

Decision Maker: General Purposes & Licensing Committee

Date: 26 September 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: Feedback on the Greater London Authority Elections May 2012

Contact Officer: Carol Ling, Electoral Services Manager
Tel: 020 8313 4367 E-mail: carol.ling@bromley.gov.uk
Mark Bowen, Director of Resources
Tel: 020 8313 4355 E-mail: mark.bowen@bromley.gov.uk

Chief Officer: Doug Patterson, Chief Executive & Returning Officer

Ward: N/A

1. Reason for report

To advise Members on key issues relating to the Greater London Authority (GLA) Elections held on Thursday 3 May 2012, and to give Members the opportunity to comment on the electoral arrangements.

2. **RECOMMENDATION(S)**

Members note the contents of the report and consider whether there is any feedback they want to give the Returning Officer for him to take into account when making arrangements for future elections.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Conducting Elections
 4. Total current budget for this head: £N/A
 5. Source of funding: The GLA funds the GLA Elections
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Staff

1. Number of staff (current and additional): 4 full time, 2 casual staff, and approximately 1,000 temporary staff (recruited by the Returning Officer for staff polling stations, delivery of poll cards, work related to postal votes and staffing the count)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement. The Council is required to designate one of its officers as Returning Officer for Local Government Elections (includes GLA Elections) under the provisions of Section 35 of the Representation of the People Act 1983. The Returning Officer is personally responsible for the conduct of these GLA Elections
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): c236,000 registered electors, candidates, agents and staff
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 On Thursday 3 May 2012, elections were held in Bromley for the Mayor of London and 25 London Assembly members. The poll was also taken with the poll for the election of a councillor in the Bromley Town Ward only.

3.2 Voting Systems

The Mayor of London is elected using the 'additional member' voting system. Voters are required to mark both their first and second choices on their ballot papers. If, in the first round, no candidate receives more than 50 per cent of the total votes cast, the second choices for the two leading candidates are added to their initial scores to decide the overall winner.

For the assembly elections, London is divided into 14 constituencies, whose members are elected using the 'first-past-the-post' system. A further 11 London-wide seats are allocated on a 'top-up' basis, whereby votes are counted across London and the seats are shared among the political parties in proportion to the votes each party receives.

(Bromley is in the GLA constituency of Bexley and Bromley, and is the 'lead' borough as it has the larger electorate).

Due to the length of time that it would take to count the votes for the Mayor of London and London Assembly election manually, the votes are counted electronically.

3.3 Roles and Responsibilities

The Greater London Returning Officer (GLRO) (John Bennett, Head of Special Projects and Elections, GLA) is the Returning Officer for the elections of Mayor and London-wide members and is the proper officer appointed by the GLA for this purpose.

The Constituency Returning Officer (CRO) (Doug Patterson, Chief Executive, Bromley) is the Returning Officer for the election of the constituency London Assembly Member. He is also responsible for the verification and counting of the ballot papers for all three contests, subject to any directions issued by the GLRO. The CRO is also the Electoral Registration Officer (ERO) in Bromley.

The Borough Returning Officer (BRO) (Will Tuckley, Chief Executive, Bexley) is not formally a 'Returning Officer' in the GLA elections, as only the CRO has a result to declare. However, he has responsibilities for the administration of the elections within Bexley in support of the CRO

The GLA Election Rules place a duty on the different Returning Officers to co-operate with each other in the discharge of their duties.

Section 35(6) of the Representation of the People Act 1983 requires the council of a London borough to place the services of its officers at the disposal of any person acting as a Returning Officer in the borough.

The duties of a Returning Officer are separate from his duties as a local government officer, and he is personally liable for the conduct of (that part) of the election. While undertaking these duties, the Returning Officer is not accountable to the council, but is independent and answerable only to the courts.

3.4 Performance Standards

The Electoral Commission used its powers (under the Electoral Administration Act 2006) to set and monitor performance standards to ensure that CROs delivered a well conducted election.

CROs were required to submit monitoring returns at pre-determined points, demonstrating their performance against the standards.

The CRO met all the standards apart from one standard where there was an inconsistency between a date set by the Electoral Commission and the date directed by the GLRO.

3.5 Poll Cards

Some 239,000 poll cards were hand delivered by our canvassers to all registered electors in the Borough (including polling station voters, postal voters, proxies and postal proxies) shortly after the formal election period began with the publication of the Notice of Election on Tuesday 20 March 2012.

This gave electors ample time to update their registration information or to apply for an absent vote before the relevant cut off date.

3.6 Registering to Vote and Accuracy of the Register

The cut off date for registering to vote at these elections was Wednesday 18 April 2012 (11 working days before the election). This date is governed by legislation and, in common with the majority of the election timetable, the ERO/CRO has no discretion to extend the date and deadline.

Some 2,339 rolling registration applications were received in Bromley by the ERO i.e. people who took advantage of the 11 day deadline by registering after the formal election period began.

3.7 Postal Voting

The number of postal votes continues to rise in Bromley with electors being able to request a postal vote up to 11 working days before the election.

Both the Conservative and Labour parties undertook campaigns before the deadline to increase the take up of postal voting in certain areas of the Borough. Some 4,500 postal vote applications were received in the last few weeks before the deadline of Wednesday 18 April 2012.

This last minute surge made it difficult for the CRO to predict accurately the number of postal ballot papers he required and resulted in the contractor having to print further postal ballot papers after the entire production line had finished.

Unfortunately at these elections some applications were delivered in batches from the Head Office of one political party, that had been dated long before they were delivered, suggesting that the applications had not been forwarded to us without delay (as agreed by the main political parties represented in the UK Parliament in the 2012 *Code of conduct for political parties, candidates, canvassers and campaigners on the handling of postal vote applications and postal ballot papers in England and Wales*).

Party officers responded to concerns we raised by suggesting that a combination of factors may have been responsible for the delays, including electors not necessarily posting their applications immediately, the Royal Mail not always delivering the applications to the party offices and possible delays with couriers delivering the applications to us.

The Electoral Commission has reported that they will continue to make clear to political parties that they expect them in future to take more effective steps to ensure compliance with the Code of Conduct.

The CRO will continue to urge all local political parties to ensure that applications at future elections are submitted to us both direct and early, to enable Electoral staff to process them properly and efficiently so that the processing of applications does not become unmanageable or have an adverse impact on the preparations for the poll and count.

In this Borough 32,074 postal votes were issued at these elections and 24,125 (75%) were received back. The table below shows the take up and return (at ward level) of postal votes:

Ward	Issued	Ret'd	%
Bromley Common & Keston	1805	1424	78.89
Biggin Hill	785	597	76.06
Bickley	1968	1492	75.81
Bromley Town	1841	1376	74.74
Chelsfield & Pratts Bottom	1590	1215	76.42
Copers Cope	1870	1354	72.41
Cray Valley East	1517	1110	73.17
Chislehurst	1920	1426	74.27
Clock House	1312	945	72.03
Crystal Palace	927	592	63.86
Cray Valley West	1521	1082	71.14
Darwin	611	448	73.32
Farnborough & Crofton	1837	1444	78.61
Hayes & Coney Hall	1671	1351	80.85
Kelsey Park	1642	1256	76.49
Mottingham	765	543	70.98
Orpington	1421	1109	78.04
Penge	1292	913	70.66
Plaistow & Sundridge	1382	979	70.84
Petts Wood & Knoll	1547	1209	78.15
Shortlands	1153	885	76.76
West Wickham	1697	1375	81.03
TOTAL	32,074	24,125	75.21

Postal votes must be rejected by the Returning Officer if a voter's personal details (signature and date of birth) supplied and returned with their postal vote cannot be successfully matched with those previously provided by the voter and held on record. There is a legal requirement to match these personal identifiers, designed to prevent voting fraud.

The CRO was directed by the GLRO to undertake checks of 100% of returned postal votes, and 1,032 (approximately 4.2%) were rejected for the following reasons:

- one or both personal identifiers did not match records held
- one or both personal identifiers were not provided/missing
- returned pack contained either no postal voting statement (with personal identifiers) or no ballot paper

There was no evidence whatsoever of postal voting fraud in Bromley during the election process for these elections.

3.8 Staffing and Training

The CRO made over 1,000 appointments to support these elections including:

- Deputy Constituency Returning Officers – 2 with full powers and 4 with specific powers
- 185 Presiding Officers
- 379 Poll Clerks
- 7 Polling Station Inspectors
- 175 postal vote clerks
- 50 staff to receive ballot boxes, check ballot paper accounts and unused ballot papers
- 96 count staff
- 210 canvassers to deliver poll cards

Specific training was provided to:

- staff working at polling stations (both Presiding Officers and Poll Clerks) and included several practical exercises based around a model polling station environment
- staff working on the e-count and included hands on practical exercises (held at a venue in London which was set up by the GLRO as a temporary count training centre)
- staff involved in the postal vote process

3.9 Polling hours

Polling commenced at 07.00am and finished at 10.00pm. All equipment was delivered to the polling stations the day before and all stations were open to receive voters for the 07.00am start.

3.10 Polling Stations

A review of polling places was undertaken last year in accordance with the law, and following consultation, the Returning Officer's final recommendations were agreed at the Council meeting on 24 October 2011.

No changes were made to the (185) polling stations used at these elections.

However, a few issues arose around the suitability of one or two of the polling stations prior to and/or immediately after these elections. An Action Plan has been drawn up (see Appendix 1) to ensure that all issues are addressed before the next (scheduled) elections in 2014.

3.11 Polling Day

Generally polling day went smoothly: the polling stations were well ordered, polling station staff helpful and supportive, and voters cast their votes with no problem.

However, there were a small number of isolated instances out of the 185 polling stations (namely at Worsley Bridge School, St Swithuns Church Hall, Southborough Primary School and Crofton Halls) around the role of tellers.

Tellers have no official legal status on polling day. They are **not** among the categories of people who can be admitted to the polling station (even if they are also a councillor) and should always comply with the instruction of the Returning Officer and Polling Staff.

Tellers should stand outside the polling station and concern themselves with checking who is about to vote or has voted. The Returning Officer may direct tellers that they may approach voters for information as they enter or leave the polling station. Tellers must not impede, obstruct or intimidate the voter.

At these elections, there appears to have been some confusion around when the tellers could approach voters for information and what to do with the poll cards. There were some instances where polling staff reported that voters had complained to them on the day that they had found the tellers intimidating. There were also issues around the secure disposal of poll cards.

Each year the Electoral Commission issues guidance on the conduct of tellers in and around the polling places (see Appendix 2).

The training session for all Polling Staff includes guidance on the role of tellers. Whilst recognising that tellers do not have an official role in the election, the training points out that nevertheless they play a valuable part in the process through encouraging turnout. Polling Staff are instructed that they should not interfere in the activities of tellers unless they are obstructing voters or complaints are received. The training also advises that voter information can be collected on the way in or out of the polling station. Some guidance on tellers is also given at the candidates and agents briefing.

It is the Returning Officers intention to ensure that at future elections in the Borough:

- Polling staff will be given specific training on the tellers role, and what they can and can't do
- Candidates, agents and local political parties will be encouraged to follow the Commission's guidance to ensure that 'appropriate standards of conduct are maintained'. This will be re-enforced at the briefing session for candidates and agents.

3.12 The Count

Due to the length of time that it would take to count the votes for the Mayor of London and London Assembly election, the votes were counted electronically. The GLRO provided the contractor, IntElect who used similar technology to that used in the 2000, 2004 and 2008 elections.

The count was conducted at three count centres – Alexandra Palace, Excel and Olympia. Bexley and Bromley constituency counted at Excel together with four other constituencies (City and East, Greenwich and Lewisham, Havering and Redbridge, and Lambeth and Southwark).

Following close of poll at 10pm on Thursday 3 May 2012, the ballot boxes and associated paperwork were returned from the polling stations to the Civic Centre using the drive and stop method, which again, proved extremely successful. The first ballot box was received shortly before 10.15pm and the last ballot box was received shortly before 11pm.

The final postal votes (received at the polling stations) were opened and verified, the ballot paper accounts checked for arithmetical accuracy and the packets containing the unused ballot

papers opened and checked. The sealed ballot boxes were loaded onto waiting lorries and, accompanied by the CRO, delivered to Excel shortly before 2am on Friday.

The verification and count process started shortly after 8am, Friday 4 May 2012. A key change for previous GLA Election counts was that for the first time CROs supplied their own staff to operate the scanners. At all previous GLA elections, these have been provided by the e-counting contract. These scanning staff had been required to attend a number of dedicated training sessions. The speed of the count depended on the scanning machines being kept working at all times.

The GLRO's objective was (across the three count venues) to complete the electronic count within 10 hours of all scanners being operational, based on a 50% turnout.

In the event overall turnout was below 40% (41% in Bromley and Bexley constituency) and all constituencies at Excel and Olympia concluded their counts within that time. Those at Alexandra Palace experienced a major challenge when there was loss of power on site at the very start of the counts. This caused considerable disruption, and although three of the constituencies were still able to complete within the 10 hour target, one constituency (Brent and Harrow) didn't. The result of the election of the Mayor of London was declared at 11.50pm on Friday 4 May 2012.

The CRO was responsible for the e-counting of the votes for the Bexley and Bromley constituency held at Excel. The e-count system performed well and staff worked efficiently and effectively with the count being concluded in just over 7 hours. We were the first constituency to declare at Excel, and the second across the three count venues (see Appendix 3 showing a comparative table of count statistics by constituency).

The deadline for election petitions has passed and no challenges were received.

4. POLICY IMPLICATIONS

None arising directly from this Report

5. FINANCIAL IMPLICATIONS

The funding for these GLA Elections is met by an allowance from the GLA. Expenditure has been contained within the allowance.

6. LEGAL IMPLICATIONS

The Council is required to designate one of its officers as Returning Officer for Local Government Elections (includes these GLA Elections) under the provisions of Section 35 of the Representation of the People Act 1983. The Returning Officer is personally responsible for the conduct of the GLA Elections

The rules and regulations for the conduct of these GLA Elections are contained in the Greater London Authority Election Rules 2007 (as amended), the Greater London Authority Act 1999 (as amended) and the Representation of the People (England and Wales) Regulations 2001 (as amended)

7. PERSONNEL IMPLICATIONS

Some Council employees are recruited by the Returning Officer to help with various duties in connection with the conduct of these elections. However, a large number of staff are recruited from other sources.

The Returning Officer has a statutory right under Section 25 of the Representation of the People Act 1983 to require the Council to supply as many staff as is required for election purposes.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]