Report No. CSD21088

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 21 September 2021

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

Title: FEEDBACK ON THE 2021 POLLS and UPDATE ON

ELECTORAL ARRANGEMENTS

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Chief Officer: Peter Turner, Director of Finance

Ward: Borough Wide

1. Reason for report

To advise Members on the key issues relating to the Greater London Authority (GLA) Elections and the Crystal Palace By Election held on Thursday 6 May 2021, and to highlight the forthcoming changes in electoral arrangements.

2. RECOMMENDATION(S)

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

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable

Corporate Policy

1. Policy Status: Not Applicable

2. BBB Priority: Excellent Council

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 GLA funds the GLA Elections, and the Cabinet Office has provided additional funding to directly address costs associated with making the elections Covid-secure

Personnel

- 1. Number of staff (current and additional): 3 full time, 4 casual staff and approximately 1,000 temporary staff recruited by the Returning Officer for staffing polling stations, opening and verifying postal votes and staffing the e-count.
- 2. If from existing staff resources, number of staff hours: Not Applicable

Legal

- 1. Legal Requirement: Statutory Requirement: The Council is required to designate one of its officers as Returning Officer for Local Council Elections (includes GLA Elections) under the provisions of section 35 of the Representation of the People Act 1983.
- 2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: Not Applicable

Customer Impact

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

Ward Councillor Views

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

3. COMMENTARY

GLA ELECTIONS

BACKGROUND

- 3.1 Elections for the Mayor of London and the twenty-five (25) Members of the London Assembly take place every four years and were due to take place on 7 May 2020. However, as the Coronavirus pandemic worsened, the UK Government announced on 13 March 2020 a 12-month postponement of all May polls until 6 May 2021.
- 3.2 The announcement of the second lockdown in December 2020 created concerns that polls could be postponed again. However, Returning Officers and their electoral teams were advised to continue to prepare for 6 May polls and remained in close contact with the Cabinet Office, the Electoral Commission and the GLA.
- 3.3 Official confirmation of polls being run as planned, came from the UK Government on 5 February 2021 (just weeks before notices of elections were due to be published). The UK Government also announced that additional funding was to be made available to all areas in England holding elections in May to directly address costs associated with making the elections Covid secure.
- 3.4 On Thursday 6 May 2021 the GLA elections were held across London. In Bromley, the poll was also taken with the election of one councillor in the Crystal Palace ward.

VOTING SYSTEMS

- 3.5 The GLA Elections are the most complex elections held in the UK with 3 contests electing:
 - ➤ Mayor of London under the *supplementary vote system* where voters have two votes a first and second choice of candidates (pink ballot paper) *
 - ➤ 14 Constituency Members of the London Assembly under the *first past the post* system where the ballot paper lists names of individual candidates, and voters have one vote by placing a cross next to the candidate of their choice (yellow ballot paper)
 - ➤ 11 London Wide Members of the London Assembly under a proportional basis known as the *modified d'honte system* where the ballot paper lists political parties and independent candidates, and voters vote once (orange ballot paper)

*The record number of 20 candidates meant that for the first time, the ballot paper was split into two side by side sections

ROLES AND RESPONSIBILITIES

- 3.6 The **Greater London Returning Officer (GLRO)** (Mary Harpley, Chief Officer, Head of Paid Service, GLA) is the Returning Officer for the elections of Mayor and London wide Members. She is responsible for the nomination process and counting and declaring the results of the London Mayor and London wide Assembly Member polls, co-ordinating the elections at a London wide level and has the power to issue directions.
- 3.7 The Constituency Returning Officer (CRO) (Mark Bowen, Director of Corporate Services, Bromley) is the Returning Officer for the election of the constituency (Bexley and Bromley) London Assembly Member. He is responsible for the conduct and administration of the elections in the constituency (of Bexley and Bromley) including dealing with the nomination process (for the constituency member only), providing the polling stations, appointing poll staff, managing the postal voting process, and providing the staff to count the votes for all three contests, subject to the directions issued by the GLRO. (Following Mr Bowen's retirement in

- August 2021, Ade Adetosoye, Chief Executive, Bromley is the appointed Returning Officer/Electoral Registration Officer)
- 3.8 The **Borough Returning Officer (BRO)** (Jackie Belton, Chief Executive, Bexley). Legislation does not recognise this role but in practical terms the BRO agrees to carry out certain functions within Bexley in support of the CRO.
- 3.9 The duties of a Returning Officer are separate form their duties as a local government officer and they are 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.
- 3.10 The GLA Election Rules place a duty on the different Returning Officers to co-operate with each other in the discharge of their duties and sign a Memorandum of Understanding to this affect.
- 3.11 The GLRO issued the CROs with thirteen (13) directions to ensure constituency across London (see Appendix 1). The CRO adhered to all the directions.

POLL CARDS

- 3.12 The format and wording of the poll cards is prescribed by law and the CRO had no discretion to amend or change it.
- 3.13 Shortly after the formal election period began with the publication of the notice of election on Monday 22 March 2021, the CRO was able to secure early despatch of some 246,000 poll cards. These were delivered by Royal Mail to all registered electors in the borough (including polling station voters, postal voters and proxy voters). A further 8,500 cards were despatched up to a week or so before polling day, to those residents who registered close to the relevant deadlines.
- 3.14 This gave residents ample time to update their registration information or to apply for an absent vote before the relevant cut-off date.

REGISTERING TO VOTE

- 3.15 The cut-off date for registering to vote at these elections was Monday 19 April 2021. The date is governed by legislation and, in common with most of the election timetable, the CRO has no discretion to extend the date and deadline.
- 3.16 The Electoral Office received 5,480 registration applications (mostly online) between the start of the election and the registration deadline. Approximately 1,200 of these applications were "duplicate applications" i.e. an application that can be matched to an individual already on the register at the same address. Unfortunately, national publicity does not always make it clear that only individuals **not** on the register, need to register.

POLLING STATIONS

- 3.17 The CRO's staff initially contacted all polling stations in October 2020 to advise them of the (new) date of the postponed GLA elections. All private premises confirmed their availability with most Head teachers agreeing that their schools would be made available as a polling station on 6 May 2021.
- 3.18 However, a few (6) Head teachers expressed objections to their schools being used as polling stations given the Covid pandemic situation, the loss of education already suffered by pupils, and the risk of members of the public coming on site.

- 3.19 The CRO was sympathetic to their concerns given the Covid pandemic and although he has the right by law to request a room within a school, he instructed his staff to find alternative venues, where possible. Investigations were made, alternative venues identified, and visits arranged in most cases to assess their accessibility/suitability.
- 3.20 However, the situation was compounded on 11 February 2021 when a letter from the Department of Education (DofE) and Cabinet Office Ministers to Head teachers and Returning Officers urged Returning Officers to find other premises where possible. This was further compounded by a DofE email to Head teachers insisting that schools remain open on polling day for vulnerable and keyworkers' children.
- 3.21 These interventions caused widespread confusion so the CRO contacted Bromley Head teachers direct to ascertain any concerns they may have with their school being used as a polling station. As a result, numerous schools became unavailable (after already being confirmed) and this was just weeks before the poll card data was due to be sent to our printers (with details of the polling stations).
- 3.22 The availability of suitable buildings in many areas was already slim, but Electoral staff worked extremely hard to find alternative venues, where possible. Social distancing and home working were also additional barriers to visiting and assessing potential alternative venues. However, by the day poll card data was due to be sent to the printers, alternative venues were secured for 19 schools (see Appendix 2) with only 15 schools being used as polling stations at these elections (see Appendix 3) (in the 2019 General election 34 schools were used as polling stations).
- 3.23 A variety of new premises were used as polling stations as alternatives to school premises including bowling clubs, public houses, restaurants, social clubs, a cinema and golf club. These details were included on the poll cards.
- 3.24 Where there was no suitable alternative venue and given the exceptional circumstances of the Covid pandemic, the CRO agreed to a couple of polling stations being moved from school premises and amalgamated into existing polling stations in adjoining polling districts. These details were highlighted on the poll cards.
- 3.25 The CRO acknowledges that a couple of the alternative venues (including the Vue Cinema and the Gordon Arms) were not ideal and/or suitable and/or accessible and will not be used at future elections. Where the new arrangements worked well, the alternative venues will be considered in the forthcoming Review of Polling Districts, Places and Stations (see paragraph 3.71 below). However, schools are often the only suitable place for polling stations to be sited.

RECRUITMENT OF STAFF

- 3.26 A major issue of this election was ensuring the recruitment of sufficient temporary staff to run polling stations, open and verify postal votes and count the votes. In addition to these usual roles, the CRO was also required to recruit additional staff at the polling stations where Covid marshalling was deemed necessary, and to ensure a pool of staff to cover last minute illness and self-isolation.
- 3.27 Many of the staff on the CRO's election staff data base are older and more vulnerable to Covid 19 and a high percentage of these regular staff (understandably) declined to work at these elections. Furthermore, some 150 staff who originally accepted appointments subsequently dropped out many of them due to Covid 19 and self-isolation requirements.
- 3.28 Polling staff were much harder to recruit than at previous elections (especially as it was mandatory for all polling staff to wear face masks throughout the day). However, the CRO was assisted with this recruitment by both the Council (through the Chief Executive and the Covid 19 Response team providing support amongst the Covid volunteers) and the UK Government

- (providing support amongst the civil service, national volunteers, furloughed service industry employees).
- 3.29 The health and safety of the staff appointed by the CRO is always paramount, but this is especially so during the Covid pandemic. While risk minimisation measures were in force including the wearing of personal protective equipment (face masks, visors, gloves), hand sanitising, taking lateral flow tests, social distancing and one-way systems, Perspex screens, regular cleaning etc, there was no guarantee that these election events would not become super spreader events!
- 3.30 Specific online training was provided by the GLA for all staff working at polling stations and on the e-count. The CRO supplemented this with written/printed guidance.

POSTAL VOTING

- 3.31 The Cabinet Office, Electoral Commission and the GLA continuously advised the CROs and their teams to expect a significant surge in postal votes due to the Covid pandemic and especially after contact was made with Clinically Extremely Vulnerable people shielding at home, to make them aware of postal/proxy voting options.
- 3.32 Although the CRO contacted about 20,000 Clinically Extremely Vulnerable people in Bromley, there was only a small increase in the postal votes.
- 3.33 About 40,288 postal vote packs were despatched from our printers (via Royal Mail) with the bulk of these going out on Friday 23 April 2021. This included all those electors with permanent postal votes and those who applied up to 22 March 2021. Residents who applied after this date and up to the deadline of Tuesday 20 April 2021 received their postal vote packs a few days later.
- 3.34 Most residents received their postal vote packs the day after they were despatched. There were a small number of cases of non-receipt from about 50 residents but they were all offered (and most accepted) replacement postal vote packs (which are available up to 5pm on polling day).
- 3.35 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 application. This is (in normal times) a huge logistical operation requiring suitable accommodation, IT and staff.
- 3.36 However, in the Covid pandemic situation, this operation became particularly challenging with the usual accommodation (the Great Hall) being unavailable (Covid Vaccination Centre), and other suitable accommodation such as the Council Chamber (Covid Test Centre), Committee Room 1 (Occupational Health team's equipment store) and Committee Rooms 2 & 3 (Registrars) also being unavailable.
- 3.37 The CRO explored alternative accommodation in the Civic Centre including the Ground floor Reception area in North Block and the Rose Room in Stockwell Building but neither of these were suitable.
- 3.38 After an extensive program of work by the Facilities Manager, by early/mid April, the Covid Test Centre was moved to the rear of the Customer Reception, the Occupational Health team's equipment was moved to Bertha James Centre and the Registrars re-located to 1st Floor Stockwell Building. This enabled the CRO to use Committee Rooms 1, 2 & 3 for the opening and verifying of the returned postal votes (with the Council Chamber used for the fitting up the ballot boxes and packing of materials needed for the polling stations).

- 3.39 The Committee Rooms were set up with the IT and laid out in a Covid secure manner allowing for social distancing, one-way systems, Perspex desk screens, hand sanitisers, PPE etc. (to ensure the health and safety of the CRO's staff, candidates and agents).
- 3.40 Four scheduled postal vote opening sessions took place before polling day, with a further/last session on polling day.
- 3.41 As previously mentioned 40,288 postal votes were issued, 30,153 (75%) were returned by close of poll with 1,657 postal votes being rejected for either want of a signature and/or date of birth, or mismatched signature and/or date of birth or ballot paper(s) unreturned or postal vote statement unreturned. In accordance with the law, these voters have been contacted and advised that their postal vote was rejected (and given the reason why it was rejected).
- 3.42 Once the personal identifiers were verified, the postal ballot papers were placed in ballot boxes, which were sealed and securely stored before being transported to the count venue following close of poll on Thursday 6 May 2021 in readiness for the count.

PROXY VOTING

- 3.43 New proxy vote legislation was introduced in February 2021 removing the need for attestation where an application was made on the grounds of Covid 19 to allow those isolating because of testing positive for or being in close contact with a Covid 19 case. The unknown take-up led to resourcing uncertainty on polling day and during the week before.
- 3.44 The total number of proxies appointed for these elections in Bromley was 311 with 7 electors who appointed emergency coronavirus proxies.

THE CRO and his CORE ELECTORAL TEAM

- 3.45 A key challenge for the CRO was keeping his core Electoral team safe and well during the ongoing pandemic. Much of the 6 May polls was arranged during periods of home working but later stages had to be carried out in the office due to processes involved and equipment needed. Social distancing, wearing masks and team 'bubbles' were crucial to reduce the risk of the whole team having to self-isolate at vital stages of the process.
- 3.46 Also, the burden of undertaking numerous Covid risk assessments, safety protocols and calculating PPE needs created significant additional work at various points during the electoral timetable.

SUPPLIER ISSUES

- 3.47 Returning Officers and their electoral teams rely heavily on external printers for poll cards, postal vote packs and ballot papers. There are a relatively small number of specialist printers in the UK who have the facilities, resources and security to fulfil election teams' requirements.
- 3.48 All printers were stretched by the sheer number and variety of election materials required for 6 May polls. Several large printers experienced serious issues with late deliveries. However, the CRO was able to secure early despatch/delivery dates with our printers and no delays occurred.

POLLING DAY

- 3.49 Polling day itself ran remarkably well with no major issues being reported.
- 3.50 Social distancing and combinations of ballot papers and voting systems saw some short queues forming at a few polling stations during the day, which were managed by the polling staff. The legislation introduced after the 2010 General Election successfully ensured anyone in a queue

- by 10pm was able to cast their vote. The CRO is not aware of any significant queues occurring in Bromley at the close of poll.
- 3.51 There was an issue at one polling station regarding access (being hindered by tellers) but this was quickly resolved by the CRO and his staff.
- 3.52 Polling finished at 10pm and Presiding Officers returned their sealed ballot boxes, unused ballot papers and other election materials back to the Bromley Civic Centre.
- 3.53 A small team checked the ballot paper accounts (for arithmetical errors) and staff opened and verified the last postal votes (handed into the polling stations and the Civic Centre by 10pm). The sealed ballot boxes were then loaded on to waiting lorries and delivered to the count venue at ExCel in readiness for the e-counting of the votes the next day on Friday 7 May 2021.

THE E-COUNT

- 3.54 Due to the length of time that it would take to count the votes for the Mayor of London and London Assembly, the GLRO took the view that based on speed & accuracy and the fact that ecounting was tried & tested for GLA Elections, e-counting should be used again at these elections. The GLRO procured an e-counting service with CGI.
- 3.55 To protect public health and reduce the risk of the transmission of coronavirus during the count, the GLRO directed that the count would take place over 2 days Friday 7 May starting at 9am and Saturday 8 May 2021 starting at 8am, with the Mayoral results and London List Assembly Members being announced on Saturday 8 May 2021.
- 3.56 The count was conducted at three regional venues namely Alexandra Palace, Olympia and ExCel, with Bexley and Bromley constituency counting at Excel on Friday 7 May 2021 (together with two other constituencies Havering and Redbridge, and Lambeth and Southwark).
- 3.57 The venue and e-count equipment were set up and tested by CGI. The layout of each individual constituency was designed to take account of health and safety, social distancing requirements and to maximise the efficiency of the workflow, but also so that candidates, agents and others could easily observe the count processes. The wearing of face coverings was mandatory, and all staff were required to take Covid (lateral flow) tests prior to entering the venue.
- 3.58 The GLRO outlined different roles at the count and provided guidance on the numbers of staff CROs should assign to each role. The main roles are:
 - Scanner operator scans ballot papers
 - Scanner and PC marshals takes ballot papers to and from scanner and PC stations
 - PC workstation operator registers batches of ballot papers, verifies batches of ballot papers, adjudicates uncertain ballots and manually enters unscannable ballots
 - Returning Officer team assists the CRO with the final stage of the adjudication process
 - Support staff assists with the opening of ballot boxes, the transferring of ballot papers into trays, and packing away the ballot papers at the conclusion of the count
- 3.59 Each constituency appointed their own staff. Working with the BRO, the CRO appointed 101 staff. Staff were allocated specific roles and received training initially attending a day at a training site (in March 2020 before the Covid pandemic) where there was practical experience on the system, and then online, which all staff were required to complete before attending the count.

- 3.60 The speed of the count depends on the scanning machines being kept working at all times. The count process started at 9am and all scanning machines were up and running in the Bexley and Bromley constituency count within 20 minutes or so. Staff worked very efficiently and effectively over the next 10 hours or so. We were the first constituency to finish counting at ExCel on that day with the results being produced shortly after 7pm.
- 3.61 Turnout in the Bexley and Bromley constituency was 44% with an overall London turnout of 42%. Full details of the results are available at https://www.londonelects.org.uk/im-voter/election-results/results-2021
- 3.62 Several reviews are now being undertaken to ensure that lessons learned are captured for future GLA elections.

CRYSTAL PALACE BY ELECTION

- 3.63 Following the resignation of the Crystal Palace ward councillor (Cllr Ahmad) at the beginning of March 2021, valid nomination papers were received from 4 candidates by the deadline, and the poll was combined with the GLA Elections on Thursday 6 May 2021.
- 3.64 Separate poll cards and postal vote packs were issued and the polling stations (already secured for the GLA Elections) in the ward at Sydenham Lawn Tennis Club, St Pauls Anerley Church Hall and Anerley Town Hall & Business Centre were used with additional staff being appointed to cope with the extra ballot paper and separate ballot box.
- 3.65 Legislation provides that the votes at a by election (and any other poll) must be verified and counted at the same time as the GLA elections, so the GLRO set aside space at the regional count venues to enable the separate (manual) count of the votes of the by elections. Adaptations were made to the layouts enabling social distancing to be maintained, and additional measures put in place such as Perspex screens on the desks to ensure the health and safety of staff, candidates and agents.
- 3.66 The count started at 10.30am on Friday 7 May 2021 at Excel and went smoothly and uneventful with the result being declared by the Deputy Returning Officer within a couple of hours. Turnout was 42% and full details of the results are available at https://www.bromley.gov.uk/info/200033/elections_and_voting/1224/crystal_palace_ward_by-election 2021

NEW ELECTORAL ARRANGEMENTS

WARD ARRANGEMENTS

- 3.67 The Local Government Boundary Commission recently completed a review of Bromley Council and the Bromley (Electoral Changes) Order 2021 was made on 1 April 2021. The new ward arrangements come into force at the next local elections to be held on 5 May 2022.
- 3.68 The *boundaries* of all existing wards and the *names* of many will change (see Appendix 4). Individual (A4 size) ward maps showing the new boundaries are now available from the Electoral Office. Full details are available at www.lgbce.org.uk/current-reviews/greater-london/bromley
- 3.69 The Returning Officer has no authority to make any changes to the new ward boundaries and/or names.
- 3.70 As a result of the alterations to the ward boundaries, many of the polling districts, polling places and polling stations will now require amending/changing. A full review of the polling districts,

- polling places and polling stations will be undertaken by the Returning Officers staff in September with the Returning Officer putting forward his proposals.
- 3.71 We will be consulting with councillors, MPs and local political parties, and views will also be invited from residents, disability groups and other stakeholders.
- 3.72 The outcome of that review will be reported to this Committee in December to enable the necessary alterations to be made to the register of electors with the intention of (re)-publishing the electoral register on the new boundaries on 1 February 2022.
- 3.73 Regulations provide that councillors will only be entitled to a copy of the electoral register on the new boundaries, as at publication of notice of election <u>and</u> if they are standing as a candidate at the May elections. Registered political parties will be entitled to a copy of the register when it is published.
- 3.74 Any changes to the polling places/stations will be included on the poll cards to be despatched to all eligible electors at the local elections at the end of March 2022. Details will also be included on the Council website. Members may want to consider additional means of publicising the changes (although this would be an additional cost to the Service as it is not within existing budgets).

PARLIAMENTARY CONSTITUENCY ARRANGEMENTS

- 3.75 The Boundary Commission for England is in the process of reviewing **parliamentary** constituency boundaries in England.
- 3.77 An extract from this report regarding the initial proposals for Bromley is included in Appendix 5.
- 3.78 The consultation period closed on 2 August 2021. All responses will be published by the Boundary Commission with a secondary consultation period in early 2022 public hearings will be held at this stage. The Boundary Commission will then analyse those representations and may change their initial proposals. They will publish their revised proposals with a further 4-week consultation period. Final recommendations will be submitted to Parliament by the Boundary Commission in the summer of 2023.
- 3.79 The new constituencies will take effect at the next General election after the date on which the legislation is approved.
- 3.80 Under legislation the Boundary Commission can only consider ward boundaries which existed (or new ones that were approved by Parliament), as of 1 December 2020. Therefore, the Boundary Commission is not able to take Bromley's new ward boundaries into account in their initial proposals for the parliamentary boundaries (as Bromley's Order was not made until April 2021).
- 3.81 As a result, The Returning Officer now needs to compile a scheme of polling districts which identify and separate the anomalies between the current and new ward arrangements (the boundaries of these anomalies cannot be changed). This is to effectively manage the amended parliamentary constituency boundaries when they are introduced, as they will not be coterminous with the new ward arrangements. Once the arrangements have been introduced, some of these anomaly polling districts can be amalgamated into their new wards.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

None arising from this report

5. POLICY IMPLICATIONS

None arising from this report

6. FINANCIAL IMPLICATIONS

The funding for the GLA Elections is met by an allowance from the GLA and the Cabinet Office has provided additional funding to directly address costs associated with making the elections Covid-secure.

7. PERSONNEL IMPLICATIONS

Some Council employees are recruited by the Returning Officer to help with the various duties concerning the conduct of these polls. However, a majority of staff are recruited from other sources.

Under the provisions of section 35(6) of the Representation of the People Act 1983 the Council shall place the services of its officers at the disposal of the Returning officer.

8. LEGAL IMPLICATIONS

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

The rules and regulations for the conduct of the GLA Elections are primarily contained in the Representation of the People Act 1983, 1985 and 2000, the Representation of the People (England and Wales) Regulations 2001, the Greater London Authority Act 1999, the Greater London Authority Elections Rules 2007, the Electoral Registration and Administration Act 2013 and the Coronavirus Act 2020.

9. PROCUREMENT IMPLICATIONS

None arising from this report

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