

DEMOCRATIC PROCESSES WORKING GROUP

1 OCTOBER 2018

Commenced: 4.00pm

Terminated: 4.30pm

Present: Councillors Cooney (In the Chair), Billington, J. Fitzpatrick, Kitchen, M Smith, Ward and Warrington

Apologies: Councillor Fairfoull

5. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Working Group held on 9 July 2018 be approved as a correct record.

6. PROTECTING THE DEBATE: INTIMIDATION, INFLUENCE AND INFORMATION - CON

Consideration was given to a report of the Executive Director (Governance and Pensions) which informed Members of the Cabinet Office consultation seeking views on proposed changes to electoral law aimed at improving political debate. It was explained that the consultation document covered:

- A new electoral offence of intimidation of candidates and campaigners;
- Intimidation of voters - undue influence;
- Digital campaigning – use of imprint.

It was explained that earlier this year the Committee on Standards in Public Life (CSPL) had published a review of the impact of intimidation in public life, with a focus on the role of social media. The Committee made recommendations for social media, political parties, police and local government and suggested the government consult on ways in which electoral law could be changed to protect candidates and their supporters.

Members considered the consultation document which reviewed the following recommendations and issues from the CPSL's review:

- Section 1: the Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners;
- Section 2: consolidation and clarification of the electoral offence of undue influence;
- Section 3: the Government should extend electoral law requirements for an imprint on campaigning materials to electronic communications.

In its response the Government had taken a wider view than the CPSL (which was entirely concerned with parliamentary elections). The scope of the Government's consultation covers candidates and campaigners at all polls, not just General Elections, and would cover local elections and be extended to campaigners in referendum campaigns

The CSPL recommended consultation on a new offence that applied specific electoral sanctions in cases of intimidation of candidates and their campaigners during a parliamentary election period.

The consultation document sets out how this recommendation can be implemented, by:

- creating a new electoral offence which would apply appropriate electoral sanctions to existing criminal offences of intimidation where committed against a candidate or relevant campaigner during an election period;

- and which would be classified as a corrupt practice for the purposes of electoral law (and so carry specific additional sanctions).

Members were informed that the aim was that the additional electoral sanctions would work to deter intimidatory behaviour during the election period, allowing those engaging in the electoral process to participate peacefully.

Members were informed that the issue of intimidation of voters was not considered by the CSPL, but had already been raised for possible reform as a result of recommendations made by Sir Eric Pickles in his report on voter fraud and having been considered in depth by the Law Commissions in a major Report on electoral law (February 2016). The consultation focused on

- Clarifying the offence
- Intimidation at polling stations.

In outline, the consultation proposed:

- the element of the offence in relation to physical acts of violence or threat of violence would not be materially changed;
- any act that inflicted or threatened to inflict damage, harm or loss, whether done lawfully or not, should be prohibited when carried out in order to make a person vote, or vote in a particular way, or deter them from voting;
- that the scope of the offences continued to protect voters from victimisation by including actions which are carried out both before and after elections

The third element of the consultation focused on the expansion of social media and the information available during elections and referendums. It was important that voters were aware of who was targeting them online to preserve the integrity of the electoral system.

Members discussed the content of some social media and whether it constituted an offence. It was made clear that the consultation did not cover the content of digital material, nor intimidation and abusive material merely the inclusion of an imprint. After considering the current state of knowledge and practice, it concluded with practical and technical questions about how imprints can be included in the wide range of online communications.

It was stated that election material was already defined in UK law, as any material which can reasonably be regarded as intended to promote or procure electoral success at any relevant election for a registered party or candidate (section 143A Political Parties, Elections and Referendums Act 2000 (PPERA)). It extends to political parties, third party campaigners and referendum campaigners.

The basic requirement from the consultation document was for printed election material to contain certain details (referred to as an “imprint”) to show who is responsible for its production. Printed material such as leaflets and posters must include the name and address of the printer, the promoter (the person who has authorised the material to be printed) and any person on behalf of whom the material is being published.

RESOLVED:

That the consultation document be noted

7. UPDATE ON ELECTION AND ELECTORAL REGISTRATION MATTERS

Consideration was given to a report of the Executive Director (Governance and Pensions) that provided Members with an update on:

- the Annual Canvass of electors and possible changes to the way the annual canvass will be conducted in future;
- Parliamentary Boundary Review;
- 2018/2019 Review of Polling Districts and Polling Stations;

Members were informed that the original Household Enquiry Forms (HEF) had been sent out on 1 August 2018 and first reminders had been sent out on 21 September. Response rates to the original HEF forms totalled 59.7% so around 40,000 reminder HEFs have been sent out. A breakdown of this information by polling district was appended to the report.

It was explained that the Cabinet Office would shortly be publishing a policy statement on the future of the Annual Canvass. Following a number of pilots for alternative models of updating the register of electors the following were the key findings:

- 57% to 83% of households were no change
- Alternative pilot models all cost less than the usual canvass
- Data can be used to effectively target households that do need to report a change;
- Combining different contact methods (email, post and household visits) captures relatively more changes.

Following the pilots it now appeared likely that the Cabinet Office would propose a new approach to the annual canvass very similar to the approach taken in the first year of Individual Electoral Registration in 2015. This approach would involve sharing electoral register data with the Department for Work and Pensions who would data match this information against their records to determine if there was sufficient evidence to confirm that the information we hold is correct, if so the data would come back as 'green' meaning that no further action is required other than to write to the property stating who will be on the electoral register. If the DWP had insufficient evidence to confirm elector this would come back as 'red' meaning that it would necessary to communicate with the electors to verify if they should remain on the register (this would be a mixture of email, post and household visits). When a similar approach was taken in 2015 82% of electors were 'green' meaning no further action was required, at that time we then had to communicate with around 30,000 electors. This approach, if agreed, is likely to see a significant reduction in the amount of officer time spent on the canvass and significant reductions in printing and postage costs.

With regard to the review of Parliamentary Constituencies Members were informed that the Boundary Commission's proposals for revised constituency boundaries had been laid before Parliament. It was for the Government to produce the necessary statutory instrument to put the proposal into effect. The Statutory Instrument would need to be agreed by both Houses of Parliament before coming into effect. Once the proposals were agreed the changes would come into effect at the following general election. If the proposals are not agreed the next election would be fought on the existing boundaries.

Members were informed that it was necessary to undertake a statutory review of polling districts and polling stations every five years. The next review must be stated and completed between 1 October 2018 and 31 January 2020. The intention was to complete the review before the local elections in 2019. It was intended to bring more details about the review and areas requiring change to the next meeting of the Working Group in December.

RESOLVED:

That the update be noted

6. ELECTORAL COMMISSION BULLETINS

Consideration was given to a report of the Executive Director (Governance and Pensions) that provided Members with recent copies of the Electoral Commission news bulletin which set out current issues affecting the democratic framework for local government.

RESOLVED:

That the report be noted.

CHAIR