?

- It is essential that all secondary legislation and guidance is put in place sufficiently early to allow full and detailed project planning of the elections and remove any uncertainty over detailed requirements. The effective running of previous elections and referendums has repeatedly been jeopardised by the lateness of the passing of legislation and provision of information from central government and this must not be allowed to happen again.
- It is paramount that the legislation ensures that the timetables for the elections are completely integrated;
- A comprehensive and timely publicity campaign should be run by the Electoral Commission to engage and inform the electorate and minimise confusion over the type of polls being conducted;

- With adequate notice and lead-in time, local authorities will be well placed to project plan the elections thoroughly, identifying required resources at an early stage, managing risk and contingency planning.
- The government should not seek to move the date of any council tax referendums, for the reasons set out in response to the related question above.

4. **Legal and Statutory Implications**

- 4.1 The moving of the local government elections to coincide with the European Parliamentary elections would require the making of an order by the Secretary of State, pursuant to powers under section 37A of the Representation of the People Act 1983. This would place a duty upon the Returning Officer to conduct the election in accordance with the timetable specified by the legislation.

5. **Equality Impact Assessment**

- 5.1 The government will have regard to equality and diversity issues in reaching its decision on whether to bring forward the secondary legislation and its content.

6. **Financial and Resource Implications**

- 6.1 The combining of the polls would result in cost savings in their delivery, including a direct saving for the council in relation to the borough elections.

7. **Major Risks**

- 7.1 The conduct of all elections is subject to rigorous project planning, risk management and contingency planning.

8. **List of Appendices**

The consultation document is appended.

9. **Background Papers**

None.