

**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** 6 November 2019

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

**Title:** FEEDBACK ON THE 2019 EUROPEAN PARLIAMENTARY ELECTION

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**Ward:** Not Applicable

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1. Reason for report

To advise Members on the key issues relating to the **European Parliamentary Election** held on **Thursday 23 May 2019**, and to give Members the opportunity to comment on the electoral arrangements

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2. **RECOMMENDATIONS**

**Members note the content of the report and consider whether there is any feedback they want to give the Returning Officer for him to take into account when planning for future elections or referenda.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Excellent Council
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Conducting Elections
  4. Total current budget for this head: Not Applicable
  5. Source of funding: The Cabinet Office funds European Parliamentary Elections
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### Personnel

1. Number of staff (current and additional): 5 full time, 3 casual staff and approximately 1,250 temporary staff recruited by the Returning Officer for staffing polling stations, opening and verifying postal votes and counting the votes
  2. If from existing staff resources, number of staff hours: Not Applicable
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### Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance None: Further Details
  2. Call-in: Not Applicable
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### Procurement

1. Summary of Procurement Implications: Not Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): c240,000 registered electors, candidates, agents and staff
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

#### BACKGROUND

- 3.1 Following the 2016 Referendum, it was expected that the UK would not take part in the European Parliamentary Election in May 2019. Returning Officers and electoral administrators were told by the Government on numerous occasions throughout 2018 and early 2019 not to make any plans for these elections.
- 3.2 However, on 1 April 2019, Returning Officers and electoral administrators were advised by the Government to start planning for the election but that ‘thought should be given to what actions are strictly necessary ahead of the start of an election timetable and what can be undertaken on a contingency basis given that circumstances may change....’
- 3.3 Legislation allowing the European election to take place was only passed on 10 April 2019 and the Minister for the Cabinet Office only confirmed that the election would definitely go ahead on 7 May 2019 – this was the same deadline day (under the statutory election timetable for polling on 23 May 2019) for elector registration and for EU citizens to complete an additional form to vote.

#### OVERVIEW OF ELECTION

- 3.4 The UK’s part of the 2019 European Parliamentary Election was held on Thursday 23 May 2019 with the results being announced on Sunday 26 May 2019, after all the other EU countries had voted.
- 3.5 In the UK there are 12 European Parliamentary electoral regions and each one is represented by between 3 and 10 Members of the European Parliament (MEPs). Scotland, Wales and Northern Ireland make up one electoral region each, while England is divided into 9 electoral regions: East Midlands, Eastern, London, North East, North West, South East, South West, West Midlands, and Yorkshire & the Humber. The UK is represented by a total of 73 MEPs.
- 3.6 Each of the electoral regions has a **Regional Returning Officer** (RRO) who is responsible for the overall conduct of the election of the MEPs for their electoral region and for liaising with and co-ordinating the work of the **Local Returning Officers** (LRO) in the electoral region. They have power to give general or specific directions to LROs. The RRO for the London region is the (Interim) Chief Executive of the London Borough of Lewisham (Janet Senior).
- 3.7 A LRO is appointed for each counting area within the electoral region. The LRO is the person who is the Returning Officer for the relevant local government area. Their role is to administer the election in their area including the functions of appointing poll staff, managing the postal vote process, printing the ballot papers and verifying & counting the votes. These functions are separate from their duties as a local government officer. They are not responsible to the council but are personally responsible for the conduct of the election, and are directly accountable to the courts as independent statutory office holders. The LRO for Bromley is the Director of Corporate Services (Mark Bowen).
- 3.8 Voters had one vote, which they were able to use to vote for a political party or an individual candidate.

#### NOMINATIONS

- 3.9 Notice of Election (triggering the election timetable and the start of nominations) was published on Monday 15 April 2019 (before the poll was confirmed).

- 3.10 The RRO was responsible for processing the nominations with a deadline of 4pm, on Thursday 25 April 2019.
- 3.11 In total there were 21 valid nominations in the London region – 10 political parties and 11 individual candidates. The RRO provided each LRO with the details to appear on the ballot papers on Thursday 25 April 2019 and the LROs arranged production of the ballot papers for their local area. It took time to print the ballot papers given the number of candidates (21) and the length of the ballot paper (nearly 2 foot long).

### **REGISTERING TO VOTE**

- 3.12 The deadline for registering to vote at this election was Tuesday 7 May 2019 (12 working days before polling day) being the (same) day that confirmation was received that the election was definitely going ahead.
- 3.13 The total number of registration applications received (online/paper/phone) between 15 April 2019 (the date Notice of Election was published) and 7 May 2019 (registration deadline) was **3,896**, of which **1,359** were duplicate applications (i.e. an application that can be matched to an individual already on the register at the same address).

### **EUROPEAN UNION (EU) CITIZENS**

- 3.14 European law provides that EU citizens may vote only once, in one member state at a European Parliamentary election. Many EU citizens living in the UK are able to register to vote in the EU member state where they are from, and it is common practice for them to do so. If, an eligible EU citizen wished instead to vote in the UK, they are required under current UK law to complete a separate application and declaration (commonly known as a UC1 form). The declaration must be signed and state that they will vote only in the UK at any European Parliamentary election during the 12-month period of the declaration.
- 3.15 At previous European Parliamentary elections, UC1 forms have been sent (usually) in early January to those local government electors who are EU citizens to help ensure that electors understand their options and are able to exercise their right to vote should they wish to. There is no legal requirement to do this. EU citizens have been required to fill in this additional form for over 20 years every time there has been a European Parliamentary election to vote in the UK, or alternatively choose to vote in or via the country they hold citizenship of.
- 3.16 As soon as it was announced that we should start 'planning' for this European Parliamentary election and Notice of Election was published on 15 April 2019, the LRO sent out UC1 forms with a letter on 20 April 2019 explaining the process to some 12,000 EU citizens on the local government electoral register in Bromley.
- 3.17 The information was also made available on the Council's website, and the Government added messages to the register to vote section of GOV.UK highlighting that, for EU citizens, registration for European Parliamentary elections, is a two stage process i.e. they need to be registered to vote and to have to completed a UC1 form if they wished to vote in the UK.
- 3.18 The deadline for return of completed declarations/UC1 forms was the same as for ordinary applications for registration, Tuesday 7 May 2019.
- 3.19 2,586 EU electors in Bromley returned a correctly completed declaration/UC1 form by the deadline - they had their prefix on the electoral register changed from a 'G' to a 'K' indicating that they were entitled to vote at the European Parliamentary election on 23 May 2019.

- 3.20 The LRO is happy that given the shortened timescale (and that the electoral process is governed by a legislative framework that he has to work within), all reasonable steps were taken to raise awareness of this requirement for EU citizens in Bromley.
- 3.21 Members should also note that as the registration of EU citizens is an Electoral Registration Officer (ERO) function, and not a Returning Officer function, funding is not available from Cabinet Office to cover this activity and additional costs which arose from the shortened timetable will need to be met from Council budgets.

## **POLL CARDS**

- 3.22 The LRO was able to secure early despatch dates with printers and poll cards were sent out from our printers via Royal Mail to approximately 230,000 electors in the borough on Wednesday 24 April 2019. A further 6,000 or so were sent up to a week or so before polling day, to those residents who registered close to the relevant deadlines (including EU citizens returning completed declarations/UC1s).

## **POSTAL VOTING AND ACCOMODATION**

- 3.23 **Issue of Postal Votes:** Some 36,000 postal vote packs were despatched, with the bulk of these being sent out (via Royal Mail) on Wednesday 8 May 2019 (again the LRO was able to agree an early date with the printers). Following difficulties at previous 'snap' polls, postal votes sent to overseas addresses, were despatched a few days earlier on Friday 3 May 2019.
- 3.24 A small number of complaints were received from local residents about the non receipt of their postal vote packs and they were all offered (and most accepted) replacement postal vote packs which are available up to 5pm on polling day.
- 3.25 **Receipt and verification of Postal Votes:** the personal identifiers (signature and date of birth) on every returned postal vote statement must be checked and verified against those held on file from the original applications. This is a huge logistical operation requiring suitable accommodation, IT and staff.
- 3.26 Unfortunately, due to the short notice (and uncertainty) of this election, the usual accommodation (the Great Hall) used for this process, was not available to the LRO on this occasion. Alternative accommodation was urgently sought and the only suitable space identified and available (where IT could be set up and staff accommodated) was in Committee rooms 2 and 3. However, this was not ideal as space was limited and weddings were scheduled to take place in these rooms the weekend before polling day (18/19 May 2019). This required equipment being removed and reassembled incurring additional costs.
- 3.27 Some 25,000 postal votes (just under 70%) were returned by 10pm on Thursday 23 May 2019. Following the scanning and checking of the personal identifiers of these postal votes, approximately 688 postal votes were rejected for either want of a signature and/or a date of birth, or mismatched signature and/or date of birth, or ballot paper unreturned, or postal vote statement unreturned. Those voters have been contacted to advise why their postal vote was rejected.
- 3.28 On the Monday of the Election week, the Electoral Services office suffered a power failure which was not remedied until the Friday after the election. This required the Electoral Services team to relocate and find alternative means of accessing key software and equipment at a crucial stage in the election process. The Electoral Services Manager is scrupulous in ensuring that business continuity plans are up to date and in place for each election. Those plans were activated and the Electoral Services Manager and her team overcame the various challenges to deliver an exemplary service. It is appropriate to express thanks to IT colleagues and the

Council's IT contractor BT for their support given in implementing the business continuity arrangements.

## **RECRUITMENT OF STAFF**

- 3.29 Given the short notice and the fact that the Count took place on the Sunday before the May Bank Holiday, there were more challenges than usual in recruiting sufficient experienced staff at the polling stations.
- 3.30 The LRO appointed to a total of 1,184 roles at this election. Roles included those at polling stations, opening & verifying the postal votes and counting the votes. Some individuals fulfilled different roles, and approximately 720 different people were appointed. Of these, 122 were Council employees.

## **POLLING STATIONS**

- 3.31 The short notice meant that there were more difficulties than usual in securing bookings and agreeing arrangements with polling stations. Bookings were made at 110 premises which accommodated 185 polling stations.
- 3.32 After extensive work by election staff, one polling station, Victory Social Club (HA2) was unavailable due to the prior booking of a social event (which could not be cancelled without incurring significant costs). Alternative premises were identified, visited and used at this election at Bromley Football Club (the Ravens Bar). Details of the change were included on the poll cards and the Council website, and signage was displayed at the Victory Social Club re-directing voters to the Football Club. The arrangements at the Football Club worked well and the LRO is grateful to the Club for their hospitality at such short notice. Voter feedback was positive.
- 3.33 The short notice also meant that Head teachers were not able to plan for the fact that schools would be required as polling stations in the same way as they would for a scheduled election. We were able to work with schools, where necessary and agreed to use either a different room and/or entrance. This was the case at Manor Oak Primary School (CE4), Stewart Fleming Primary School (CL1), Tubbenden Primary School (FC5), Chislehurst CE Primary School (CH4) and Harris Aspire Academy (PE3). Details of the changes were included on (some of) the poll cards and the Council website, and additional signage was displayed at the polling stations. The LRO is grateful to these Head teachers in particular for their support in ensuring that local residents were able to cast their votes at their usual polling stations at this election. The LRO has also expressed his thanks to all Head teachers for the support they gave to the democratic process. In total 34 schools were used for 60 polling stations.

## **POLLING DAY**

- 3.34 Polling day went extremely smoothly with no major issues being reported. The LRO visited a number of polling stations in the borough and was impressed by the standards and attitude of polling staff especially given the size of the ballot paper.
- 3.35 There was some journalistic and social media traffic throughout the day on EU citizens being unable to vote/turned away from the polling stations, and a small number of complaints were received in this regard. However, positive feedback was also received with one local resident saying:

*'Bromley Council was spot on. Received form (UC1) on time. Sent it back and received my poll card 1 week ago. Hat off to them...'*

3.36 Polls closed at 10pm and Presiding Officers returned their sealed ballot boxes and election equipment/materials back to the Bromley Civic Centre. Ballot paper accounts were checked for arithmetical errors, and sealed ballot boxes recorded and placed in a secure vault in the North Block until taken to the count venue early morning on Sunday 26 May 2019.

3.37 Turnout at this election in Bromley was **43.2%** - higher than neighbouring London Boroughs:

London Borough	Turnout (%)
Bexley	37.7%
Croydon	38.4%
Greenwich	40.1%
Lambeth	42.0%
Lewisham	42.2%

## THE COUNT

- 3.38 The count took place at the Kent County Cricket Ground in Beckenham using the layout that had been successfully trialled at last year's local elections (enabling candidates and agents to have full view of all the processes).
- 3.39 The RRO issued specific directions to the LROs in regard to the timings of the count process namely that results in regard to the verification of the votes (stage 1) be submitted to the RRO by 4pm on Sunday 26 May 2019, and the results of the sorting and counting of the votes (stage 2) be submitted to the RRO by 8pm on Sunday 26 May 2019. No results could be declared until 10pm (after voting in other EU countries had closed).
- 3.40 The LRO saw merit in undertaking both stages of the process on the bank holiday Sunday starting at 9.30am. This allowed staff who had worked on polling day to be well rested reducing errors and mistakes (due to tiredness) and giving a safe, accurate and efficient count.
- 3.41 The verification and count processes were undertaken by way of 'mini counts' at ward level (although postal votes could not be identified/sorted down to ward level as they came from anywhere in the borough, but were 'mixed in' the ward counts) with the results from each ward aggregated to achieve an overall result for the borough.
- 3.42 Under the election rules, the total number of ballot papers in each box is verified with the number on the ballot paper account submitted by the Presiding Officer at each polling station (or by the Supervisor in charge of the postal vote session) (known as stage 1). This stage is critical in ensuring the accuracy of the result as it means that when the votes are sorted into votes for each political party/independent candidate and counted (known as stage 2), the count total can be compared to the verification total to identify any discrepancies.
- 3.43 The count process went smoothly although the size of ballot paper and associated complexities, meant it took slightly longer than usual. Results of verification were submitted to the RRO at about 1.30pm and the provisional results were submitted by about 6.30pm. The local result for Bromley (see appendix 1) was declared at Kent County Cricket Ground in front of a number of candidates/agents at 10pm. The London Region result (see appendix 2) was declared at City Hall by the RRO shortly after 10pm.

## CONCLUSION

3.44 The European Parliamentary election held on Thursday 23 May 2019 was an unscheduled poll and due to the shortness (and uncertainty) of the timetable, the LRO faced a number of issues and local challenges including difficulties in booking suitable accommodation, printer capacity, complexities of registering EU citizens, size of the ballot paper, challenges of recruiting staff due to the bank holiday and the lack of confirmation from Cabinet Office about the funding of these elections.

3.45 Notwithstanding these issues, the LRO is pleased to be able to report that the European Parliamentary election in Bromley was delivered successfully with no legal challenges to the local result or any allegations of fraud.

### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

None arising from this report

### 5. POLICY IMPLICATIONS

None arising from this report

### 6. FINANCIAL IMPLICATIONS

Not applicable

### 7. PERSONNEL IMPLICATIONS

7.1 Some Council employees were recruited by the Returning Officer to help with various duties regarding the conduct of this election. However, a majority of staff were recruited from other sources. The Returning Officer has a statutory right under section 35(6) of the Representation of the People Act 1983 to require the Council to provide as many staff as required for election purposes.

### 8. LEGAL IMPLICATIONS

8.1 The Council is required to designate one of its officers as Returning Officer under the provision of section 35(1) of the Representation of the People Act 1983. The Returning Officer is personally responsible for the conduct of elections.

8.2 The rules and regulations for the conduct of European Parliamentary Elections are primarily contained in the Representation of the People Acts 1983, 1985 and 2000, the Representation of the People (England and Wales) Regulations 2001, the Electoral Administration Act 2006, the Electoral Registration and Administration Act 2013 and the European Parliamentary Elections Regulations 2004, European Parliamentary Elections (Amendment) Regulations 2009 and 2013.

### 9. PROCUREMENT IMPLICATIONS

Not applicable

<b>Non-Applicable Sections:</b>	None
Background Documents: (Access via Contact Officer)	None