

DEMOCRATIC PROCESSES WORKING GROUP

8 July 2019

Commenced: 4.00pm

Terminated: 5.15pm

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

Apologies: Councillor Feeley and Reid.

1. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Working Group held on 18 February 2019 be approved as a correct record subject to the inclusion of Councillor Warrington as present.

2. 2019 ELECTIONS

Consideration was given to a report of the Director (Governance and Pensions), which outlined the administrative matters that arose during the 2019 Local and European Parliamentary Elections. The 2019 Local Elections took place on 2 May 2019. It was explained that during much of the planning for the Local Elections, which began six months in advance, it was unclear whether or not there would be European Parliamentary Elections on the scheduled date of 23 May 2019. The uncertainty around the European Parliamentary Elections, which was not announced until the legal minimum deadline, had a significant impact on work for the local elections and left very little time for the organisation and administration of the European Elections themselves. In ordinary circumstance in the year of a European Election the date of the local elections would have been changed to the same day as the European Elections, which would have assisted with planning and preparation reduced both cost and risk, with a year's lead in time for planning and preparation. This had a national impact on electoral administrators and third party suppliers including printers, mobile polling station providers and the Royal Mail.

Members considered the nominations process and production of postal votes. Members were reminded that this year, as in previous years, each candidate had been offered the opportunity to have their nomination papers informally checked prior to submission. There were a significant number of errors on draft nomination papers, which candidates and or agents were advised on prior to the deadline for formal submission of nomination papers, resulting in no rejected nomination papers. Members were reminded that it is the responsibility of candidates to ensure the validity of their nomination papers and that they were submitted in a timely way and Returning Officer staff are under considerable pressure to meet legal deadlines and ensure that printing deadlines were met.

It was explained that the deadlines for submission of candidate information to the printers was extremely tight as Tameside sent out postal votes a week earlier than most other Returning Officers (including all other GM Returning Officers). It was stated that the tight deadlines had always carried with them a high risk of error and at the local elections a production error occurred with the postal ballot papers for Hyde Godley, which resulted in an incorrect postal ballot paper being issued to the 1673 electors who had requested a postal vote. The Statement of Persons Nominated correctly recorded the 5 validly nominated candidates, unfortunately the ballot paper failed to show all five candidates. On becoming aware of this error we arranged with the printers to reissue every postal voter with a replacement ballot paper to ensure that they had every opportunity to cast a legally valid vote. Members were informed that there was no legal deadline for issuing postal ballot papers, however, the reissue whilst regrettable, fell well within the good

practice standards produced by Electoral Commission and meant that Hyde Godley postal votes were delivered at the same time as the rest of Greater Manchester.

The Hyde Godley Ward postal votes were processed separately by the Senior Postal Vote Manager and Deputy Returning Officer. All the original ballot papers were voided so could not be counted as received into the Count and the ballot paper envelopes (brown envelope B) were not opened. The ballot paper error was easily distinguishable as the ballot papers showed 4 not the required 5 legal candidates so were different sizes.

It was explained that by close of poll 74 people were unable to or chose not to return a corrected ballot paper, the elected candidate won by 284 votes. Therefore even if all 74 unreturned had voted for the next most popular candidate they would still not have won the election. There was not a single individual elector who contacted the Elections Office who was not provided with the means to take part in the election. At all stages the Electoral Commission was advised of the situation and the action taken. The Electoral Commission were in support of the steps we took and in the circumstances decided no further action was necessary.

Members were informed that in order to help reduce the risk of what happened with the Hyde Godley postal votes happening again the Returning Officer had determined that the facility for informal checks of nomination papers would only be available by appointment and would not be available on the final day for the delivery of nomination papers, so any nomination papers that were brought in on the final day would only be accepted formally and checks would only then be undertaken, any errors would invalidate the nomination.

In addition the Statement of Persons Nominated would be published the day after close of nominations and no information will be provided to candidates and agents about who is standing until the day after close of nominations. These steps were intended to free up time for Returning Officer staff to do the necessary formal checks of nomination papers and proofs provided by printers prior to production of ballot papers.

Members also considered campaign issues at the Local Elections on 2 May 2019. It was explained that prior to nominations all candidates and agents received, amongst other things, a revised Code of Conduct for Campaigners. The new version of the Code, which had been produced by the Electoral Commission, included enhanced requirements regarding unacceptable behaviour by campaigners.

Members were informed that on the day of the Local Elections a number of complaints had been made relating to Hyde Werneth, in particular the polling station at St Georges, where the Conservative Candidate's Election Agent had raised a number of matters including Labour Party leaflets being left in the polling station, too many Labour Party tellers outside the polling station and Labour Party posters on vehicles in the vicinity of the polling station.

In advance of the election Returning Officer staff had specifically raised the issue with the Police Single Point of Contact (SPOC) in order that the police were aware of the nature of conduct to monitor, look out for and to ensure operational support was available and ready to be deployed to resolve any incident at or in the vicinity of a polling station according to the identified level of risk.

The police visited every polling station in the borough at least once and were fully aware of the allegations that were likely to be made in the Hyde Werneth ward.

It was stated that everyone should be alert to whether voters are affected by the behaviour outside polling stations. That said, tellers are an established part of the democratic process although they had no standing in law, it was necessary to be mindful of the fact that tellers may be seen as impeding, obstructing or intimidating electors on their way into the polling station.

The Conservative Party Agent expressed concern about there being more than one Labour Party teller outside polling stations. This complaint about tellers was raised with the Presiding Officer,

Polling Station Inspector and two Deputy Returning Officers who raised the matter with the Labour Party Agent and Local Co-ordinator, but ultimately only the police had jurisdiction and power to take any action and those complaining were advised to raise the matter with the police.

It was important to note that the Returning Officer and his staff protected and upheld their neutrality and integrity especially during the election. It was important that Returning Officer staff did not take sides or appear to be doing so particularly where, as in this case there was a close political rivalry and very close electoral results and becoming embroiled in complaints so as to give the appearance that they were supporting one over the other.

Consequently whilst advice was given and recommendations about conduct was provided the Returning Officer was not the enforcing authority and, given the interests of the voter should take priority, the Returning Officer staff always advise candidates and agents to contact the police directly. The dangers involved were highlighted by the use of local and social media where comments from current and past councillors could be viewed as negative comments about the conduct of Returning Officer staff but not making any formal complaints to the police.

It was stated that at no time during the election or since had the Elections Office received a complaint from a member of the public about conduct of tellers or anyone campaigning during the Hyde Werneth Election. The police also confirmed that at no time were they contacted by the public and/or any representatives of candidates or any other interested party during or since the election.

RESOLVED:

- (i) That it be noted that all informal checks of nomination papers will be by appointment only;**
- (ii) That it be noted that no informal checks of nomination papers will be carried out on the final day for receipt of nominations;**
- (iii) That candidates and agents be reminded of the restrictions on access to polling stations for tellers and the presence of tellers at St George's Church, Werneth Ward be restricted to outside the polling place (i.e. the whole building) to assist in upholding the integrity of the elections.**

2. LOCAL GOVERNMENT BOUNDARY REVIEW

Consideration was given to a report of the Executive Director (Governance and Pensions), which informed Members that the Local Government Boundary Commission for England intended to undertake a Boundary Review of Tameside during 2020/2021.

It was explained that the electoral arrangements of every principal local authority in England must, by law, be reviewed from time to time. These reviews, where the electoral arrangements of every English local authority were reviewed by the Commission, were known as Periodic Electoral Reviews (PERs). The Local Government Boundary Commission for England (LGBCE) is an independent body responsible for determining the electoral arrangements of local authorities across England. The Commission had decided to undertake an electoral review of Tameside Council in 2020/2021. The last electoral review of Tameside was completed in 2003.

It was stated that there were a number of other GM Authorities who would be subject to the same review in the same timeframe and it was the intention of the LGBCE to review all authorities previously reviewed before 2004.

Members were informed that the Local Democracy, Economic Development and Construction Act 2009 set out the duty placed on the LGBCE to undertake an electoral review of every principal local authority in England 'from time to time'. The last electoral review of Tameside was completed in 2003. By the time the review stages began in 2020, it would have been 17 years since

Tameside's last electoral review. This review will be an opportunity to examine how many councillors were needed to provide the governance and representation required for the next 15 years. It would be necessary to consider how an electoral review may help support the Council's vision for the future.

It was stated that in advance of the formal start of the review, the LGBCE will gather information from the Council, including detailed mapping and electorate forecasts, the information requirements were appended to the reports.

Although the preparations for the review would begin this year, the formal timetable would begin in June 2020. The proposed timetable set by the LGBCE of the various stages was as follows:

- June/July 2020 Number of councillors decided
- June/July 2020 Start of 10 week consultation seeking views on new wards
- September 2020 End of consultation; we begin analysing submissions and forming draft recommendations
- December 2020/ January 2021 Publication of draft recommendations, start of second consultation
- February/ March 2021 End of consultation; we begin analysing submissions and forming final recommendations
- May/June 2021 Publication of final recommendations
- Ordinary day of elections 2022 Election on new electoral arrangements

It was explained that each review would generally start with a preliminary period during which time the LGBCE would meet with the local authority and interested parties to explain the review process and enable them to prepare the information they would need for the review. In this stage the LGBCE would work with the Council and their key partners to gather information regarding the following:

- Details of current electoral arrangements and the current electoral register;
- Identification of parishes and their boundaries;
- Other indicators which identify and build up a map of communities;
- Five year electorate forecasts from the planned end of the review.

Members were informed that the election immediately following the outcome of the Boundary Review will be all out i.e. all seats will be up for election in 2022.

Members attention were drawn to the recent reports of Manchester and Salford City Councils undertaken in the last two years to assist in understanding the considerations that the Local Government Boundary Commission for England would take into account.

RESOLVED:

That it be noted that the Local Government Boundary Commission for England intended to undertake a Boundary Review during 2020/2021 and that further details briefings would be provided for Members prior to and during the review.

4. 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.

5. GM MAYORAL ELECTION 2020

Members were informed that there would be a combined GM Mayoral and Local Election on Thursday, 7 May 2020. It had been intended to undertake the Count for the Mayoral Election on Friday 8 May 2020, however, this would now be the repurposed bank holiday to mark VE day. Members' views were sought on options for both the timing of the verification and count and the venue.

RESOLVED:

- (i) That the Local Election and GM Mayoral verification take place immediately following close of poll in 7 May 2020 and the counting of Local Election ballot papers take place immediately following verification.**
- (ii) That the Returning Officer for the GM Mayoral Election be informed of the Council's preference for a centralised counting of votes for the GM Mayoral Election and that of the options available the preference was for Monday 11 May 2020.**
- (iii) That a report on the administrative arrangements for the May 2020 Elections be submitted to the next meeting of the Working Group.**

CHAIR