

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 3 November 2022

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

Title: FEEDBACK ON THE 2022 LOCAL COUNCIL ELECTIONS AND
UPDATE ON ELECTIONS ACT 2022

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Chief Officer: Ade Adetosoye CBE, Returning Officer/Chief Executive

Ward: All

1. Reason for decision/report and options

- 1.1 To advise Members on the key issues relating to the Local Council Elections held on Thursday 5 May 2022, and to highlight the measures to be introduced in the Elections Act 2022.
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2. **RECOMMENDATION**

Members note the contents of the report and consider if there is any feedback they 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
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Transformation Policy

1. Policy Status: Not Applicable:
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- Not Applicable:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable: Local Council Elections held every 4 years
 3. Budget head/performance centre: Central Contingency/Conducting Elections
 4. Total current budget for this head: £700K
 5. Source of funding: London Borough of Bromley's Revenue budget
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Personnel

1. Number of staff (current and additional): 5 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 count
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: The Council is required to appoint one of its officers as Returning Officer for Local Council 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 elections.
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable

Customer Impact

1. Estimated number of users or customers (current and projected): c245,000 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: Not Applicable

3. COMMENTARY

LOCAL COUNCIL ELECTIONS, 5 May 2022

BACKGROUND

- 3.1 Local Council Elections were held in Bromley on Thursday 5 May 2022. Following a review of Bromley's ward arrangements by the Local Government Boundary Commission for England in 2021, these elections were the first elections to be held on the new electoral arrangements.
- 3.2 The final recommendations of the review were that Bromley would have 22 wards (same as before - but with all ward boundaries changing and many ward names being amended), and 58 councillors (2 fewer than before) representing:
- 15 three member wards
 - 6 two member wards
 - 1 single member ward
- 3.3 As a result of the alterations to the ward boundaries, the Council was required to undertake a full review of the polling districts, polling places and polling stations prior to these elections. Final recommendations were approved at this Committee on 30 November 2021 with many new polling stations being agreed (see below).
- 3.4 The delivery of these elections is the responsibility of the Returning Officer (the Chief Executive). His duties as a Returning Officer are separate from his duties as a local government officer. He is not accountable to the Council but is independent, personally responsible and answerable only to the courts.

COVID PANDEMIC

- 3.5 Although all legal restrictions regarding the Covid pandemic were lifted at the beginning of the year (e.g. wearing of masks and social distancing), infection rates kept rising in Bromley in the months prior to these elections. The Returning Officer's election plans had to remain flexible and be regularly reviewed to enable us to be responsive to any changes at a local or national level that may have occurred together with any advice from the Electoral Commission and public health bodies
- 3.6 Although less onerous than at last year's GLA elections, the Returning Officer followed the Electoral Commission's guidance and put in place safety measures at the nomination process, most polling stations and the count.

POLL CARDS

- 3.7 The format and wording of the poll cards is prescribed by law and the Returning Officer has no discretion to amend or change it.
- 3.8 Shortly after the formal election period began with the publication of the notice of election on Friday 25 March 2022, we were able to secure early despatch of some 244,000 poll cards. These were sent out by our printers (via Royal Mail) to all registered electors in the borough (including polling station voters, postal voters and proxy voters). We also sent a letter to some 12,000 properties in the borough where no one was registered to vote (urging any eligible residents to register before the deadline). A further 1,768 poll cards were despatched up to a week or so before polling day, to those residents who registered close to the relevant deadlines.
- 3.9 All poll cards to polling station voters included details of their polling station together with a note '*Due to boundary changes, your polling station may have moved*'.

3.10 This gave residents ample time to locate their new polling station, or update their registration information, or to apply for an absent vote before the relevant cut-off date.

NOMINATIONS AND CANDIDATES

3.11 Changes were made to the nomination process to minimise risks to the Returning Officer, his staff, candidates and agents:

- Candidate and Agent briefing was held online (via Microsoft teams)
- Informal checking of nomination papers was offered using email
- Arrangements for the safe hand delivery of nomination forms were put in place

These measures were generally welcomed with feedback received from most candidates being positive.

3.12 Nominations were accepted by the (deputy) Returning Officer from Monday 28 March 2022 to Tuesday 5 April 2022. In total 198 candidates were validly nominated for these elections. The number of candidates for each party was as follows:

- Chislehurst Matters – 3
- Conservative Party – 58
- Green Party – 13
- Independent – 6
- Labour Party – 58
- Liberal Democrat Party – 57
- Reform UK – 3

3.13 The greatest number of candidates (11) stood in the wards of Chislehurst and West Wickham, and the least number (5) stood in the Darwin ward.

REGISTERING TO VOTE

3.14 The deadline for registering to vote at these elections was Thursday 14 April 2022 (12 working days before polling day). The date is governed by legislation and, in common with most of the election timetable, the Returning Officer has no discretion to extend the date and deadline.

3.15 The Electoral Office received some 4,699 registration applications (mostly online) from early March up to the registration deadline. Approximately 1,100 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. As previously reported, this is primarily due to national publicity not always making it clear that only individuals **not** on the register, need to register.

POLLING STATIONS

3.16 Following the Local Government Boundary Commission for England's review of Bromley's electoral arrangements and the subsequent review of polling districts, polling places and polling stations by the Council, a new polling scheme was put into place for these elections.

3.17 This involved a significant reduction in the use of schools (where suitable alternative venues were available) with only the following 18 schools being used (where no suitable alternatives were identified):

Harris Girls Academy	St George's Bickley CE School
Harris Primary Academy Orpington	St Johns CE Primary School
Manor Oak Primary School	St Mark's CE Primary School

Marian Vian Primary School
Oaklands Primary School
Pickhurst JUNIOR School
Red Hill Primary School
Riverside West Wickham SEN School
Scotts Park Primary School

St Paul's Cray CE Primary School
St Peter & St Paul Catholic Primary School
Stewart Fleming Primary School
Tubbenden Primary School
Valley Primary School
Warren Road Primary School

3.18 There were a few new venues used as polling stations at these elections including:

Bromley Civic Centre
Bromley Town Football Club
Chislehurst Methodist Church Hall
Mottingham Community Centre
Orpington Fire Station
Sundridge Park Working Mens Club
The Sydney Arms

3.19 Although most of the polling places remained unchanged across the borough, due to the (ward and polling district) boundary changes, many voters had to go to a different polling station to the one they had attended for many years. This caused some confusion, especially on polling day, even though the changes had been highlighted on the poll cards, the Council website, a leaflet despatched with the Council Tax bills, and social media.

3.20 We asked venues previously used as polling stations, to display signage/information about the new venue. Unfortunately, not all venues accommodated our request, and a small number of complaints were received on polling day in this regard.

3.21 There were also a few complaints about the 'type' of venue being used with the individuals feeling uncomfortable with accessing/voting at the premises, for example a Working men's club, a public house etc. Unfortunately, in moving away from schools (which are often the best polling places) the alternative venue is the only option in most instances (other than an absent vote).

3.22 Although less onerous than last year, the Returning Officer implemented a number of safety measures at most polling stations to ensure the safety of his staff, candidates & agents and all voters attending the polling stations. This included the use of perspex screens (funded by Central Government at last year's GLA elections), the availability of face coverings (masks) and provision of hand sanitisers.

RECRUITMENT OF STAFF

3.23 The availability and recruitment of sufficient high quality temporary staff to work in the polling stations, open and verify postal votes and count the votes, was a major challenge especially with the ongoing rise in Covid infection rates.

3.24 Most appointments were sent out by early April but over 200 staff 'dropped out' before polling day causing a shortage of staff. The Returning Officer was assisted with this by the Council (through an email asking for Bromley Council employees to help). This enabled all roles to be appointed to by polling day.

3.25 The Returning Officer appointed to a total of 1,279 roles at this election. Many individuals fulfilled different roles and approximately 800 different people were appointed (103 of these were Bromley Council officers).

POSTAL VOTING

- 3.26 **Issue of Postal Votes:** The total number of postal vote packs (containing a postal vote statement, ballot paper and return envelopes) issued at these elections was 38,646. The bulk of these were sent out from our print supplier by first class post (via Royal Mail) on Wednesday 21 April 2022. Voters who had opted for a permanent postal vote and those who had applied up until Thursday 14 April 2022 were included in this despatch. Residents who applied after this date and up until the deadline of Tuesday 19 April 2022 received their postal vote a few days later.
- 3.27 Most residents received their postal vote packs the day after they were despatched. However, there were a small number of cases of non-receipt from about 35 residents, but they were all offered (and most accepted) replacement postal vote packs (which are available up to 5pm on polling day).
- 3.28 **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 application. This is a huge logistical operation requiring suitable accommodation, IT and staff with 4 sessions being held before polling day, and a further/last session on polling day.
- 3.29 Due to the pandemic, the usual accommodation (the Great Hall) was unavailable as it continued to be used as a Covid Vaccination Centre. Committee rooms 1, 2 & 3 were set up for the opening and verifying of the returned postal votes with perspex screens (funded by Central Government at last year's GLA elections) etc being provided to ensure the safety of the Returning Officer's staff, candidates and agents.
- 3.30 Personal identifiers are checked by scanning the postal vote statement (with the voter's date of birth and signature) so a match can be checked on by the IT system. Where the system cannot make a match then a manual check of dates of birth and signatures is undertaken by a small core team of staff who have received training by fraud experts in the techniques required to decide whether to accept or reject a signature.
- 3.31 The Electoral Commission's guidance is that staff should only reject postal voting statements when they cannot satisfy themselves that the statement has been duly completed with a genuine signature, and that a signature shows 'major and significant differences' before deciding they are not satisfied.
- 3.32 The table in **Appendix 1** shows the number of postal votes issued, returned and rejected in the 22 wards at these elections.
- 3.33 As shown, a total of 532 postal votes were rejected for either want of a signature and/or date of birth, or mismatched signature and/or date of birth, or ballot paper missing/unreturned or postal vote statement missing/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).
- 3.34 Once the personal identifiers were verified the postal ballot papers were placed in ballot boxes, sealed and stored securely before being transported to the count venue on the evening of poll (with the ballot boxes returned from the polling stations following close of poll at 10pm).

PROXY VOTING

- 3.35 Legislation was introduced at last year's GLA elections removing the need for attestation where an application was made on the grounds of Covid – this provision was extended to cover these elections.

- 3.36 The total number of proxies appointed for these elections in Bromley was 275 with 4 electors who appointed emergency proxies on the grounds of Covid in accordance with the law.

THE RETURNING OFFICER AND HIS CORE ELECTORAL STAFF

- 3.37 A key risk for the Returning Officer was keeping himself and his core Electoral team safe and well during the period of the election especially when Covid infection rates were continuing to rise across the Borough. Much of the early planning of these elections and associated work 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.
- 3.38 Undertaking regular Covid tests, wearing masks around the office, sanitising hands frequently, and reducing face to face contact (with online training for all temporary staff, and online meetings with candidates and agents) were crucial to reducing the risk of the whole team having to self-isolate at vital stages of the process (e.g. during nominations).

SUPPLIER ISSUES

- 3.39 Returning Officers and their electoral teams continue to be dependent on a small marketplace of expert print suppliers in England who have the facilities, resources and security to fulfil electoral requirements for their poll cards, postal vote packs and ballot papers.
- 3.40 All print suppliers were stretched by the sheer number and variety of election materials required for 5 May polls. Several suppliers experienced issues with late deliveries and/or printing errors. However, the Returning Officer's electoral team has an excellent working relationship with our supplier and was able to secure early despatch dates/delivery dates and no delays/issues were experienced.

POLLING DAY

- 3.41 Polling day went very smoothly with the Returning Officer and his Deputies visiting many polling stations throughout the day, with no major issues being reported.
- 3.42 As mentioned above, there was some voter confusion with the changes to the polling stations, despite highlighting this on the poll cards, the Council website, a separate leaflet (despatched with the Council Tax bills), and social media. However, these voters were re-directed to their polling station and were able to vote.
- 3.43 All polling stations closed at 10pm and presiding officers returned their sealed ballot boxes together with other election equipment and materials back to the Bromley Civic Centre. Ballot paper accounts were checked for arithmetical errors and staff opened and verified the final postal votes which had been handed into the polling stations and the Civic Centre by 10pm.
- 3.44 The sealed ballot boxes (including the postal vote ballot boxes) were then taken from the secure holding area in Committee room 1, loaded onto waiting vehicles/lorries and delivered to the count venue at Kent County Cricket Ground (where further checks were undertaken to ensure all ballot boxes were accounted for) in readiness for the counting of votes the next day on Friday 6 May 2022.

THE COUNT

- 3.45 The Returning Officer is personally responsible for the verification and counting of the votes at these elections and it is for him to decide where and when to count the votes. His main

concerns when deciding these arrangements is to make sure that the counts are accurate, and everyone has confidence in the results. He must also consider the welfare of his staff.

- 3.46 The process took place in the main Sports Hall at the Kent County Cricket Ground in Beckenham on Friday 6 May 2022 at 9am. The layout that has successfully been used at recent elections, was used, ensuring that all the proceedings were carried out in clear view of the candidates and agents. Additionally, perspex screens were placed on the count tables, between the candidates/agents and the counting staff to provide extra protection for all (these did not prevent communication taking place between the candidates/agents and counting staff in the usual way). Face masks and bottles of hand sanitisers were also available to all.
- 3.47 Most counting staff appointed by the Returning Officer were well rested following polling day, reducing errors, mistakes and unnecessary re-counts giving safe and accurate counts (the requirement for accuracy cannot be underestimated if the integrity of the process is to be maintained and later challenge to the results is avoided).
- 3.48 The Local Council election counts are the most difficult and complex to organise and manage as there are 22 ward counts that run separately but simultaneously, with multi member wards adding further complications to the process.
- 3.49 In accordance with the election rules, the total number of ballot papers in each ballot 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 candidate and counted (known as Stage 2), the count totals can be compared to the verification totals to identify any discrepancies.
- 3.50 In these elections, electors can vote for up to three candidates in the majority of wards, the exceptions being Darwin (single vote) and Biggin Hill, Chelsfield, Crystal Palace & Anerley, Mottingham, Orpington and Plaistow (up to two votes).
- 3.51 A large number of voters use all their vote entitlement for candidates of the same political party (known as 'block votes'). These votes are straightforward to count and record. However, some electors don't use all their vote entitlement, or, split their votes between political parties – these votes (known as 'split votes') need to be separately identified and counted/recorded on to counting sheets, making the process much more complicated and time consuming.
- 3.52 The first result (Darwin ward) was declared at about 11.40am and the last result (Beckenham Town & Copers Cope) was declared at about 7.40pm. Due to the close margins in the draft results for Beckenham Town & Copers Cope ward, the Returning Officer agreed to a recount and further scrutiny of the ballot papers. The methodical and thorough nature of the recount meant that this was time consuming but that was necessary given the narrow margins. The recount confirmed the order of the candidates in the draft result.
- 3.53 Following the declaration of the result of each ward, the successful candidates accepted their office and were provided with induction information in a separate room set aside for this purpose (upstairs).
- 3.54 The overall turnout at these elections in Bromley was 37.13% - slightly lower than the turnout of 39.86% recorded at the 2018 Local Council elections in Bromley, but higher than some of our neighbouring London Boroughs: Bexley 33%, Croydon unavailable, Lambeth 31% and Lewisham 35%.
- 3.55 The highest turnout at ward level was in Beckenham Town and Copers Cope at 42.90%, and the lowest turnout was in St Paul's Cray at 23.81% (see **Appendix 2** for further details).

3.56 Full details of the results are available at:

<https://cde.bromley.gov.uk/mgElectionResults.aspx?ID=10&RPID=548365774>

3.57 Reviews are now being undertaken to ensure that lessons learned are captured for future elections.

ELECTION ACT 2022

3.58 The UK government is making major changes to the electoral system that will affect everyone running, standing and voting in elections. The Elections Act 2022 received Royal Assent on 28 April 2022 and will:

- **Require voters to show photo ID at polling stations** before a ballot paper can be issued (*expected to be in place for elections from May 2023*)
- Require local authority Electoral Registration Officers to **issue free voter identification documents** (Voter Card) to eligible residents without valid photo ID (*process expected to commence from January 2023*)
- Enable electors **to apply online for an absent vote**, with both online and paper applications **requiring the applicant's identity to be verified** (*expected to be in place from July 2023*)
- **Restrict the handling of postal votes**, including limiting the number of postal votes an individual can hand in (*expected to be in place after the May 2023 elections – most likely to come into force in Autumn 2023*)
- Require **postal voters to reapply every 3 years**, replacing current rules of refreshing their signature every 5 years (*expected that transitional arrangements in place from January 2024*)
- Further **limit the number of people someone may act as proxy for** (*expected to be in place from May 2024*)
- **Extend election accessibility**, including requiring Returning Officers to take all reasonable steps to provide support for voters with a disability in polling stations (*expected to be in place from May 2023*)
- **Change voting and candidacy arrangements for EU voters** (*expected to be in place from June 2023*)
- Scrap the 'fifteen (15) year rule' to **allow all British citizens living overseas to vote in UK Parliamentary (General) elections**, regardless of when they left the UK (*expected to be in place from July 2023*)

3.59 The Department for Levelling Up, Housing and Communities are still developing the policy statements and secondary legislation. Accordingly, at this stage, we have little detail (and no guidance from the Electoral Commission) on how the new measures will work in practice, although it has been confirmed that New Burdens funding will be provided to cover the additional costs as a result of the changes.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

Not applicable

5. TRANSFORMATION/POLICY IMPLICATIONS

Not applicable

6. FINANCIAL IMPLICATIONS

Local Council elections are fully funded from Bromley's revenue budget. £700K was set aside in the Central Contingency to meet these costs. Expenditure has been contained within budget.

7. LEGAL IMPLICATIONS

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

Under the provisions of section 35(6) of the Representation of the People Act 1983, the Council is required to place the services of its officers at the disposal of the Returning Officer.

The rules and regulations for the conduct of Local Council 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, the Local Government Act 1972 and 2000 and the Local Elections (Principal Areas) (England and Wales) Rules 2006.

8. PROCUREMENT IMPLICATIONS

Not applicable

9. PROPERTY IMPLICATIONS

Not applicable

10. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

Not applicable

12 CUSTOMER IMPACT

Not applicable

13 WARD COUNCILLOR VIEWS

Not applicable

Non-Applicable Headings:	
Background Documents: (Access via Contact Officer)	