

# OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 2 December 2014 at 7.15 p.m., Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

**Members:**

**Chair:** Councillor Joshua Peck

**Vice Chair:**

Councillor John Pierce	(Scrutiny Lead for Communities, Localities and Culture)
Councillor Asma Begum	(Scrutiny Lead for Adult Health and Wellbeing)
Councillor Denise Jones	(Scrutiny Lead for Children's Services)
Councillor Dave Chesterton	(Scrutiny Lead for Development and Renewal)
Councillor Peter Golds	(Scrutiny Lead for Law Probity and Governance)
Councillor Mahbub Alam	
Councillor Abjol Miah	(Scrutiny Lead for Resources)
Councillor Muhammad Ansar Mustaqim	

**Co-opted Members:**

1 Vacancy	(Parent Governor Representative)
Victoria Ekubia	(Roman Catholic Church Representative)
Dr Phillip Rice	(Church of England Representative)
Nozrul Mustafa	(Parent Governor Representative)
Rev James Olanipekun	(Parent Governor Representative)

**Deputies:**

Councillor Khales Uddin Ahmed, Councillor Sirajul Islam, Councillor Rachael Saunders, Councillor Craig Aston, Councillor Julia Dockerill, Councillor Andrew Wood, Councillor Suluk Ahmed, Councillor Mohammed Mufti Miah and Maium Miah

[The quorum for this body is 3 voting Members]

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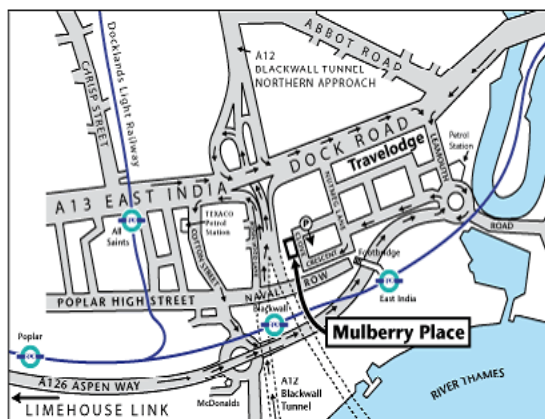
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**SUPPLEMENTARY AGENDA PAPERS**

**7 .3 Implementation of Electoral Commission  
Recommendations**

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# Agenda Item 7.3

Committee	Date	Classification	Report No.	Agenda Item No.
<b>General Purposes Committee</b>	<b>10 December 2014</b>	<b>Unrestricted</b>		<b>7.3</b>
<b>Overview and Scrutiny Committee</b>	<b>2 December 2014</b>			
Report of: <b>Acting Returning Officer/Electoral Registration Officer</b>  Originating Officer(s): <b>John Williams</b>		Title: <b>Planning for the UK Parliamentary Election (May 2015): Progress in implementing Electoral Commission recommendations and consultation on count arrangements</b>  Ward(s) affected: <b>All</b>		

## REASONS FOR URGENCY

This report was not available at the time of the agenda despatch due to the need to collate a large amount of information which did not prove possible in the time available. Nevertheless the Committee are recommended to consider the report at this meeting as it is on their work programme and also that the earlier the Committee consider the report the easier it is to include their comments in the planning for the elections.

### 1. SUMMARY

- 1.1 The General Purposes Committee has responsibility on behalf of the Council for certain functions in relation to the holding of elections and the maintenance of the electoral register.
- 1.2 The Overview and Scrutiny Committee has previously discussed matters relating to the electoral process and Members have requested an update on progress in implementing the recommendations of the Electoral Commission in relation to the arrangements for the verification and counting of votes at the UK Parliamentary Election to be held on 7 May 2015.
- 1.3 This report provides for Members' information an update on planning work that has been undertaken so far for the UK Parliamentary election. The report focusses mainly on the plans for the verification and counting of votes, in order to comply with the timetable set out by the Electoral Commission. Amongst other things, the Commission's report of July 2014 recommended that the outline plans should be subject to consultation with local parties before being firmed up at the beginning of December.

- 1.4 Accordingly, the proposals in this report are currently the subject of consultation with all interested parties. Any comments received prior to the committee meeting will be reported verbally.
- 1.5 Further rounds of consultation will address other aspects of the election plans including integrity and security measures, absent (postal and proxy) voting and the management and policing of polling stations on election day.

## **2. RECOMMENDATION**

- 2.1 That the report be noted

## **3. BACKGROUND**

- 3.1 Following the events of the May 2014 elections, the Acting Returning Officer (ARO) has been reviewing the arrangements for counting the votes in the two Tower Hamlets constituencies at the UK Parliamentary General Election to be held on 7 May 2015. The proposed arrangements reflect the changes of practice that were used successfully at the count for the Blackwall and Cubitt Town Ward in July this year, and having regard to the recommendations and advice of the Electoral Commission in their report, also published in July 2014.
- 3.2 Two documents are attached which are currently out for consultation with interested parties:-
- (i) The ARO's considerations and outline proposals for the verification and counting of votes in the Bethnal Green and Bow and Poplar and Limehouse constituencies in May 2015, including his response to the recommendations of the Electoral Commission report of July 2014; and
  - (ii) A first draft of the operational arrangements and instructions for the count, to be issued to all attendees.

## **4. MAIN PROPOSALS AND PLANNING ASSUMPTIONS**

- 4.1 The key elements of the ARO's proposals for the election count in May 2015 and the planning assumptions relied upon in formulating these are set out below:-

### **Count venue and date**

- 4.2 The counts will be held overnight, starting at **10.00 pm on 7<sup>th</sup> May 2015** with the opening of postal votes received during the poll, and proceeding through the verification of ballot papers and the counting of votes until results can be declared.
- 4.3 The ARO proposes that both constituencies will be counted at the **ExCel Centre** (ExCel). Of all the possibilities considered, within and close to the Borough, ExCel is by far the largest and can therefore accommodate

sufficient staff to ensure a speedy process. There is suitable flexible space available for the range of activities required, ExCel offers a comprehensive and professional range of facilities, and the central avenue is capable of accommodating admission arrangements for a large number of people to be processed efficiently. The Council's Corporate Management Team has confirmed that the necessary resources can be made available to meet the potential additional cost of using this venue.

- 4.4 Two areas within ExCel have been provisionally booked – one for counting the two constituencies, and an adjacent area for dealing with postal votes received during polling day, storage for the unused stationary returned from polling stations, accommodation for the ballot boxes once emptied, and provision for a catering facility for staff that is separate from the counting area.
- 4.5 Although not located within Tower Hamlets, ExCel is close to the Borough boundary and is easily accessible by public transport (and for the purposes of delivery of ballot boxes, by car). ExCel has been used successfully as a count venue at previous elections including the London Mayoral and Assembly elections in 2008 and 2012; and by L. B. Newham Council for local and mayoral elections.

#### **Entry to the count and conduct of attendees**

- 4.6 All attendees at the verification and count will be required to sign a **Code of Conduct** as a condition of entry. The code will be based on that successfully used at the Blackwall and Cubitt Town ward election in July 2014 and will set out the standards of behaviour expected of all attendees.
- 4.7 Additional security staff will be engaged to ensure that order is maintained at the count and to assist the ARO's staff in applying the Code of Conduct. In addition, to alleviate delays into the ExCel centre, additional staff will be appointed at reception to control security, badges, cloakroom assistance and signature of the code of conduct. The intention is that independent professional security staff will be used, rather than Council officers, to manage the reception area and entrance to the event. Photographic I/D evidence will be required to secure entry and no person who is not on the authorised list of attendees will be permitted to enter the count.
- 4.8 All attendees will be required to wear a security wristband throughout the Event.
- 4.9 CCTV recording will be in place within the count hall.

#### **Staffing the count**

- 4.10 The ARO intends to appoint a much higher ratio of count supervisors to count assistants than that which applied in 2014. The May elections demonstrated that the supervisor role is a crucial one, with experienced staff being able to deal well with queries and instruct their teams clearly. Additional appointments this time will avoid those staff being stretched between too

many teams, potentially holding up the process when they are detained by lengthy queries. Therefore on this occasion each supervisor will be responsible for only eight count assistants.

- 4.11 Despite the fact that the UK Parliamentary election is not scheduled to be combined with any other poll; and the process (and indeed the voting system used) is therefore much more straightforward than that which applied in May 2014, the ARO nevertheless intends to appoint 80 counting assistants per constituency. This is a higher figure than that used in other comparable elections and should ensure that the process is conducted efficiently. In the first stage of the counts, each team of two counting assistants is planned to verify no more than two ballot boxes.
- 4.12 As the counts will be undertaken overnight, those staff who have worked at polling stations during polling day will **not** be eligible to be appointed as count staff or supervisors. They would however be eligible to be part of the contingency teams to be available for any full recount that may prove necessary. Any such full recount would start, after a break for all concerned, with fresh staff at 1.00 pm on Friday 8<sup>th</sup> May. NB: a limited recount comprising a simple “bundle flick” would be undertaken by the original staff, with no more than a short comfort break in the proceedings.
- 4.13 The count venue will be set up well in advance and staff will be required to attend for a final training session and ‘dress rehearsal’ at 6.00 p.m. on 7<sup>th</sup> May. They will then return by 9.00 pm in order to receive a final briefing and to be seated and ready to start work in good time before candidates, election agents and others entitled to attend are admitted. This will avoid any possible conflict at the admissions desks and the need to prioritise between staff and candidates, and also help to assure a prompt start to the count processes.
- 4.14 The recruitment and training of count staff will begin earlier, and the training will be more comprehensive, ensuring that it fully complements the requirements and code of conduct for the candidates, election and counting agents and others entitled to attend the proceedings.

#### **Communications and projected time of declarations**

- 4.15 The planning assumptions are for a 70% turnout in each constituency, for a total of 30,000 postal votes to be issued, and for 75% of these to be returned.
- 4.16 On the basis of these figures, it should be possible to complete verification in around two hours (i.e. by 1.15 a.m., assuming that the final ballot boxes are delivered to the count venue not later than 11.15 pm). The ARO will once again be asking the Metropolitan Police to attend polling stations and to be available to escort the presiding officers and ballot boxes in transit to ExCel.
- 4.17 Allowing half an hour for checking of the verification statement and sharing this with the candidates and agents, it should then be possible to commence the constituency counts before 2.00 am which is the statutory target for the start of counting.



- 4.18 Assuming that there are approximately ten candidates on each ballot paper, the ARO estimates that it will be possible to complete the counts within a further two hours. Therefore an estimated declaration time for each constituency contest (barring any recounts) would be approximately 4.00 a.m. on Friday 8<sup>th</sup> May 2015.
- 4.19 Progress with the count operations and any changes in the planned assumptions will be announced regularly over the PA system, in addition to the Acting Returning Officer's regular briefings in person to candidates and election agents present in the hall.
- 4.20 Supervisory and security staff at the venue will be in constant radio contact with each other to enable any issues arising to be communicated and dealt with quickly.

#### **Enhancing management capacity**

- 4.21 The ARO has taken steps to ensure that adequate senior expertise and capacity are available for the preparation and management of the count. In particular, an experienced senior election official will be procured as a consultant to advise on and oversee the development and implementation of the count plans in order to ensure that the proper focus is maintained on the count-related work regardless of the other demands placed on the ARO and his deputy/ies prior to and on polling day.
- 4.22 The consultant will work with a dedicated member of the Facilities Team to ensure the effective management of the count as an event - i.e. venue liaison, communications, refreshments, set up of equipment, layout, logistics and contractor liaison, transfer of ballot boxes etc.

### **5. NEXT STEPS**

- 5.1 Following receipt of comments in response to the consultation exercise and discussion at the relevant council committee(s), the ARO will review the attached documents and make a submission to the Electoral Commission as soon as possible. The ARO will consider any guidance or advice received from the Commission before publicising the final operational plan.
- 5.2 The ARO will circulate revised documentation to interested parties and any known prospective Parliamentary candidates and agents in the Borough at a briefing meeting which will be held, as the first in a series of such meetings, early in the New Year. At that meeting the ARO will also circulate local guidance for prospective candidates and agents that will complement the Electoral Commission's national guidance.

### **6. THE STATUTORY TIMETABLE FOR THE UK PARLIAMENTARY ELECTION**

- 6.1 I set out below is the statutory timetable for the conduct of the General

Election. The statutory timetable is based on the assumption that the writ is received on the day following the dissolution of Parliament. If in a particular constituency the writ is received on a different date:

- The notice of election in that particular constituency must be published no later than 4pm on the second day following the receipt of the writ.
- The period for delivery of nomination papers will begin from the day after the publication of notice of election. The deadline for nominations will remain the same (i.e. 4pm on 19 working days before the poll).

6.2 Statute provides that some days are disregarded in calculating the timetable and these are each Saturday, Sunday, Good Friday, other bank holidays and any day appointed for public thanksgiving or mourning. Please therefore be aware that the timetable below may change in the event of days being appointed for public thanksgiving or mourning.

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date (deadline if not midnight)</b>
Dissolution of Parliament	25 days	Monday 30 March
Receipt of writ	24 days	Tuesday 31 March
Publication of notice of election	Not later than 22 days (4pm)	Not later than 4pm on Thursday 2 April
Delivery of nomination papers	From the day after the publication of the notice of election until the sixth day after the date of dissolution	Between 10am and 4pm on any working day after publication of notice of election until Thursday 9 April
Deadline for delivery of nomination papers	19 days (4pm)	4pm on Thursday 9 April
Deadline for withdrawals of nomination	19 days (4pm)	4pm on Thursday 9 April

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date (deadline if not midnight)</b>
<p>Making objections to nomination papers</p> <p>(except for objections on the grounds that an individual candidate may be disqualified under the Representation of the People Act 1981 – see Commission guidance)</p>	<p>On 19 days (10am to 5pm), subject to the following:</p> <p>Between 10 am – 12 noon objections can be made to all delivered nominations</p> <p>Between 12 noon and 5pm objections can only be made to nominations delivered after 4pm, 20 days before the poll</p>	<p>Between 10am and 12 noon on Thursday 9 April objections can be made to all delivered nominations</p> <p>Between 12 noon and 5pm on Thursday 9 April objections can only be made to nominations delivered after 4pm on Wednesday 8 April</p>
Deadline for the notification of appointment of election agent	19 days (4pm)	4pm on Thursday 9 April
Publication of statement of persons nominated, including notice of poll and situation of polling stations	<p>If no objections: on 19 days (at 5pm)</p> <p>If objection(s) are made: Not before objection(s) are disposed of but not later than 18 days (4pm)</p>	<p>If no objections: at 5pm on Thursday 9 April</p> <p>Objection(s) made: not before objection(s) are disposed of but not later than 4pm on Friday 10 April</p>
Publication of first interim election notice of alteration	On 19 days	Thursday 9 April
Deadline for receiving applications for registration	12 days	Monday 20 April
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	11 days (5pm)	5pm on Tuesday 21 April
Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies)	6 days (5pm)	5pm on Tuesday 28 April

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date (deadline if not midnight)</b>
Publication of second interim election notice of alteration	Between 18 days and 6 days	Between Friday 10 April and Tuesday 28 April (inclusive)
Publication of final election notice of alteration	5 days	Wednesday 29 April
Deadline for notification of appointment polling and counting agents	5 days	Wednesday 29 April
First date that electors can apply for a replacement for lost postal votes	4 days	Thursday 30 April
<b>Polling day</b>	<b>0 (7am to 10pm)</b>	<b>7am to 10pm on Thursday 7 May</b>
Last time for re-issue of spoilt or lost postal votes	0 (5pm)	5pm on Thursday 7 May
Deadline for emergency proxy applications	0 (5pm)	5pm on Thursday 7 May
Last time to alter the register due to clerical error or court appeal	0 (9pm)	9pm on Thursday 7 May

6.3 On a date to be decided after the close of nominations, the ARO will hold a meeting for all candidates and their election agents to run through the practicalities and timings / deadlines for the rest of the process, including the count.

6.4 At that meeting, the ARO will explain and demonstrate the adjudication process and candidates / election agents will be able to bring those likely to be designated as counting agents along with them to help all those who will have a role at the count to understand the process and the criteria for adjudicating doubtful ballot papers.

## **7. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

7.1 There are no direct financial implications arising from this report. Grant allocations will be made by the Cabinet Office in relation to the costs of the UK Parliamentary Election and any additional costs will be met from within budget allocations.

**8. IMPLICATIONS FOR ONE TOWER HAMLETS**

8.1 The aim of the election count plan is to ensure that the count is conducted in a fair and transparent manner in accordance with the law.

**9. APPENDICES**

13.1 There are two appendices to this report as follows:-

**Appendix A** – The ARO’s considerations and outline proposals for the verification and counting of votes in the Bethnal Green and Bow and Poplar and Limehouse constituencies in May 2015, including his response to the recommendations of the Electoral Commission report of July 2014; and

**Appendix B** - A first draft of the operational arrangements and instructions for the count, to be issued to all attendees

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**LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT**

Brief description of “background paper”

Name and telephone number of holder and address where open to inspection

No unpublished background papers have been relied upon to a material extent in the preparation of this report.

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**LONDON BOROUGH OF TOWER HAMLETS**  
**UK PARLIAMENTARY ELECTION, 7<sup>TH</sup> MAY 2015**

**VERIFICATION AND COUNTING OF VOTES**

**ACTING RETURNING OFFICER'S OUTLINE PROPOSALS AND RESPONSE TO  
THE RECOMMENDATIONS OF THE ELECTORAL COMMISSION**

**1. INTRODUCTION**

- 1.1 This document sets out the Acting Returning Officer's approach to planning for the verification and counting of votes at the UK Parliamentary election in Tower Hamlets in May 2015. It also provides an outline of the practical plans already in place and of progress made so far made against those plans.
- 1.2 The document is both a position statement at the date of preparation and a framework for further planning work. It is published for consultation with all interested parties, who are invited to submit comments to inform that further work.
- 1.3 The Electoral Commission's report of July 2014 into the verification and counts for the combined elections held in Tower Hamlets in May 2014 recommended that the Acting Returning Officer should publish certain information as part of his plan for the management of the May 2015 UK Parliamentary election count at the beginning of December 2014. The report also stated that the Commission would wish to satisfy itself, by the end of September 2014, that the Acting Returning Officer has made sufficient progress towards addressing the recommendations in its report.
- 1.4 The Acting Returning Officer has been in periodic contact with senior Electoral Commission representatives since July 2014 and shared with the Commission his outline plans for the May 2015 count at the end of September in accordance with the above. The Commission confirmed at that point that they were satisfied with the Acting Returning Officer's preparations including the developing plans and contingency/risk register for the election count.
- 1.5 This document sets out for the Acting Returning Officer's considerations in relation to planning for the 2015 elections both in terms of practical arrangements such as potential count venues and improvements to the counting process itself; proposals to enhance the dedicated management capacity allocated to the count; and developing best practice, drawing on the learning points from May 2014 and previous elections and engaging relevant expertise available from both internal and external sources.

**2. BACKGROUND AND ELECTORAL COMMISSION RECOMMENDATIONS**

- 2.1 For a decade or more, election counts in Tower Hamlets have given rise to a range of challenges for successive Returning Officers. They have often proved lengthy affairs, sometimes overrunning planned timescales by many

hours especially when major elections have been combined (e.g. the UK Parliamentary and council elections, and mayoral referendum in May 2010). In this and other years, including the UK parliamentary election in 2005, council elections in 2006 and the council by-elections in 2012, there have been allegations of poor conduct by candidates, agents and guests attending the count; and successive elections have also given rise to claims of fraudulent activity by campaigners or others.

2.2 Most recently in May 2014, the verification and counts for the combined Tower Hamlets mayoral, council and European Parliamentary elections overran the planned timetables by 7.5 hours (mayoral, including verification), 17.5 hours (council, not including recounts) and 7.5 hours (European Parliamentary). The Electoral Commission in July 2014 published a report into the verification and count, which found that there were *“two primary factors which appear to have caused the overall delay in completing the counts for the May 2014 elections in Tower Hamlets:*

- ***Access to the count venue on Friday 23 May:*** *delays in allowing count staff and those entitled to attend the verification and count meant that verification was delayed by approximately two and a half hours.*
- ***Inadequate resource management during the verification and count on Friday 23 May and Saturday 24 May, and on Sunday 25 May:*** *in addition to the significant delay to the start of the verification process on Friday 23 May, the number of count staff available was insufficient either to recover from the initial delay or to manage the number of ballot papers to be verified and counted within the Returning Officer’s planned timetable.”*

2.3 The Electoral Commission in its report recommended (inter alia) that:-

*Ahead of the scheduled Parliamentary General Election in May 2015:-*

- *The Returning Officer publishes his overall plans for the management of the count at the 2015 Parliamentary General election by no later than the beginning of December 2014, five months before polling day.*
- *The Returning Officer consider all possible options for suitable venues for future counts, with space for sufficient numbers of count staff and others entitled to attend. These details should also be published by December 2014.*

*For counting at all future elections:*

- *To ensure transparency of communication between counting staff and other attendees at the count (including counting agents) the Returning Officer should make clear in instructions to those attending any count that any such communication should take place in English only.*



- *Those attending the count should behave according to the rules set out in advance by the Returning Officer and should respect and immediately accept the Returning Officer's instructions if he considers their behaviour unacceptable.*

- 2.4 A countermanded poll in Blackwall and Cubitt Town Ward (where the Council election was delayed following the death of a candidate before the election in May) provided an opportunity to apply some alternative measures at the count, developed in consultation with an external expert consultant. These resulted in a calmer and more orderly process which was generally well received and, were it not for the need for two recounts in a very close contest, the whole process would have been completed by 1.10 a.m, just over three hours from the close of poll. Two respected representatives from the Association of Electoral Administrators were invited to observe the count proceedings and endorsed the procedures used.
- 2.5 The current (Acting) Returning Officer, John Williams, is also the Council's Service Head, Democratic Services, a post which he has held since March 2007. The Council currently has no Chief Executive, the holder of which post would normally be appointed as Returning Officer. In the absence of a Chief Executive, Mr Williams was appointed by the Council as Returning Officer (and also Electoral Registration Officer) in January 2013.
- 2.6 This consultation paper sets out information on the planning process so far for the May 2015 UK Parliamentary Election count in Tower Hamlets. The proposals aim to ensure a calm, orderly and efficient process which is completed in the shortest time possible.

### **3. ELECTION COUNT MAY 2015 – THE TASK**

- 3.1 The UK Parliamentary election will take place on 7<sup>th</sup> May 2015. There are two parliamentary constituencies within Tower Hamlets:-
- Bethnal Green and Bow; and
  - Poplar and Limehouse.
- 3.2 There are no cross-boundary issues at the UK Parliamentary election, the two parliamentary constituencies together being coterminous with the local authority.
- 3.3 The current electorate in the two constituencies, and the respective turnout figures in the 2010 UK parliamentary election, are as follows:-
- Bethnal Green and Bow – Electorate (September 2014) = 80,931. Turnout in May 2010 = 63.25%
  - Poplar & Limehouse– Electorate (September 2014) = 79,337. Turnout in May 2010 = 62.98%
- 3.4 The UK Parliamentary election in 2015 is not scheduled to be combined with any other election and in the count will therefore be a less complex event than

those in either 2010 or 2014. Nevertheless the Acting Returning Officer intends to put in place sufficiently robust arrangements to ensure an orderly and efficient count in the most demanding circumstances.

#### **4. ISSUES FOR CONSIDERATION/LEARNING POINTS FROM MAY 2014 AND PREVIOUS ELECTION COUNTS**

- 4.1 The Electoral Commission, in its report of July 2014, found (inter alia) that there were two primary factors that caused the delays to the count in May 2014 and further that:-

*“Underlying both of these main factors were plans for the management of the verification and count on Friday 23 May which proved inadequate for the number of ballot papers to be counted and the intense focus of candidates and agents on the count process. Given the context for the elections, summarised in Chapter 2 of this report, the Returning Officer should have anticipated many of the factors which appeared to have contributed to the length of the count.*

*Notwithstanding the difficulty in identifying a larger venue within the borough for the verification and count, a realistic assessment of the potential for higher than average turnout in such a close and hard-fought contest should have identified the need for more staff in order to meet the Returning Officer’s planned schedule. Likewise, given the large number of count staff and other attendees expected to enter the count venue through a relatively small foyer area, the Returning Officer should have been able to anticipate that there would be problems ensuring everyone was in place inside the venue in time to begin counting according to the planned timetable.”*

- 4.2 The Acting Returning Officer has identified a number of specific issues and learning points from the events of May 2014 and previous election counts in Tower Hamlets and these have guided his planning for the 2015 election counts. Key issues identified include:-

- Election counts at Tower Hamlets are complex, tense and demanding events which require excellent and detailed planning and management. The count must be considered as an event in its own right with dedicated organisational resources separate from other aspects of the election. In view of the many other demands on the Acting Returning Officer and his staff in the run up to the election and on polling day – many of which are accentuated in the Tower Hamlets context, there is a need for additional resources to ensure adequate and dedicated management capacity to manage the count.
- For example In May 2014, the Returning Officer and his Deputy were undertaking a very significant workload relating to polling day itself and the final postal vote opening (which finished at approximately 4.45 a.m. on Friday 23<sup>rd</sup> May) including security and anti-intimidation measures in conjunction with the Metropolitan Police. This impacted on their ability to

ensure that all necessary arrangements at the Count venue were set up well in advance and ready to commence quickly.

- Effective measures to promote security, integrity and transparency of the count are essential in the Tower Hamlets context in order to build confidence in the electoral process, but such measures have the potential to cause delays. Therefore adequate staffing – and the appropriate level of delegated authority – is also essential.
- For example, entry to the count needs to be managed strictly – as it was on 23<sup>rd</sup>/24<sup>th</sup> May 2014 – and this principle must not be compromised purely in the interest of speed, but equally the procedures in place must not delay the process. This means that all entry lists and adequate staff and processes to manage security must be in place well in advance to allow for speedy access for candidates, agents and their guests.
- Similarly the number of counting staff available – both counting assistants and supervisors, and by extension the size of the venue used to accommodate them, is crucial to a successful event. This is probably the most important single factor in determining the duration of the count. It has been problematic to identify a venue in the borough that is large enough to cope efficiently with a complex count. Various venues have been used over the years by successive Returning Officers but all have been criticised in some way. A number of potential venues have been considered for the UK Parliamentary count on 7/8 May 2014 and the Acting Returning Officer welcomes the Electoral Commission's recommendation that he should look outside the borough if necessary to secure a large enough venue.
- The layout of the count tables is also important and can significantly affect both the efficiency of the count and confidence in the process, and the ease with which the conduct of observers can be managed. The successful arrangements trialled at the Blackwall and Cubitt Town election on 3<sup>rd</sup> July can be built on in this regard.
- In the complex and hotly contested politics of Tower Hamlets, a higher than average turnout should be anticipated and planned for, along with relatively high numbers of challenges and requests for adjudication of doubtful ballot papers and (in a council election) high levels of 'mixed' votes.
- The decision to commence the verification of votes on the morning of Friday 23<sup>rd</sup> May, rather than straight after the close of poll on the Thursday evening, did provide staff with a break and enabled experienced staff who had worked as presiding officers or poll clerks on polling day, and who would therefore otherwise have been excluded from working on the count, to do so. However, given the complexity of the election, it was over ambitious to try to conduct the combined verification followed by a two-stage mayoral count, and then 19 council ward counts, one after the other

straight through from Friday morning and with a single set of staff. At future combined elections consideration should be given to undertaking the verification and at least some of the count(s) at separate sessions with different teams of staff.

- In addition to process improvements, the projected timings of each stage of the count need to be more realistically estimated for the benefit of all concerned. Significant improvements were achieved for the Blackwall and Cubitt Town ward count on 3<sup>rd</sup> July and further enhancements are possible.
- Although Tower Hamlets has a history of problematic and/or protracted counts under successive Returning Officers which suggests that there are significant local factors at play, other authorities have encountered and dealt with some if not all similar issues. There is a need to learn from best practice wherever it is identified. There is a great deal of expertise and experience available to draw on from Returning Officers and others across the country which will be utilised.

## **5. PLANNING FOR MAY 2015**

- 5.1 The Electoral Commission included in its report of July 2014 the following recommendations:-

*“The Returning Officer should ensure that plans for the resourcing and delivery of the count are based on realistic and robust assumptions about key factors, including turnout, the number of candidates and the speed and capability of count staff. Plans should identify the expected timing for completion of all stages of the count, and should be flexible enough to be revised to reflect changes if those assumptions change.*

*The Returning Officer should consult local political parties, elected representatives and prospective candidates in developing his plans for the resourcing and delivery of future election counts, to help build confidence in his proposed approach.*

*The Returning Officer should ensure that there is a contingency plan in place for managing the count if the original plan is no longer sufficient, including what actions will be taken if the count process is taking longer to complete than planned. The Returning Officer should identify key points during the count process – including commencement and completion of the verification stage – at which he will review progress against the expected schedule. This progress review should be used to inform a realistic assessment of the likelihood of delivering the overall plan for the count, and whether and when it may be necessary to implement contingency plans; [...] and*

*The Returning Officer should ensure that detailed plans for the resourcing and delivery of future counts are reviewed by a selection of other Returning Officers with relevant experience, particularly including running elections in*

*London, to ensure that planning assumptions and the overall management approach for the count are appropriate and robust.”*

- 5.2 The Acting Returning Officer is determined to ensure that mistakes which have been made and other circumstances which have obtained to cause delays at previous election counts in Tower Hamlets should not recur in May 2015.
- 5.3 The Acting Returning Officer has therefore taken into account the Electoral Commission’s findings and the above learning points in developing his plans for the May 2015 election counts. In addition, he has sought and will continue to seek to draw on additional expertise and resources available both within the local authority and outside.

## **6. ELECTION 2015 – COUNT VENUE**

- 6.1 In relation to the count venue, the Electoral Commission has recommended:-

*“The Returning Officer should consider all possible options for identifying suitable venues for future counts, with space for sufficient numbers of count staff and others entitled to attend, including:*

- *Considering venues located outside the borough.*
- *Where multiple elections are held on the same day, considering conducting counts consecutively, rather than simultaneously.*
- *Where multiple elections are held on the same day, considering conducting counts in more than one venue.*

*The Returning Officer should consult locally on possible options, taking into account views from local political parties, elected representatives, the police and others, before publishing details of the proposed venue and approach for future counts and clearly communicating the basis for the proposed approach.”*

- 6.2 The Acting Returning Officer has looked at the widest possible range of venues for the verification and counting of votes in May 2015. All potential venues have been considered including a number which have been used at recent elections i.e.:-
- The Troxy, Commercial Road (used for the combined elections in May 2014)
  - York Hall, Bethnal Green (used for the mayoral election count in October 2010 and historically for numerous elections)
  - Mile End Leisure Centre (used for the European Parliamentary elections in June 2009 and May 2014 and the combined elections in May 2010)

- East Wintergarden, Canary Wharf (used for the UK Parliamentary election in 2005 and the AV referendum in May 2011)
- 6.3 In addition, the Acting Returning Officer has investigated a number of further possible venues of which he is aware, including:-
- Queen Mary University Great Hall (not used for an election count in recent years); and
  - The ExCel Centre (used for London mayoral/assembly sub-regional counts in May 2008 and May 2012, but not previously used for a single-borough election for Tower Hamlets)
- 6.4 In considering the potential alternative venues, the priority has been to secure a venue of sufficient size to accommodate enough staff to ensure a speedy count. However, other factors are also relevant including accessibility and ease of policing/crowd control outside the venue.
- 6.5 The Troxy was the venue for the combined election count in May 2014 and as such has been subject to some criticism in view of the extended duration of that count. However, the Acting Returning Officer notes that of all the other venues within the borough suggested by interested parties (as listed above), none are as large as the Troxy or can accommodate as many counting staff. For example the available floorspace at the Troxy is 1050 sqm, which can accommodate 184 counting assistants. The equivalent figures for East Wintergarden are 682 sqm and approx. 130 counting assistants; for York Hall 557 sqm and 108 counting assistants; and for Queen Mary University 300 sqm (estimated fewer than 100 counting assistants).
- 6.6 The layout of the Troxy however (with asymmetrical upper- and lower- ground floor spaces) does not lend itself ideally to two equal-sized counting areas such as would be required for the two parliamentary constituencies.
- 6.7 Of all the venues considered, the ExCel Centre is by far the largest and there is a wide range of flexible spaces available within the centre. Although not located within the borough of Tower Hamlets, the Excel Centre is close to the borough boundary and is readily accessible by public transport (and for the purposes of delivery of ballot boxes, by car). It is likely to be a relatively expensive option but the Council's Corporate Management Team have confirmed that additional resources will be made available to ensure the efficient conduct of the election if the Acting Returning Officer considers that this is necessary.
- 6.8 The Acting Returning Officer has considered splitting the event so that the counts for the two parliamentary constituencies take place simultaneously in separate venues, although this would not be an ideal solution either from the point of view of management control, media facilities or agent attendance.

6.9 On balance, taking all relevant factors into account and subject to consultation with interested parties, the Acting Returning Officer proposes that the verification and counting of votes for the two Tower Hamlets constituencies at the UK Parliamentary elections in May 2015 should be held at the ExCel Centre.

## **7. ENHANCING MANAGEMENT CAPACITY AND EXTERNAL SUPPORT**

7.1 The Acting Returning Officer has taken steps to ensure that adequate senior expertise and capacity are available for the preparation and management of the count, in addition to the Acting Returning Officer, his deputies and staff:-

7.2 In relation to the technical electoral activities, the Acting Returning Officer intends to procure an experienced senior election official as a consultant to advise on and oversee the development and implementation of the count plans – including identification of risks and contingencies, procedures for setting up the venues and instructing count staff - both in the weeks and months before the election and on the day(s) itself. This will enable the proper focus to be maintained on the count-related work regardless of the other demands placed on the Acting Returning Officer and his Deputy/ies prior to and on polling day.

7.3 In addition to enhancing the senior electoral expertise available, the Acting Returning Officer has identified the need for a dedicated senior officer to take responsibility for managing the count as an event - i.e. aspects including venue liaison, communications, refreshments, set up of equipment, layout, logistics and contractor liaison, transfer of ballot boxes etc. The Acting Returning Officer is therefore in discussion with the Council's Service Head, Corporate Property and Capital Delivery, to identify a dedicated senior Facilities professional to undertake this role. The intention is that the person identified will be freed up from more general council duties for a period and will have minimal involvement in other aspects of the elections which could distract from the count preparations.

## **8. PROCESS FOR THE COUNT/CONDUCT OF ATTENDEES ETC**

8.1 In relation to transparency of the verification and count processes, the Electoral Commission has recommended that:-

*“The Returning Officer should ensure that all verification and count processes are transparent and provide appropriate opportunities for those who are entitled to observe and to object to doubtful ballot paper adjudication decisions. This should include ensuring that bundles of counted ballot papers are stored in full sight of counting agents in a way which allows them to monitor progress of the count.*

*To ensure transparency of communication between counting staff and other attendees at the count (including counting agents) the Returning Officer should make clear in instructions to those attending the count that any questions should be communicated via count supervisors rather than counting*

assistants, and that any such communication should take place in English only.

*The Returning Officer should ensure that the process for adjudicating doubtful ballot papers is transparent and clearly understood by those entitled to observe and formally object to the Returning Officer's decision to reject a ballot paper. The Returning Officer should hold specific briefing sessions to explain and demonstrate the adjudication process to candidates, election agents and counting agents, using materials developed and provided by the Electoral Commission for use by all Returning Officers, including doubtful ballot paper placemats; and*

*The Returning Officer should ensure that progress of the verification and count process is communicated to all attendees, providing regular updates throughout the process.”*

- 8.2 Following the May 2014 combined elections, and before the Blackwall and Cubitt Town ward countermanded poll, the Returning Officer contracted with a reputed election count expert who is the Chief Executive of another local authority and who has advised the Cabinet Office on best practice in the area, to provide his expertise and to advise on how the processes used could be redesigned and improved for the countermanded poll count.
- 8.3 Arising from this, a number of successful innovations were introduced for the Blackwall and Cubitt Town ward count, including:-
- A higher ratio of count supervisors to counting assistants
  - Double width counting tables to ensure staff were not being intimidated by candidates and/or agents with the adjacent area for seated count agents
  - A roped barrier behind the counting agent chairs to stop overcrowding at the count tables and to prevent other observers from crowding the tables.
  - Clearer written briefing to candidates, agents and guests regarding explicit standards of conduct required, and attendees to sign this code of conduct as a condition of entry.
  - Improved communications including more announcements regarding progress at each stage
  - Large format (A3) counting sheets and other stationery for ease of completion by counting teams
  - Appointment of an additional Deputy Returning Officer for the count, and DRO adjudication of doubtful votes wherever possible.
- 8.4 These improvements were well received and the ward count proceeded in an efficient and orderly manner as previously described. The Acting Returning Officer therefore intends to retain and build on the above measures for the counts in May 2015.
- 8.5 The aim is to have sufficient staff so that each pair of counting assistants will verify the ballot box(es) from a maximum of two polling stations.



8.6 Depending on the number of candidates at the elections, use will be made of the system whereby in the first instance trays are set out only for the candidates (no more than 4 or 5) who are expected to poll the majority of votes between them, with other candidates' votes being placed in an 'others' tray which will subsequently be counted. Although this will introduce a further stage into the process, advice from experts elsewhere is that it will overall speed up the process, removing unnecessary complications and use of table space at the first round of counting.

8.7 In relation to behaviour and management of attendees at the count, the Electoral Commission has recommended:-

*"The Returning Officer should ensure that all attendees at the count, including candidates, their guests, election agents, counting agents and the media, are briefed on and fully understand the process for conducting the count and the standards of behaviour which are expected of them at all times. This should aim to ensure that count staff are able to carry out verification and count activities without interference from counting agents and other observers, including leaning over or onto count tables or distracting count staff by speaking loudly with them or among themselves. This should also include appropriate restrictions on the use of mobile phones in the count venue to ensure the secrecy of votes on ballot papers during the count.*

*The Returning Officer is ultimately responsible for managing behaviour and maintaining order during the count, and has the authority to exclude anyone from the count venue if their behaviour interferes with the effective conduct of the count. The Returning Officer should make clear in both written and face-to-face briefings for attendees at the count how this authority will be used and enforced, including excluding attendees from the count venue if their behaviour interferes with the effective conduct of the count. Attendees at the count who have been briefed on standards of acceptable behaviour should respect and immediately accept the Returning Officer's instructions.  
[.....]*

*The Returning Officer is responsible in law for the conduct of the count. He must make clear to all other participants that he alone is responsible for managing the count, while acknowledging the important statutory role of those entitled to observe and formally object to decisions by the Returning Officer to reject doubtful ballots.*

*The Returning Officer should make clear on what basis he will make decisions about the management of the count, including any decision to suspend the count. This should include identifying in advance those decisions which must be taken in consultation and agreement with candidates or election agents, such as suspending the count during the specified hours."*

8.8 Clear signage will once again be used to reiterate the rules of conduct that apply to all attending the count- including no use of mobile phones or other

devices in the count hall – and all attendees will again be provided with a written briefing and required to sign a code of conduct as a condition of entry.

8.9 CCTV recording will be in place in the count hall.

8.10 To alleviate delays into the count centre for the UK Parliamentary election in May 2015, additional staff will be appointed at reception to control security, badges, cloakroom assistance and signature of the code of conduct. My intention is to use external professional security staff rather than council officers for this role. Attendees will be required to wear a security wristband throughout the event.

## **9. STAFFING THE COUNT**

9.1 The number and quality of the staff employed at the count, and the thoroughness of the training provided to them, are clearly key factors in the success or otherwise of the event and this was recognised in the Electoral Commission's report. A good team of staff was assembled for the May 2014 election counts and all were subject to mandatory training before undertaking their duties. Nevertheless, not everything went smoothly on the night and particularly in view of the extended duration of the count, many staff became tired and less efficient as the event wore on.

9.2 In relation to the staffing at the election counts in May 2015, the Acting Returning Officer intends that existing good practice will be built on in a number of ways:-

- Additional staff will be employed over and above the numbers used in May 2014, both counting assistants and supervisors, up to the capacity of the venue. Based on the ExCel Centre, the proposal would be for 80 counting assistants and 10 count supervisors per constituency.
- Count staff training will be further enhanced to include not only more detail on the practical process to be followed but also a greater emphasis on the conduct of staff (including not conversing - in any language – or engaging with the agents or candidates) and dealing with misconduct or aggressive challenges by any persons present (by referring the matter to the supervisor and if necessary the Deputy Acting Returning Officer).
- Count staff will be assigned a team number and supervisor prior to their training session and detailed briefing will take place for each stage of the count. Count staff will be asked to sign a post training evaluation document confirming their understanding of the processes to follow.
- The application and recruitment process for count staff will build on current good practice by including more information on previous experience and a more detailed question regarding any previous or current political affiliation of the applicant and whether he or she is known to any candidate at the election.

- Recruitment of staff will start earlier than in previous years in view of the numbers required and the enhanced measures to scrutinise applications.
- Staff who are appointed to work as presiding officers or poll clerks at polling stations on election day will not on this occasion also be considered as count staff, except in the event that a recount is required, when they may be used as part of a fresh team of staff who will be on standby in case of such an eventuality.
- There will also be a much higher ratio of supervisors to count teams as applied in 2014. The supervisor role is a crucial one and was identified as such in the review of the 2014 count, both for good – experienced staff dealing well with queries and instructing their teams clearly; and for bad – stretched between too many teams, they can hold up the process if they are required to resolve a lengthy query at one team. Therefore in accordance with the measures implemented successfully for the Blackwall and Cubitt Town ward election on 3<sup>rd</sup> July 2014, the resource will be increased, with each supervisor responsible for only eight counting assistants.
- Supervisory and security staff at the venue will be in constant radio contact with each other to enable any issues arising to be communicated and dealt with quickly.
- The count venue will be set up well in advance and staff will be required to attend for a final training session and ‘dress rehearsal’ at 6.00 p.m. on 7<sup>th</sup> May. They will then return by 9.00 pm in order to receive a final briefing and to be seated and ready to start work in good time before candidates, election agents and others entitled to attend are admitted. This will avoid any possible conflict at the admissions desks and the need to prioritise between staff and candidates, and also help to assure a prompt start to the count processes.

## **10. DURATION/TIMING OF THE VERIFICATION AND COUNT**

- 10.1 For the stand-alone UK Parliamentary election, the Acting Returning Officer intends that the final postal vote opening session, verification and counts will take place as one continuous event immediately after the close of poll.
- 10.2 Based on a 70% turnout for planning purposes (this is actually higher than previously achieved in Tower Hamlets) and 80 counting assistants per constituency, this would require each pair of counting assistants to verify an average of approximately 1400 ballot papers. The Acting Returning Officer estimates that this can be completed in around two hours (i.e. by **1.15 a.m.**, assuming that the final ballot boxes are delivered to the count venue not later than 11.15 p.m.)

- 10.3 Allowing half an hour for checking of the verification statement and sharing this with the candidates and agents, it should therefore be possible to commence the constituency counts by **1.45 a.m.** Again using the high 70% turnout figure and say, 10 candidates per ballot paper, it is estimated that it will be possible to complete the counts within approximately a further two hours, i.e. by 3.45 a.m., given that the UK Parliamentary election is a first-past-the-post contest with only one vote per elector.
- 10.4 Allowing 15 minutes for sharing the provisional results with candidates and agents, this will give an estimated declaration time for each constituency contest (barring any recounts) of no later than **4 a.m. on Friday 8<sup>th</sup> May 2015.**
- 10.5 Progress against all of the above timetables will be monitored at the count by the externally procured Count Consultant, whose role once the count is underway will be to focus on the logistics of the process, identifying any bottlenecks and/or areas that are starting to cause problems and to report to the Acting Returning Officer on these and with a proposed solution. Specific review meetings between the Acting Returning Officer and the consultant will be programmed for the beginning and end of each distinct stage of the process – i.e. delivery of boxes, verification, count(s) and declaration or recount(s)). The consultant will be an experienced senior election professional and so will be in a position to make such recommendations, but he/she will be able to focus on the process unencumbered by having to deal with the numerous challenges, queries and adjudications that will fall to the Acting Returning Officer during the count. He/she will also liaise with the Facilities Manager to anticipate problems and respond (or refer to the Acting Returning Officer as necessary) on issues such as liaison with premises management, provision of refreshments, staff breaks, policing and crowds, entry to the venue etc.

## 11. COUNT PLAN & IMPLEMENTATION - OUTLINE TIMETABLE FOR FURTHER WORK

- 11.1 The table below sets out the outline timetable and milestones for further planning and implementation work in connection with the election counts in May 2015.

November 2014	28 <sup>th</sup> – Launch of consultation with local political parties and other interested parties re: plans.  Identification of key staff and other resources:- <ul style="list-style-type: none"> <li>- DROs, supervisors, good experienced count assistants</li> <li>- Facilities Management lead officer</li> </ul>
December 2014	1 <sup>st</sup> - Publication of revised Register of Electors 2015  2 <sup>nd</sup> – Report to Overview and Scrutiny Committee  5 <sup>th</sup> – First meeting of the project team including

	<p>representatives of relevant council services and the Metropolitan Police.</p> <p>10<sup>th</sup> – Report to General Purposes Committee</p> <p>12<sup>th</sup> – Publication of plans for election counts May 2015</p> <p>Completion of polling district/polling place review</p>
January – February 2015	<p>Identify and recruit staff (inc. reserve teams)</p> <p>Finalise and draw up floorplan for venue. Facilities Management lead to oversee preparation of practical plan/layout and venue liaison</p> <p>Initial meeting for agents, prospective candidates and others</p> <p>Finalisation of communications plan for the elections.</p>
March 2015	<p>Consultant to commence regular 2/3 days per week to co-ordinate implementation of detailed plan, in liaison with DRO and FM lead</p> <p>Publication of Notice of Election – Monday 30<sup>th</sup> March 2015</p>
April 2015	<p>Further meeting with venue management to finalise plans for the day and prior set up – secure storage and access, count area, refreshment, observers, guests and media, communications.</p> <p>Meet transport/logistics contractors to finalise detailed plan of action for the day and set up. Including delivery of ballot boxes, transfer from/to secure storage.</p> <p>Agents and Candidates meetings – to cover all matters relating to the elections including the count arrangements – code of conduct, process, Local Protocol, demonstration of the adjudication process, security and arrangements for appointing count agents.</p> <p>Media briefing on the election and count plans and arrangements for accreditation.</p> <p>Finalise appointments and undertake detailed training for all staff including supervisors, counting assistants, accountants, FM and runners.</p> <p>Finalise, check, print all stationery, trays and labels,</p>

	<p>accountants' spreadsheets, procedural instructions.</p> <p>Final day for Receipt of Nominations and Withdrawal of Candidates – Thursday 9<sup>th</sup> April 2015</p> <p>Appointment of Poll and Count Agents – Wednesday 29<sup>th</sup> April 2015</p>
May 2014	<p>Send authorisation to the count letters, prepare lists and plan entry to venue etc.</p> <p>Consultant and FM lead to maintain close contact with venue and contractors re: setting up.</p> <p>Thursday 7<sup>th</sup> May – Polling day 7 a.m. to 10 p.m., receipt of ballot boxes and verification to commence at close of poll.</p> <p>Friday 8<sup>th</sup> May – midnight to approx. 4 a.m.– completion of verification and constituency counts</p>

## 12. NOTE: CONTINGENCY PLANNING

- 12.1 Consultees will be aware that the Tower Hamlets mayoral election held in May 2014 is currently the subject of an Election Petition which is progressing towards a hearing in the Election Court, possibly during the first part of 2015. Mr Richard Mawrey QC has been appointed as Commissioner to preside over the court.
- 12.2 The Acting Returning Officer makes no comment in this document on the content of the election petition or the matters to be considered by the court. It is however incumbent on him to take account of every possible eventuality in his planning for the elections in May 2015.
- 12.3 The Acting Returning Officer is therefore cognisant of the possibility that, in the event of the Election Court finding in favour of the Petitioners, the result of the mayoral election held in May 2014 could be set aside and a further election held. Depending on the timing of any such judgement, it may be necessary for that further election to be combined with the UK Parliamentary election on 7 May 2015.
- 12.4 The Acting Returning Officer has therefore developed contingency plans that would provide for this eventuality. In relation to the verification and counting of votes, the proposed use of the ExCel Centre – the largest venue readily available – would facilitate such a combined event. Indeed in light of previous experience as outlined in this paper, it would probably be the only practicable option that would ensure an efficient combined verification and count.

- 12.5 Certain details of the count plans would of course be reviewed in the event that a combined election is held. For example the number of counting staff would be further increased to cope with the additional work required. In relation to the timing of the various stages of the process, this would be subject to further consideration and consultation, but the Acting Returning Officer's initial thoughts are that he would still intend to conduct the verification of all ballot boxes for the combined election immediately following the close of poll (this would be estimated to complete at 4.00 a.m.), followed immediately by the counts for the two parliamentary constituencies, with declarations estimated by approximately 7.00 a.m.
- 12.6 There would then be a break before the mayoral count would commence either on the afternoon of Friday 8<sup>th</sup>, or the morning of Saturday 9<sup>th</sup> May 2014, using a fresh team of staff. Following verification, the mayoral ballot boxes would be sealed and transferred to a secure and guarded storage area at the count venue, with observers from each political party if required and a police guard. The mayoral count itself would be predicted (without any recount) to take up to three hours (if a candidate achieves more than 50% of the first preference vote) or 4.5 hours (if the second preference stage is required).

John Williams,  
Acting Returning Officer,  
28<sup>th</sup> November 2014

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**BETHNAL GREEN & BOW AND  
POPLAR & LIMEHOUSE  
PARLIAMENTARY CONSTITUENCIES**

**ARRANGEMENTS FOR COUNTING OF THE VOTES**

**7 MAY 2015**

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## 1. Venue, transport and admission arrangements

- 1.1 The verification and counting of votes will take place at the close of poll, at the ExCel Centre, One Western Gateway, Royal Victoria Dock, London, E16 1XL. It will formally commence at 10.00pm and the admission of those entitled to attend will start at 9.30pm. ExCel's usual rules and regulations apply throughout the Centre (e.g. no smoking on the premises) and, in addition, the Acting Returning Officer (ARO) has put in place Codes of Conduct for those attending the event that must be observed throughout the proceedings. These are set out in Appendices 2 and 3. To gain admission to the count those attending will have to sign an undertaking to comply with the appropriate Code of Conduct and observe any further requirements that the Acting Returning Officer (ARO) puts in place during the event.
- 1.2 Travel options are described on the ExCel Centre's website - <http://www.excel-london.co.uk/visiting-excel/travel-guide/>. All onsite parking is pay and display for Candidates, election agents, counting agents and all other invitees. Some parking bays are reserved for people with disabilities near the entrance. ExCel's normal parking regulations apply.
- 1.3 Admission to the count hall is through the main entrance at the front of the building. Admissions will be registered at the entrance to the count hall, on the main avenue. Only people whose names are on the attendance list will be admitted and photographic ID is required, as indicated in the ARO's letter of appointment. Candidates and agents must bring a signed copy of the code of conduct before being granted entry to the count.
- 1.4 All entrants will be issued with a designated badge and security wrist band which must be worn for the duration of the count.
- 1.5 During the course of the evening, readmission to the count hall will be permitted only for those wearing a security wrist band. This will speed up the process of re-entry in the situation where those entitled to attend choose to leave the hall briefly to use the public conveniences, get refreshments, make a phone call, talk with colleagues, follow onscreen progress with both Constituencies' counts, or watch the plasma TV screens that will be showing election night coverage from around the country.
- 1.6 The site is fully accessible for people with disabilities and the entrance to the count hall is on the ground floor. If you require assistance at any stage, please make yourself known to a member of staff wearing a hi-viz jacket.
- 1.7 The Count is not a public event. Some people, like the candidates, their election agents, counting agents and candidates' personal guests are entitled to attend. Other invitees – such as the media - are at the discretion of the Acting Returning Officer (ARO).
- 1.8 The Acting Returning Officer (ARO) is responsible in law for the conduct of the count. Everyone in attendance is under the direction of the Acting Returning Officer (ARO) and will be required to observe the appropriate Code of Conduct for the duration of the proceedings. Clear signage will be used to reiterate the rules of conduct that apply to all attending the counts, including a ban on the use of mobile phones or other devices in the count hall.

- 1.9 During the counts, the Acting Returning Officer (ARO) will make decisions about the management of the event and, except in the case of an emergency situation, he will first call together any candidates and election agents present in the hall at that time in order to give them prior notice. This will include any decision to suspend a count during the specified hours, which will be taken in consultation and agreement with candidates or election agents.
- 1.10 Once taken, the Acting Returning Officer's (ARO) decisions will be carried out by the Deputy AROs, Constituency Count Controllers, count supervisors, security staff or the Police, as appropriate.
- 1.11 At 10.00pm, before the start of phase 1 (verification), the Acting Returning Officer (ARO) will address candidates, election agents and all others in attendance to:
- remind those present of the verification and count processes
  - confirm the security arrangements for the ballot papers and boxes
  - reiterate how election agents can observe and participate in the adjudication of doubtful ballot papers
  - confirm that smoking is not allowed within the building, that no alcohol is allowed in the count hall, and that mobile phones may not be used in the count hall
  - make necessary announcements regarding health and safety issues, including evacuation procedures and fire drills
  - inform attendees about where they can get further information, and;
  - any other relevant information that is needed for the conduct of the event.
- 1.12 The proceedings of the counts follow a sequence and process that is prescribed in law, and the Acting Returning Officer (ARO) will be proceeding with full regard to the performance standards published by the Electoral Commission on their website [<http://www.electoralcommission.org.uk/>] which are designed to ensure best practice is followed uniformly across the country. The Acting Returning Officer (ARO) will therefore be monitoring progress against all these statutory requirements as the counts proceed and will be able to manage the achievement of best practice, including adjustments as to resources, during the course of the counts.

## **2. Facilities for candidates, election agents, counting agents, candidates' guests and the media**

- 2.1 Tea, coffee, soft drinks and snacks will be on sale in the main avenue of the ExCel Centre, at least for the early stages of the count and we will confirm availability throughout the evening. No alcohol will be sold or should be consumed in the count hall itself or in the main avenue in the vicinity of the hall.
- 2.2 There are prayer rooms at ExCel and these will be identified to guests and staff at the event. If in any doubt, ask one of the staff wearing hi-viz jackets.
- 2.3 The basic catering facility in the second count area – mentioned further in paragraph 3.5 below - is reserved for the ARO's staff only.
- 2.4 The media area shown on the plan will be available for reporters to undertake electronic communications but any interviews with candidates, political commentators etc during the counts must be undertaken in the adjacent count hall.

## **3. General arrangements for the count/layout of the hall**

- 3.1 The Acting Returning Officer (ARO), John Williams, has overall responsibility for the conduct of the count. He will liaise with the candidates and election agents, and also with site management and security staff. At the end of both the verification and count stages of the proceedings he will announce the results from a stage area in the count hall. He will also make regular announcements throughout the event as to the progress of the verification and the count, including when all ballot boxes have been received, occasional updates of the percentage of papers verified, overall turnout in each Constituency, the verification total for each Constituency, occasional updates of the percentage of papers counted, when adjudication starts, and when the declaration of results is imminent. The Deputy Acting Returning Officers will make themselves available to candidates and election agents throughout the event if you have any matter to raise.
- 3.2 The votes will be counted in two separate constituencies. Copies of the floor plan will be provided for all candidates and appointed agents prior to the count. There will be separate count zones for each of the two Constituencies – Bethnal Green & Bow and Poplar & Limehouse. Each will have a dedicated count controller, they will be wearing hi-viz jackets to make them easily recognisable.
- 3.3 The Constituency Count Controller will be assisted by a small team of supervisory staff to complete the paperwork and co-ordinate and facilitate the work of the counting teams.
- 3.4 The counting area for each constituency will comprise of 80 count assistants. There will be one count supervisor and deputy for every 8 count assistants. Separate zoned areas will be marked for unverified and verified ballot boxes. The Acting Returning Officer will announce which polling station each box is from before it is opened for verification.

3.5 The following staff will be appointed for each Constituency:

One Deputy Acting Returning Officer  
One Constituency Count Controller  
Ten Count Supervisors  
Ten Deputy Count Supervisors  
Eighty Counting Assistants in teams of two for verification and teams of four for counting of the votes  
Five Support Staff  
Two Accountants

3.6 There are 36 polling places in use for the Bethnal Green & Bow Constituency and 38 polling places for the Poplar & Limehouse Constituency. From 10.00pm onwards, the Presiding Officers will arrive at the ExCel Centre with their ballot boxes and other equipment. The postal ballot papers received before polling day will already be in the count hall in sealed boxes (probably about 9 boxes), and postal ballot papers received on polling day will be processed in the adjacent count area in ExCel and placed in sealed boxes before being transferred into the count hall after completion of the final opening session. The equipment and other materials returned from polling stations will be also sorted in the adjacent area and, as required by statute, the packets of unused ballot papers will be verified and checked.

3.7 The majority of ballot boxes should arrive between 10.15 and 11.15 pm. If the turnout does not exceed 70%, the target is to complete phase 1 (verification) in the 2 hours following the arrival of the last ballot box. Statute requires that, unless there is good reason, phase 2 (the counting of the votes) should begin by 2.00am and this should be achievable. The duration of phase 2 will depend on several factors, including the number of candidates, the number of ballot papers to be adjudicated and whether or not any form of re-count is necessary (see below).

### **Postal Votes**

3.8 Sealed ballot boxes containing postal ballot papers that have been received and processed in the days leading up to polling day will be situated by the centre tables in each constituency so that the ballot papers can be verified and then mixed with the ballot papers from the polling stations.

3.9 The opening of postal votes received on polling day will be undertaken in the adjacent count area. In accordance with the statutory requirement, the signatures and dates of birth provided on the postal vote statements will be electronically matched against those provided when the voter first applied for a postal vote.

3.10 When this process has been concluded, sealed ballot boxes containing the postal ballot papers will be delivered to the main count hall, so that the ballot papers can be verified and mixed with the ballot papers from the polling stations.

3.11 Each candidate will be invited to appoint a designated number of Counting Agents, who, along with the election agent and the candidate, are entitled to:

- observe the counting process
- require an adjudication on doubtful ballot papers
- object to a ballot paper rejected at adjudication and
- request a re-count.

#### **4. Provisions to ensure the secrecy of the poll**

4.1 Everyone attending the count is required to maintain the secrecy of the voting process. Extracts from Section 66 of the Representation of the People Act 1983 are set out below and you must ensure you read them.

##### **Representation of the People Act 1983 Section 66 (2) and (6)**

- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to how any particular ballot paper has been marked.
- (6) If a person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months.

4.2 If you need to keep your mobile phones on during the count process you are asked that these are switched to silent and/or vibrate. You are **NOT** permitted to use your mobile phone in the count hall.

4.3 For the secrecy, integrity and accuracy of the counts, it is imperative that no-one except members of the Acting Returning Officer's (ARO) staff touches any of the ballot papers, the ballot paper accounts or any other documentation or equipment brought in from the polling stations or from the opening of postal votes at any stage during the process.

4.4 The layout therefore provides double width counting tables for all of the count teams and their Supervisors, opposite which there is a row of seats for the counting agents, and – behind them – a roped barrier to stop overcrowding at the count tables and to prevent other observers from crowding the tables.

#### **5. How the votes are counted**

5.1 The counting process consists of three phases:

##### **Phase 1 - Verification**

5.2 This involves counting the number of ballot papers in the ballot box, to ensure that the number tallies with the number indicated on the ballot paper account

submitted by the Presiding Officer (PO) at each polling station or by the supervisor in charge of a postal vote opening session.

- 5.3 The contents of the box will be counted up to three times if it cannot initially be verified against the ballot paper account. After three counts, the ARO, will make a decision whether to accept a number counted as being the number of votes cast at that polling station. The ARO has instructed that for this election there is to be a zero tolerance threshold at verification and so as far as practicable, figures need to match those on the Ballot Paper Account.
- 5.4 At 10pm, Supervisors will be given permission to start verifying the contents of the postal ballot boxes that will contain the postal ballot papers that have been opened during the week before the election.
- 5.5 From around 10.15pm onwards ballot boxes will start arriving from the polling stations and then Supervisors will start the process of verifying the contents of these boxes.

#### **How will the contents of the box be verified?**

- 5.6 Supervisors will open each ballot box and empty the contents onto the table, and should clearly demonstrate to any observers that the box is empty before it is taken away to the marked area. The ballot box number can be seen on the team's verification paperwork and team tray.
- 5.7 The count assistants working in pairs will unfold the ballot papers being sure to keep them **face upwards**. They will then count the ballot papers into bundles of 25 and place a 25 count slip on each bundle.
- 5.8 Any bundles of fewer than 25 will have a 'odds' count slip attached stating the number of papers in the bundle.
- 5.9 No decisions are being made at this point in the process about the validity of the vote so neither count assistants, counting agents, election agents or candidates will make any comments or decisions on any doubtful papers.
- 5.10 Once all the ballot papers have been verified they will then be placed on the centre tables in full view of candidates and agents.

#### **Verifying the unused ballot papers**

- 5.11 While the verification and count is being undertaken there will be a team of staff in the adjacent count area undertaking a thorough check of the unused ballot papers, as required by law, and a statement as to the verification will be available on request by election agents

#### **When will we be told what the turnout is?**

- 5.12 The ARO will announce the total number of votes cast and the turnout once the verification process for each Constituency has been completed.

## **Phase 2 – Mixing and Sorting**

- 5.13 The process for sorting the ballot papers will be as set out below:
- 5.14 The Supervisor will mix ballot papers into each team tray before they are placed onto the table. It is set out in the law that postal ballot papers must be mixed with ones from the polling stations and ballot papers from polling stations must be mixed with each other.
- 5.15 Depending on the number of candidates in the Parliamentary elections, a two-stage sorting process may be undertaken. The ballot papers will be allocated to assistants, who, working in teams will sort them face upwards into trays for the candidates representing the main parties, plus a tray for 'others' and a tray for 'adjudication'. The assistants will then sort the pile of "others" into piles for the other candidates.
- 5.16 The teams will check the sorted papers to ensure (a) they are all for the same candidate and (b) they all only have one vote marked on them.
- 5.17 Once all the ballot papers for a team have been sorted, the Supervisor will conduct a first stage adjudication of the doubtful votes in view of the candidates and agents. Any papers that are objected to, will be passed to the Acting Returning Officer for final adjudication in a separate area.
- 5.18 Where a voter has marked the ballot paper with ticks or smiley faces instead of crosses, and there is no doubt that this is intended to represent a vote for a specific candidate, the Acting Returning Officer has stated that such ballot papers can be sorted as good and placed in the appropriate tray. Ballot papers marked in any other way, or in a manner which gives rise to some doubt as to the voter's intentions, will be set aside as a doubtful ballot paper.

## **Phase 3 – counting**

- 5.19 Once the ballot papers have been sorted the teams will count the number of ballot papers in each candidate's tray into bundles of 25 and 'odds'.
- 5.20 Once the number of ballot papers has been reconciled to the allocated number, the Count supervisors will collect the candidate trays and place them in the candidate trays on the middle table. Each tray will be clearly marked with the name of the candidate. Marker cards will be used to indicate every 500 ballot papers in centre trays.
- 5.21 Supervisors have been advised to constantly check and re-check the bundles of ballot papers to ensure that bundles for each candidate have been placed together and that each bundle contains papers for that candidate only.
- 5.22 Candidates, election agents and counting agents are entitled to watch the count from the opposite side of the table, but must not touch any ballot paper. If an agent questions the validity of any ballot paper, the counting assistant will, without discussion, place it into the doubtful votes pile. The bundles of sorted / counted ballot papers will be kept in sight of the counting agents at all times.



## **6. Dealing with doubtful ballot papers**

- 6.1 The Acting Returning Officer will undertake final adjudication of any doubtful ballot papers for each area.
- 6.2 The relevant election agents etc. will be formally called to the adjudication table at the end of the count area. Only those entitled to be there will be able to observe the adjudication. The process and criteria for adjudication will be exactly in line with the arrangements demonstrated to election agents and counting agents at the meeting held in March 2015
- 6.3 The Acting Returning Officer will hold up each ballot paper, giving all the agents and candidates sufficient time to see it, whilst at the same time announcing his decision – “good for (name of candidate), or “rejected for being unmarked” etc. Election agents and candidates may object to the rejection, the Acting Returning Officer is final will mark the ballot paper ‘rejection objected to’, but the acting Returning Officers decision is final.
- 6.4 The Acting Returning Officer may only reject a ballot paper in accordance with statutory provisions (as amplified in case law and Electoral Commission guidance) and therefore on the grounds that it:
  - (i) does not bear the official mark
  - (ii) contains more than one vote
  - (iii) contains writing or any mark by which the voter can be identified
  - (iv) is unmarked, or is marked in a manner which leaves doubt as to the voter’s intentions.
- 6.5 Once the decision has been made, the Constituency Count Controller, assisting the Acting Returning Officer, will record the decision, and ensure that good votes are included in the count and that rejected ones are kept separately.
- 6.6 Ballot papers that have been adjudicated will not be re-counted or re-adjudicated in the case of a re-count being ordered by the Acting Returning Officer.

## **7. How the votes for each candidate will be calculated**

- 7.1 When all ballot papers have been sorted and counted the team will write the number of votes cast for each candidate on a summary sheet for their Supervisor to take to the accountants at the back of the count area.
- 7.2 When the accountant receives information from the Constituency Count Controller on the number of adjudicated votes for each candidate, the accountant will add these figures to the “adjudicated allowed” figure and will then calculate the total votes for each of the candidates, for each team.

- 7.3 The accountant will undertake a number of checks on the figures before they compile a summary of votes cast for each candidate. The Acting Returning Officer will double-check the figures and if satisfied the accountant will complete the Declaration paperwork.

#### **What procedure will be followed if a recount is required?**

- 7.4 If a recount is ordered by the ARO, the Deputy Acting Returning Officers will ensure that all agents and candidates in the hall are made aware of what is happening by means of a public announcement. There are several types of re-count that might take place:
- (a) A check may simply be made of the bundles between the 500 markers to check the correct number of bundles are in each section.
  - (b) Each individual bundle of ballot papers may be checked to see that they only (i) contain 25 ballot papers; (ii) that all the ballot papers are for the same candidate and (iii) there is only one vote on the ballot paper. This is known as a “bundle flick”. The count slips will stay on the bundle during this process.
  - (c) A full recount will involve the count slips being removed and the bundles taken back to the team tables to be recounted.
- 7.5 Just before the ARO is ready to declare the result, he will show the provisional result to the election agents and candidates to advise them of the outcome and seek their agreement on the announcement of the result. A candidate or election agent may request a recount but the ARO may refuse if he thinks it is unreasonable.

#### **What will happen if two or more candidates have the same number of votes who are in first place?**

- 7.6 By law, when there is an equality of votes the ARO must decide between candidates by lot. There is no requirement to draw lots if one candidate has a majority and the equality is between other candidates who are not in first place.
- 7.7 The ARO has decided that if the drawing of lots is required, ballot papers marked with a vote for each of the candidates with the same number of votes will be folded and placed in an empty ballot box, mixed around, and then the ARO will draw one ballot paper. The candidate whose name is on the ballot paper drawn will have 1 vote added to their total votes and they will have the majority.

### **8. Declaration of results**

- 8.1 The Returning Officer, will declare the result for each Constituency’s election on the stage in the main count area.
- 8.2 As the result is being declared, staff will input the results so that they appear on a large screen in the ExCel Centre as well as on the Council’s web site.

## **9. Arrangements in case of evacuation or emergency**

### **9.1 Fire and major emergencies will be in accordance with ExCel evacuation procedures**

- (ii) Members of staff identified by the ARO and wearing hi-viz jackets will ensure that exits are not congested.
- (iii) Once satisfied that the media, observers and guests have left, the ARO will instruct the count staff and the candidates and agents to leave the building in an orderly manner and to convene at the assembly point.
- (iv) The ARO will instruct staff to secure the entrances to the hall and ensure that no one enters or exits other than those involved in dealing with the emergency. No person will be readmitted until the hall supervisor has been advised by the emergency service that it is safe to do so.
- (vi) When advised that the emergency is over the ARO and Deputy Acting Returning Officers (DARO) will re-enter the building, at which time the ARO will decide whether the count will resume. The ARO may wish to discuss this with the election agents.
- (vii) If the count is to resume, the counting staff and the counting and election agents will be readmitted to the building and resume their positions. Once they are in position any other persons previously admitted to observe the count will be readmitted and the process will resume.
- (viii) If it is not practical to resume the count in the hall, the ARO will direct that the ballot papers be resealed in empty ballot boxes in the presence of witnesses, and election agents may affix their own seals to these boxes. These boxes and all other unopened boxes will then be moved to an alternative location or to a secure place until arrangements can be made to restart the count process.

### **9.2 Lighting/power failure**

ExCel has its own backup generators which should kick in immediately in the event of a power failure. At the very least, this system will provide sufficient light should evacuation of the building be necessary. ExCel's management team will ensure that all emergency lights are activated.

### **9.3 Accident reporting and investigation**

You should report any accident or injury to John S Williams or Louise Stamp as quickly as possible, who will take any necessary action.

### **9.4 Other disruption or time overrun**

In the event of disruption for other than any of the above reasons, or in the event of re-counts of significant duration, Acting Returning Officer (ARO) will

announce and activate an appropriate contingency plan that may, following consultation with the candidates and their election agents, involve the adjournment of the count until a later time or to an alternative venue.

**John Williams**  
Acting Returning Officer

DRAFT

COUNT HALL FLOOR PLAN – To Follow

DRAFT

# London Borough of Tower Hamlets

## UK Parliamentary Election Count, 7 May 2015 Code of Conduct for Candidates, Agents and Guests

All attendees at the Count are reminded that:-

- The Acting Returning Officer is responsible in law for the conduct of the count and has authority to exclude anyone from the venue if their behaviour interferes with the effective conduct of the count.
- Candidates, their guests, appointed election agents and counting agents have important statutory roles at the count but these roles must be discharged in a manner that does not interfere with the effective conduct of the count.
- All persons present at the count must maintain the secrecy of the count in accordance with Section 66 of the Representation of the People Act 1983.
- Only appointed counting agents may occupy the chairs provided opposite the count assistants.

**Please note that counting agents and other observers must not:-**

- touch the ballot papers;
- interfere or converse with the counting assistants; or distract count staff by speaking loudly at them or amongst themselves;
- lean over or onto count tables;
- knowingly obstruct the count process; or
- breach or attempt to breach the secrecy of the ballot

**In order to ensure the secrecy of votes on ballot papers during the count:-**

- **No mobile phone or other portable electronic device may be used in the count room**
- No photography or filming is permitted in the count room except by accredited media representatives and under the supervision of communications staff.

No smoking is permitted anywhere in the count venue.

Refreshments may be consumed only in the area of the venue set aside for the purpose. No drinks may be brought into the count room.

**Declaration:-**

I will observe the above code of conduct. If instructed by the Acting Returning Officer in relation to my conduct I will accept the Acting Returning Officer's instructions.

I have been provided with a copy of section 66 of the Representation of the People Act 1983, I understand its provisions and I will aid in maintaining the secrecy of the ballot.

I understand that any failure to observe the Returning Officer's instructions may lead to my exclusion from the count.

Signed ..... Date .....

Print Name ..... Designation .....

**Code of Conduct for Media Accredited to Attend the Counting of  
Votes – To Follow**

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