

Public Document Pack



Telford & Wrekin
Co-operative Council

Protect, care and invest
to create a better borough

Borough of Telford and Wrekin

Communities Scrutiny Committee

Thursday 11 April 2024

6.00 pm

Council Chamber, Third Floor, Southwater One, Telford, TF3 4JG

Democratic Services:	Sam Yarnall	01952 382193
Media Enquiries:	Corporate Communications	01952 382406
Committee Members:	Councillors E Davies (Chair), E Aston (Vice-Chair), S Handley, A D McClements, R Sahota, P J Scott and G Thomas	

	Agenda	Page
4.0	Election Review Working Group Report	3 - 12
	To receive the report of the recent Local Election Review Working Group.	

If you are reading these papers on an electronic device you have saved the Council £15.22 and saved 6.1kg of CO₂, based on average agenda printing costs for the 2022/23 municipal year.

This page is intentionally left blank

Telford & Wrekin Elections Review

Report of the Communities Scrutiny Committee Working Group on Elections Review

1. Introduction

- 1.1 Following the May 2023 Elections, it was suggested that as part of the Communities Scrutiny Committee work programme the Committee could examine the recent local elections. Following an initial scene setting, Members felt that a review into the Elections process would be valuable to help understand the various stages of planning and delivery, with a particular focus around the process for counting votes and the impact of the introduction of voter photo ID legislation and whether or not there were any areas for improvement in those processes.
- 1.2 These sentiments were echoed across the Committee and were not limited to any particular group or party.
- 1.3 The Chair of the Communities Scrutiny Committee requested that the Committee undertake an in-depth review into election processes, provide feedback on their own individual experience of an election, identify any areas for improvement and ensure continuous improvement takes place..
- 1.4 The Committee established a working group to consider the previous election process, how it compared to other authorities and to hear expert evidence.
- 1.5 The Committee discussed and heard evidence from both internal officers and an expert witness, Mark Heath, who was regularly used as an expert consultant on running elections. Each of these gave the committee an insight into how an election is run locally and how it compared to other local elections. It highlighted some areas of improvement as well as areas of best practice already undertaken by the Council's Elections Team. Members saw the reality of when things go wrong, by considering widely reported errors at election counts elsewhere in the Country. Mark Heath provided a detailed overview of the intricacies of running an election, and ensuring a well-managed count and provided an assessment of the Council's current practice, which he considered to be well run and effective.
- 1.6 The working group expressed their thanks to officers and presenters for speaking to them and providing evidence to Members.

2. Committee Meeting - 11 October 2023

- 2.1 The Committee received an overview of the elections process which explored the legislative requirements of conducting an election by the Chief Executive and Returning Officer, David Sidaway, and Director – Policy & Governance and Deputy Returning Officer, Anthea Lowe.

- 2.2 This included a discussion on the role of the Returning Officer and the legislation required to maintain security and privacy of both electorates and candidates.
- 2.3 It was explained that the role of the Returning Officer was completely independent to that of Chief Executive and that the sole focus of a Returning Officer was to ensure the integrity of the ballot and ensure a lawful election process. In order to achieve this, there is a legal requirement for local authorities to provide the Returning Officer with sufficient resources to comply with their legal obligations.
- 2.4 Members were informed of the different elements that were involved in arranging an election such as the organisation of ballot boxes, polling stations, poll cards, postal votes, with the count night itself and the declaration of the results being just one aspect of the entire electoral process. Members were apprised that the electoral process also relied on the proper processes having been taken in respect of electoral registration. To this end, it was necessary to ensure that sufficient training was provided to staff so that they could competently undertake their role. In preparation for the May 2023 elections, more than 12 hours of training had been delivered to more than 344 members of staff in the course of two weeks.
- 2.5 In terms of the count night, Members were informed of the process regarding the verification and counting of ballots and that all votes for all elections have to be verified before the count can formally get underway. This was a key requirement of the performance standards for Returning Officers and ensured that all ballots were accounted for, preventing any votes being missed by being placed in the wrong ballot box by an elector. In turn, this ensured that the count was conducted accurately and in a lawful manner which, in turn, provided robust assurance that the declared results were fair and accurate. It also ensured that the risk of an election petition (which could lead to the results being declared void) was limited and, even more so, that the likelihood of such a petition being successful was minimal. On this basis, accuracy was the key focus of the Returning Officer and the count team.
- 2.6 Members were informed about the many work streams required, both ahead of the election count and on the night itself, which officers worked on, as well as many of the practical considerations which officers are required to satisfy. These included the safety and security of the ballot papers, ensuring that there were enough staff to effectively and efficiently count the papers and appropriate confidential storage to contain the ballot papers for 12 months.
- 2.7 The Returning Officer and Deputy Returning Officer explained that, at the conclusion of every election, the elections team and wider virtual team from across the Council, meet to undertake a lessons learned process. This is considered to be good practice and ensures continuous improvement in the elections process so that they operate as smoothly and efficiently as possible. Some small issues had been identified following the May 2023 elections and

plans already adapted to make the process as seamless as possible and to further improve efficiency.

- 2.8 Following the presentation, Members made a few comments in relation to the count night and the election process. Members felt the count had possibly taken longer than in previous years. Data was provided by the Returning Officer setting out that, when taking account of the increased number of registered electors and a slightly increased turnout, the count had concluded at a similar time as in May 2019. In 2019, there were 125,918 votes counted (taking into account recounts) whilst, in 2023, there were 153,812 votes counted (taking account of recounts). In 2019, the two counts (Borough and Town/Parish) collectively took around 12 hours and 45 minutes whilst, in 2023, the two counts collectively took around 13 hours and 20 minutes to undertake – just 35 minutes longer to count an additional 26,900 votes. Members also recognised that this was the first election following the recent Boundary Review so there was no precedent against which to compare.
- 2.9 Members also learnt of the variable factors that can make counts (and verifications) more complex and time-consuming. For example, multi-member wards where more than one vacant seat is contested need to be counted using either a grass skirt, a count sheet or a kangaroo board. To count ballot papers using these methods is more time-consuming than simply counting pieces of papers. Similarly, the size of a ballot paper impacts upon the time that it takes to count votes with it being a longer process to count large and oversized ballot papers. In May 2023, there were a number of oversized ballot papers due to the number of candidates standing, with some areas seeing candidate numbers in the mid to late teens.
- 2.10 Members also learnt that there was a legal requirement to verify **all** ballot papers across **all** elections before moving on to count the votes cast in one election. This was to ensure that there was no risk of ballot papers from one election (e.g. the Borough election) being placed in the ballot box for the other election (e.g. the Parish election) and then not being taken forward to a count. This was not widely understood or appreciated by candidates attending the count.
- 2.11 Members shared their views that, with the benefit of a full explanation of the processes, and a detailed account of the complexities of an election count, they were assured that the count had been well run, timely and efficient. Members expressed that having a full understanding of the election process was helpful.
- 2.12 Members noted that there did appear to be some breaks taken by count staff but appreciated that staff were legally entitled to breaks and largely the breaks took place whilst verification was continued at other count tables, or before commencing a different count. Officers explained that, previously, count teams had taken their break at around the same time meaning that there was a period of time when no activity took place. Whilst this did not result in 'extra time' being used by break periods, the recent lessons learnt exercise

identified that the downtime could be perceived by those in attendance as introducing a delay. It had, therefore, already been agreed that breaks for count teams would be staggered so that count activity would still be ongoing throughout the count venue.

- 2.11 Officers also shared real examples of when elections in other areas of the country had not gone as planned, giving some insight into why the processes are carried out in the way that they are. They heard of some areas where poor planning in the pre-election period had led to significant delay (several days, in some cases) in results being declared, where the incorrect candidate had been declared successful and where there had been arithmetical errors in calculating the number of votes each candidate had received.
- 2.12 Members recognised that the process was complex and that there were many different stages of planning before the actual count night. They noted that the testing and due diligence undertaken by the Returning Officer and his team was robust – noting that 2 mock election full count training sessions had taken place as well as testing of various different counting methods to ensure that the most efficient methods were utilised. This provided assurance that the most appropriate and suitable methods were used on the count night. In addition, Members learnt of the significant level of training that was delivered across 8 sessions to train 344 members of staff before polling day which provided assurance that staff understood what was required of them and had the skills, knowledge and experience to carry out their role.
- 2.13 Members reflected on the count that took place in May 2023 and commented that the count methods for multi-member wards were unfamiliar for staff who, in all likelihood, would only use these methods once every 4 years. Notwithstanding the 2 mock elections that had taken place and the count training delivered the week prior to the count, it was felt that staff would feel assured by more training on the multi-member ward count methods.
- 2.14 Members thanked the Returning Officer and Deputy Returning Officer and also set out their thanks to all Council staff and casual elections staff that were involved in the overall organisation and implementation of an effective election. It was recognised that the legislative backdrop was complex and the level of planning and preparation undertaken by the Elections Team was far more detailed than they had known.
- 2.15 In terms of Voter ID, members heard that there had been changes introduced as a result of the Elections Act 2022 which meant that those who wished to vote in person at a polling station were required to take photographic identification. The Committee learnt of the activity that the Returning Officer and his team had carried out to ensure as many people as possible would be aware of this requirement. This included:-
 - Writing to every household in the Borough to notify them of these requirements;

- Advising electors of the other ways they could vote such as postal voting or appointing a proxy;
- Training all managers and team leaders on the requirements so that they could share through word of mouth or during their day to day work;
- Undertaking communications activity on social media and via radio to ensure people were aware of the requirements;
- Using pop-up banners at libraries and leisure centres;
- Training sessions with Town and Parish Councils and community groups; and
- Writing to more than 3,000 community groups to advise them of the changes.

This was in addition to the national campaign operated by the Electoral Commission.

- 2.16 The Committee heard that there was more than 20 forms of acceptable photographic ID that could be used to vote in person at a polling station. If any elector that wanted to vote at a polling station did not have appropriate ID, then they could apply to the local authority for a Voter Authority Certificate – a document issued free of charge that could be used for this purpose.
- 2.17 Committee members were informed that, if anybody attended the polling station without valid ID, the Presiding Officer was legally required to refuse to issue a ballot paper to the elector, asking them to return with some ID.
- 2.18 Presiding Officers were, in the May 2023 elections, required to keep a note of the number of electors who were turned away due to not providing photographic ID as well as those who were initially turned away before returning with some ID and were then issued a ballot paper. In terms of the numbers of electors who were not issued a ballot paper at all, the numbers were relatively small, with 0.3% of voters who turned up at a polling station, affected. This equates to 0.0004% of our total registered electors.
- 2.19 Whilst some national data is available on the impact of Voter ID at the May 2023 elections, elections experts have concerns regarding the robustness of this information. However, the figures suggest that, nationally, as many as 1.04% may have been prevented from casting their vote due to the impact of Voter ID with an estimated 3% of electors nationally not having the necessary ID.
- 2.20 Whilst members commented that everyone should have an ability to vote, they were assured by the figures provided that the communications campaign adopted by the Returning Officer was effective and wished to record their thanks to the communications team for their work on this.
- 2.21 Looking towards PCC elections in May 2024, the comms campaign would continue and, again, the Returning Officer will write to every household in the Borough setting out the requirements.

3. Workshop - 9 November 2023

- 3.1 Members received a briefing from Mark Heath, a former Monitoring Officer, Returning Officer and now Consultant Returning Officer, Solace's Elections spokesperson, as an expert witness on organising, conducting and evaluating elections. They learnt that Mr Heath had more than 30 years' experience in the delivery of elections and was often called upon to undertake formal reviews into elections processes across the country when any difficulties had been encountered.
- 3.2 Mark Heath summarised to Members the role of the Returning Officer to ensure that a fair and accurate election was being conducted.
- 3.3 It was explained that a Returning Officer had four main principles to work towards;
 - a) to ensure that those who have a right to stand as a candidate can exercise that right;
 - b) to ensure that those who have a right to vote can exercise that right
 - c) to implement the will of the people; and, above all
 - d) to ensure accuracy in the result that is declared.
- 3.4 Members were informed that, in contrast to other authorities he had worked with to improve processes, the timings in regards to the count process in May 2023 were on par with other Councils nationally.
- 3.5 Mr Heath also explained to Members that even though the timings were similar, he would always prioritise efficiency over speed. He explained as the reason for this was that the only thing that was important was the accuracy, and thereby integrity, of the count. He cited examples from other Local Authorities where things had gone fairly seriously awry, where the length of the count had taken days and where inaccuracies had led to ramifications for the declaration of the results. It was explained that the responsibility of the Returning Officer was to make sure that the count was lawful, fair and accurate. One of the main ways that this could be ensured was by having an accurate election count.
- 3.5 The presentation summarised the legal framework and the expectations in relation to the role of the Returning Officer as well as the other officers that were involved in contributing to the success of an election.
- 3.6 Mr Heath also discussed best practice in terms of staffing elections. He explained that, without exception, every authority with a responsibility for conducting elections relied upon Council employees and their family members to staff elections and went so far as to say that it would be very ill-advised to take a different approach. Given that the focus of Returning Officers was to ensure that the election was delivered efficiently and effectively, it made sense to use existing staff who are reliable and, more importantly, are invested in the work that the Returning Officer undertakes.

- 3.7 Members were advised of the steps taken by the Returning Officer to ensure that, during elections, there was access to a bank of staff with the appropriate skills to undertake elections work. These skills were, primarily, an attention to detail, a willingness to work uncertain and anti-social hours, a commitment to accuracy and an ability to work under the unique pressures an election brings. The Council had contacted a number of local organisations to share opportunities in this regard and had also made contact with recruitment agencies to support in the recruitment of additional staff. Regrettably, this had not resulted in significant numbers of potential staff coming forward. It was recognised by the Committee that the use of Council staff, which is commonplace across the elections professions in the majority of Councils, provides reliability and certainty in terms of staffing an election as well as providing last minute contingency staff when needed.
- 3.8 Members heard from the Returning Officer and received evidence regarding the election briefing for candidates and agents. This evidence highlighted that historically, the candidate and agent briefings had been poorly attended. It was stressed that the importance of these briefings was that they were designed to highlight the overall process of an election as well as assumptions/estimations of when a count would be expected to conclude. The briefings also provided vital information around legal procedures that would support candidates to better understand the process of an election count.
- 3.9 Members also heard that a briefing pack was shared with all candidates and their agents when they attended a briefing but, also this was shared electronically with those who did not attend. In addition, briefing packs were available online.
- 3.10 Members discussed how they could convey the importance of the candidate and agent briefings with their respective political groups and felt that they had a shared responsibility to do so. A number of different methods were discussed including literature and group briefing sessions.

4. Deliberations

- 4.1 The working group was extremely grateful to all those who attended and provided evidence during this review. The review was conducted in the form of an informal workshop, via Microsoft Teams and a formal committee meeting.
- 4.2 Members heard about the legislative requirements for organising, running and conducting an effective election.
- 4.3 Members considered the steps taken by the Returning Officer and the Council's Elections Team to brief candidates and agents on the election count process.
- 4.4 Members also recognised the important role that the Candidate and Agent briefings played in ensuring that those attending a count had a good understanding of what to expect and that this helped in managing

expectations around timescales. It was felt that this was a crucial element of the electoral process in terms of managing expectations and that political parties had a responsibility to ensure attendance at such briefings as the Returning Officer offered.

5. Recommendations

Having considered all of the information that they were provided with, Members made the following recommendations:-

- 5.1 Future prospective candidates (both those that are members of a political group and those that are independent) and their agents ensure that they attend the briefings provided prior to an election in order to better understand the process of an election count;
- 5.2 All political groups should take steps to ensure that any prospective candidates and agents attend the pre-election briefings offered by the Returning Officer and his team;
- 5.3 That, at the next election, the elections team pilot the staggering of staff breaks to assess what impact, if any, this has on the efficiency of proceedings;
- 5.4 Where possible, at future elections where several wards require counting, an indicative count plan is provided to candidates so that they have some expectation as to when results for their prospective ward may be announced. This needs to be shared along with advice that it is an indicative plan only and could be subject to change; and
- 5.5 The elections team review the training requirements for count staff who will be counting multi-member wards, including the implementation of the training video(s) that are being prepared by the Returning Officer's team.

Members also noted:-

- 5.6 That, whilst the role of the Returning Officer is independent of the Council, there is a requirement for the local authority to provide the Returning Officer with appropriate resources to enable him to discharge his legal responsibilities;
- 5.7 That the Returning Officer has adopted an approach to ensure continuous improvement and that this approach be maintained;
- 5.8 The significant work carried out by the Returning Officer and his team in organising and conducting an election;
- 5.9 That it is considered good practice to utilise local authority employees to staff elections;
- 5.10 That the 'lessons learned' exercise carried out by the Returning Officer after each election was good practice and that some small improvements had

already been identified and incorporated into future plans – these improvements were endorsed by Members; and

5.11 The work of the Returning Officer and his team was thorough, robust and provided assurance that the election process was well run.

6. Conclusions

6.1 When considering the draft report, Members acknowledged the report to be thorough and detailed. Members welcomed the report, the assurance that it gave in terms of robustness of elections processes and the recommendations contained therein.

6.2 Members thanked officers and witnesses that had provided evidence to the working group regarding the process of a local election.

6.3 Members also thanked all members of staff and officers involved with organising, arranging and conducting an election.

6.4 Members also wanted to place on record their thanks to the Communications team for their work on publicising the need for photographic ID to vote at a polling station and the positive impact this had had on the numbers of voters who were able to vote in the May 2023 elections.

Membership

Member	Role
Councillor Elise Davies	Chair
Councillor Erin Aston	Committee Member
Councillor Angela McClements	Committee Member
Councillor Stephen Handley	Committee Member
Councillor Ranbir Sahota	Committee Member
Councillor Peter Scott	Committee Member
Councillor Gareth Thomas	Committee Member

Report prepared by Sam Yarnall, Democracy Officer (Scrutiny)

Sam.Yarnall@telford.gov.uk or 01952 382193

This page is intentionally left blank