

DEMOCRATIC PROCESSES WORKING GROUP

19 FEBRUARY 2024

Commenced: 4.00pm

Terminated: 4.45pm

Present: Councillors Cooney (In the Chair), Fairfoull, Kitchen, North and Warrington.

Apologies for Councillor Costello, McNally and Ward
Absence

11. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Working Group held on 20 November 2023 be approved as a correct record.

12. MAY 2024 ELECTIONS

Members considered a report of the Chief Executive, which advised that on 2 May 2024 Borough Council and GMCA Mayoral elections will be held. The Notice of Election for both Elections would be published on 26 March 2024. Meaning that the nomination period would commence on 27 March 2024. The statutory timetable for the elections was appended to the report.

It was explained that arrangements for 2 May elections were being undertaken on the basis that there would not be a General Election on that date. However, it was noted that it remained a possibility that there would be a General Election on 2 May 2024 up to 26 March 2024 when the Notice of Election would have to be published. Should a General Election be held on 2 May 2024 this would need to be reflected in planning.

Members were informed that the ballot papers and paperwork for the Borough Elections would be Green and for the GM Mayoral Election yellow. This was because of the possibility that a General Election could still be held on 2 May 2024 and the ballot papers for the General Election would need to be on white.

Delivery of nomination papers for the elections can begin from the day after the publication of the Notice of Election. Therefore the nomination period would be from 9.00am on Wednesday, 27 March until 4:00 pm on Friday 5 April 2024. The legal requirement for assentors on Borough Council nominations was now two on a permanent basis. Therefore, the nomination form would only ask for a proposer and seconder.

For the previous two elections political parties had been encouraged to collect nomination packs for groups of candidates rather than all individual candidates collecting their own, it was suggested that this approach should continue for the 2024 elections. To help ensure that paperwork was collected and returned in an orderly way and that Democratic Services would be in a position to properly support candidates and their agents appointments should be made for collection and return of nomination papers.

Appended to the report were details of the maximum expenditure for each ward. The figures were based on current expenditure and may change slightly as the final maximum expenditure would be based on the electorate as at 26 March 2024.

For all elections in May 2024 it would be necessary to show photographic id in order to vote at a polling station. If a voter turned up at a polling station with no accepted photo identification, they would not be issued with a ballot paper and would need to return with an accepted form of photo

identification. There was no discretion in this matter and it would be enforced at polling stations in accordance with the law. The validity of the voter ID would be determined by the Presiding Officer.

Members were reminded that the Elections Act 2022 made a range of changes which impacted on electoral administrators, campaigners and voters. The first tranche of changes, which included the introduction of voter ID requirements and new measures with the intention of making it easier for disabled people to vote, were already in force. The next tranche of changes would come into force in advance of the May 2024 polls and included the following provisions:

Absent voting

In summary the changes relating to absent votes were:

- Electors will have the option to apply for a postal vote and some types of proxy vote using a new online portal;
- New identity verification requirements had been introduced for all absent vote applications, whether they are made online or by the paper route, with the exception of emergency proxies; All applications for postal votes or proxy votes need to provide National Insurance number, date of birth, signature and address to register. People who did not have/could not retrieve the NI number or cannot provide a signature, could still apply, but they may need to provide further information. If so they will be contacted by the ERO.
 - All applications will be subject to a DWP check similar to the process for applications to register to vote.
 - For applicants whose identity cannot be verified by the DWP check, there would be a need to follow an exceptions process and, failing that, an attestation process.
- Postal vote arrangements will be limited to a maximum of three years, at which point the elector will need to make a new application, this has changed from five years.
- The total number of electors for whom a person may act as a proxy will be limited to four, of which no more than two can be domestic electors (i.e. an elector that is neither an overseas elector nor a service voter)
- All electors who had a permanent proxy vote were required to reapply for their proxy vote before 31 January 2024.

Overseas electors

The removal of the 15-year limit on expatriates' right to vote in UK Parliamentary elections. All British citizens overseas who were previously registered or resident in the UK will be enfranchised. The registration period will be extended to a maximum of three years and renewals will be set to a fixed point of 1 November, in line with the updated absent voting provisions for overseas electors. Overseas electors will have the option to re-apply for a postal or refresh their proxy vote, which will then be 'tied' to the new three-year period of registration (unless a shorter period for the absent vote is specified by the elector and it therefore expires before).

Postal vote handling and secrecy

There will be new restrictions on the handling of postal votes, including:

- a ban on political campaigners handling postal votes, except where the postal vote is their own, that of a close family member or for someone that they provide regular care;
- limits on the number of postal votes that a person can hand in at polling stations and council offices, the maximum number is five plus own for each poll;
- any person who hands in postal votes at polling stations or council offices will be required to complete a form.

Undue influence and intimidation

The offence of undue influence will be simplified, and the types of illegal behaviour used to unfairly influence someone's vote will be defined. A new disqualification order has been introduced, providing that anyone who has been convicted of an existing criminal offence of an intimidatory nature would be disqualified from standing for election, being elected to, or holding a relevant elected office for a period of five years.

Commonly used names

This provision will be applied to all election types in England from May 2024. This would provide greater flexibility in the names a candidate could put on their nomination paper. This will allow, for example, someone who is commonly known by their middle name, to use only this name on their nominations paper rather than having to use both their first name and middle name as was currently the case.

It was explained that it had been necessary to review the polling station arrangements in Dukinfield ward as it was no longer possible to have a polling station at Old Hall Chapel site at Dewsnap Lane. Having discussed the matter with ward councillors the options were:

- Change polling station from mobile at Old Hall Chapel to Itrain facility on Birch Vale Road and all electors in DUK2 vote at that polling station;
- Change polling station from mobile at Old Hall Chapel to a mobile at Richmond Park.

This year it would not be possible to use Stalybridge Fire Station as the polling station for STNTH1 polling district. Following discussions with ward councillors the following options have been identified:

- The Pavilion in Stamford Park;
- The Scout hut on Stamford Drive.

It was stated that the deadline for withdrawal of nominations is 4:00 pm Friday 5 April 2024, in theory postal votes can be issued any time after this. Given the lead in time with printers postal votes would be dispatched on Wednesday 17 April and should arrive on Thursday/Friday 18/19 April, which was the same schedule as we used in 2023.

With regard to postal vote verification and opening Members were asked to consider if they wished to retain the approach adopted in 2021 and repeated since where in order to minimise the number of people in the room at the same time the number of wards opened at the one time was restricted to five and the number of candidate representatives for each ward was restricted to one, with one member of staff opening the postal votes for each ward. In adopting this approach previously there have been six postal vote opening days.

Members were informed that the verification and count would be held at Dukinfield Town Hall. Both sets of ballot papers would be verified from 10pm on 2 May. Verification would be followed immediately by the counting of Borough Council ballot papers. The CARO has instructed that the Combined Authority ballot papers cannot be counted until Saturday 4 May with a start time of no earlier than 9am and no later than 11am, submission of count by 2pm at the latest.

The arrangements would become more complicated should there be a General Election on 2 May as the counting of General Election votes must begin immediately after verification. This would mean the timetable would need to be:

2 May – 10.00pm	verify all ballot papers, immediately followed by counting of GE ballot papers;
3 May – pm	count Borough Council Ballot Papers
4 May – between 9am and 2pm	count GMCA Mayor ballot papers

RESOLVED:

- That the statutory timetable for 2 May 2024 Borough Council elections attached at appendix 1 to the report be noted;**
- That it be noted that to have a General Election on 2 May 2024 the Notice of Election must be published by 26 March 2024;**
- That it be noted that the ballot papers for the Borough Council elections will be green and for the GMCA Mayoral election the ballot papers will be yellow;**
- That it be noted that nominations can be submitted from 9am on Wednesday 27 March 2024 until 4pm on Friday 5 April 2024;**
- That the arrangements for completing and submitting nomination papers be noted;**
- That the maximum expenses based on current electorate be noted;**

- (vii) That the continuing requirement for Voter ID be noted;
- (viii) That the polling stations to be used at the election attached at appendix 3 be noted;
- (ix) That a mobile unit at Richmond Park estate be agreed as the polling station for DUK2 polling district
- (x) That the Scout Hut on Stamford Drive be agreed as the polling station for STNTH1;
- (xi) That it be noted that poll cards and postal vote packs will be combined Borough Council and GMCA Mayoral;
- (xii) That Members note the intention to dispatch postal votes on Wednesday 19 April 2024;
- (xiii) That Members endorse the proposed arrangements for checking and opening postal votes;
- (xiv) Members note the implementation of Tranche 2 of the Elections Act 2022 provisions as set out in section 5 of the report.
- (xv) Members note the arrangements for the verification and count;

13. NOMINATION OF CIVIC MAYOR AND DEPUTY

Members considered a report of the Executive Leader and Chief Executive which explained that each year the Council must appoint from amongst its Members a Chair, in the case of Tameside this person is known as the Civic Mayor. The Council must also appoint a Vice-Chair, known as the Deputy Mayor in Tameside. At present the ruling group nominates the Civic Mayor and Deputy Mayor each year for the approval of Council.

This matter was last considered by a Mayoralty Working Group that reported to Council on 6 December 2011. At the time Members considered a variety of approaches that could be taken to the selection of the Civic Mayor and Deputy and the approaches taken by other local authorities. The options considered at the time remain valid and each are used by different local authorities depending on their local circumstances.

The report set out options for consideration as follows:

Ruling Group Nominate Civic Mayor

This is the approach currently followed in Tameside. Whichever Group has the majority of Council seats has the freedom to nominate the Mayor and Deputy Mayor. There is no obligation to follow seniority in terms of length of service or to nominate on a politically proportionate basis, the ruling group determines its own rules about who to nominate. In agreeing to continue this approach Council agreed in 2011 that there should be minimum criteria that any nomination for Civic Mayor/Deputy Mayor must meet.

Nomination Based on Length of Service

Under this approach the Councillor with the most years' service is approached to ask if they wish to be Civic Mayor, if they do not accept the next longest serving member is approached and so on. In practice it emerges some time in advance of a decision being required whether or not the next Member in line is willing/able to take on the role of Civic Mayor and when they are likely to be in a position to be Mayor. If a Member declines the Mayoralty they do not usually lose their place in the queue as they may become available in future years, however, there are examples where they would lose a number of years of seniority for not accepting when it is their 'turn', for example the Councillor may lose a percentage of their years of seniority or a set number of years. Once a Member has been the Civic Mayor they would lose their seniority on the list (only for choosing the Mayor, they don't lose seniority for any other purposes).

A method would need to be adopted to choose between Councillors with the same length of service. A method used in a number of Councils is to use date of birth with the older of the Councillors being offered the Mayoralty first.

Nomination Based on Political Proportionality

Under this system there is a rota based on the size of political groups on the Council, with the Group

whose turn it is adopting its own approach to choosing one of its members. A common approach to determining the political balance is a points based approach with a point allocated for each seat a group has and a number of points deducted each time a group has the Mayoralty (usually the total number of seats i.e. 57 in Tameside). If there was no change in political balance Labour would nominate the Civic Mayor 9 out of 10 years with the first Conservative nomination being five years after the introduction of this approach.

Nomination Based on Combination of Political Proportionality and Length of Service

The first stage is to determine which political group should nominate based on political proportionality followed by the length of service criteria described, but restricted to within the political group whose turn it is.

When Council last considered the approach to selecting the Civic Mayor and Deputy Mayor the following criteria was agreed as the framework within which the nominations would be considered:

- (a) A minimum length of service of four years (equivalent to one term in office);
- (b) Served as Deputy Mayor at some time prior to becoming Civic Mayor;
- (c) Must not be seeking election in the elections immediately prior to taking up office of Civic Mayor; and
- (d) That the nomination has not previously been Civic Mayor.

RECOMMENDATIONS:

That Council agree:

- (i) **The introduction of nominations based on length of service from May 2025 with a refusal resulting in a loss of 5 years' worth of service before further consideration;**
- (ii) **That the nominations based on length of service be introduced for the appointment of Deputy Mayor for the 2025/26 Municipal Year;**
- (iii) **That the framework, within which nominations are considered remain in place for the forthcoming Mayor and Deputy.**

14. ELECTORAL COMMISSION BULLETINS

Consideration was given to a report of the Chief Executive 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