

Non-Executive Report of the: General Purposes Committee Tuesday, 8 October 2019	 TOWER HAMLETS
Report of: Corporate Director, Governance and Monitoring Officer	Classification: Open (Unrestricted)
Post Election Review	

Originating Officer(s)	Robert Curtis
Wards affected	(All Wards);

Executive Summary

Following the European Parliamentary Elections held on 23 May 2019 a post-election review of the preparations and conduct of the poll is provided for members.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the report

1. REASONS FOR THE DECISIONS

- 1.1 This report is for information only.

2. ALTERNATIVE OPTIONS

- 1.2 This report is for information only.

3. DETAILS OF THE REPORT

3.1 Background

- 3.1.1. On the 29 March 2017 the Government issued the UK notification to leave the European Union under Article 50 (Treaty on European Union) and this set a default exit day of two years from that date.
- 3.1.2. One key consideration from that notification was a desire for the UK to avoid the UK participating in the European Parliamentary elections on 23-26 May 2019.
- 3.1.3. In seeking two extensions to the Article 50 period in March and April 2019, the Government initially intended that the UK would still leave the EU before the date of the scheduled European Parliamentary elections in order to avoid the UK taking part.
- 3.1.4. Following the third rejection of the Withdrawal Agreement, the European Union agreed a second Article 50 extension until 31 October 2019. The UK would have the option of leaving the EU earlier if the Withdrawal Agreement was ratified.
- 3.1.5. On 7 May 2019 the Government confirmed that the UK would be participating in the European Parliamentary elections, conceding that it would not be possible to ratify the Withdrawal Agreement before the elections.
- 3.1.6. The process at a UK European Parliamentary election is that an elector has one vote to elect their MEP.
- 3.1.7. Each political party puts forward a regional list of candidates and an elector can vote for one of these or for an individual standing as an independent candidate.
- 3.1.8. The number of MEPs that are elected from each party to represent a region depends on the overall share of votes that each party receives.
- 3.1.9. The UK selects 73 MEPs divided into 12 electoral regions, each represented by between 3 and 10 MEPs. In the London Region eight members are elected from this party list system. The voter selects a political party or individual independent candidate and the eight seats are distributed in proportion to the votes cast over the whole of London.

3.2. Responsibilities

- 3.2.1. Overall responsibility for the London Region of the European Parliament lay with Lewisham's Local Returning Officer (LRO) who was designated as the Regional Returning Officer (RRO) as determined by the European Parliamentary Elections (Returning Officers) Order 2013. The Local Returning Officers were personally responsible for local arrangements but answerable to the RRO.
- 3.2.2. The RRO also had powers of direction over all the London Region LRO's but was principally responsible for the following:
 - Giving notice of any European Parliamentary Election
 - The conduct of nomination procedures
 - Encouraging participation
 - The calculation of votes given for each individual candidate and political party and the allocation of seats
 - The declaration of the result

The LRO was personally responsible for the following:

- The conduct of the poll
- Printing of ballot papers (unless the RRO directs otherwise)
- Appointment of polling staff and stations
- Management of the postal voting process
- Verification and counting of the votes

3.3. Preparation

- 3.3.1. The preparations for the poll were fraught with difficulty given the uncertainty of the elections actually taking place this compounded by the consistent line from the Cabinet Office to all Returning Officers and administrators that the poll was not taking place and that the United Kingdom would be leaving the European Union on 29 March 2019. Notwithstanding these assurances, on 5 April, the Prime Minister announced that an Order setting the date for the poll would be required, although it still remained the intention of the Government to leave before 23 May.
- 3.3.2. The Order duly came into force on 10 April, although it was not until 7 May that the Government formally confirmed that the poll would actually be going ahead.
- 3.3.3. This late announcement presented significant challenges, not only to the RRO and LRO but also to stakeholders namely the software and printing suppliers, Royal Mail, polling premises and counting venue all incurring significant costs preparing for an election that was not confirmed until this date.

3.3.4. Given the uncertainty the Regional Returning Officer set up communication links with potential candidates and political parties together with the Local Returning Officers and their electoral services teams. In Tower Hamlets the election projects planning group was convened by the Local Returning Officer once the formal announcement had been made with the Police, Electoral Commission, Internal comms, ICT and the internal facilities teams represented. This project group remains in constant contact throughout the year and had all been on standby awaiting the formal confirmation that the poll would take place.

3.4. European Union Electors

- 3.4.1. The ability of some EU nationals, other than those from the UK, Republic of Ireland, Malta and Cyprus was the main casualty of the late formal notice that the election would take place.
- 3.4.2. EU nationals can and do join the electoral register, and are free to vote in local elections, and there is an extra process that the Electoral Registration Officer (ERO) is required by law to carry out prior to a EU Parliamentary election to obtain confirmation that the elector wishes to vote in this country as opposed to elsewhere in the EU.
- 3.4.3. This necessitates the issuing and return of a form, known as a UC1/E6.
- 3.4.4. Given the late announcement, governments insistence until the last minute that the poll would not take place and the significant cost of issuing the forms the timescales to complete this task were difficult to comply with and resulted in many complaints not only locally but nationally.
- 3.4.5. Most of the complaints received post-election arose from electors not knowing that such a form was required, if they noticed one arriving not believing that they needed to complete it or the form not arriving back or being processed before the cut-off day.
- 3.4.6. It is worth stressing that these difficulties were predicted, both nationally and locally by the RRO and LRO, and attempts made to eliminate or mitigate the adverse impact that was likely.

These included:

- suggesting to Government that the franchise for EU citizens was automatically changed allowing full participation in the EU parliamentary elections without necessitating a UC1
- proposing to Government that UC1s be placed in polling stations allowing those on the register to vote on the day

Both of the above were not considered appropriate to be implemented by Government.

- 3.4.6. In Tower Hamlets the LRO, in his other statutory position as the Councils Electoral Registration Officer (ERO)
 - Pre-empted the formal announcement of the EU election by writing to all 26,191 of our registered EU citizens with a first class return envelope to inform them that a choice had to be made to either vote here or to make

arrangements to vote in their home member state. Returns could be made by email.

- Sent 18,731 e-mails to those EU citizens with e-mail records via the Government's secure NOTIFY e-mail system to try and raise awareness.
 - Posted information on the Councils web site, social media, all supplemented by the Electoral Commission and local and national media channels.
 - Sent anyone who applied to register to vote through the Government's Web Site a message detailing this second requirement if they stated that they were nationals of the European Union and not British, Republic of Ireland nationals, Maltese or Cypriot.
- 3.4.7. It should be stressed that the date the Government announced that the elections would go ahead, the 7th May, was also the deadline for receiving and processing the UC1/E6's. Any application received after this date had to be refused as not received in time for the election.
- 3.4.8. If the LRO, in his capacity as the Electoral Registration Officer, had not pre-empted this announcement few, if any, EU citizens would have been able to vote with 5,188 completing the forms out of a potential 26,191(19.81%).
- 3.4.9. It is important to note that the data does not quantify those who did not apply in Tower Hamlets but instead chose to register to vote in their home member states.

3.5. Overseas Postal Votes

- 3.5.1. There is an inherent risk with Postal Ballot Packs sent abroad and all applicants are advised to consider appointing a proxy here in the UK to cast their vote on their behalf. The reason is that the LRO has no control once the postal pack envelopes are released to Royal Mail and sent to addresses abroad. A number of complaints were received that postal vote packs took an inordinate amount of time to be delivered and returned, this a direct result of the tight timetable and the logistics of printing the secure packs.
- 3.5.2. This is not a new problem with the distribution of postal packs abroad particularly when a poll is declared with very tight timescales. This is not particular to Tower Hamlets but is a national issue and requests to Government to review the manner in which overseas electors cast their votes has been a regular feature of post-election reviews in recent years and continues to be the case.

3.6. Large ballot paper

- 3.6.1. The ballot paper was the largest in the UK and measured over 2 feet long caused by last minute nominations received from independent candidates.
- 3.6.2. This, coupled with the tight timetable, resulted in a printing dilemma with existing machinery unable to print such large ballot papers in one run and resulted in a two stage printing process causing issues of compilation and insertion into the postal ballot packs.

- 3.6.3. The issue of counting the papers also had to be considered particularly at the opening of the postal votes, delivery and storage, papers issued at the polling stations and ultimately the counting of the votes on the Sunday.
- 3.6.4. Despite these difficulties no issues were reported in relation to the size of this paper.

3.7. The count

- 3.7.1. The count was held at the East Wintergarden on Sunday 26th May 2019 and passed without incident or concern raised by candidates, agents or political parties and concluded within expected and directed timescales from the RRO.
- 3.7.2. The verification of the papers occurring on Friday 24th May in Mulberry Place with all ballot papers received from the polling places scrupulously recorded and secured prior to transportation to the count on the Sunday. The papers were also recorded when transported and delivered to the count venue by the police and when finally passed to storage in William Place after the count had concluded.
- 3.7.3. The staffing of the count was initially problematic because it was to be held on the Sunday of a bank holiday weekend but the initial concerns proved unfounded with numbers recruited as required.
- 3.7.4. The photographic ticket entry system was also implemented once again for all candidates, agents and guests and the timings of the provisional count result were in line with other London authorities with the local result declared by LRO at 10pm, following formal approval from the RRO, in line with expectation.
- 3.7.5. It is now proposed, following the success of the entry controls, to expand the system to staff.

3.8. Police

- 3.8.1. Ordinarily Tower Hamlets would have a Police Officer stationed at every polling place for the duration of the poll. Given the profile of this election it was decided that every polling place would have an up to date RAG rating undertaken and where considered necessary a police officer only stationed in those premises where it was considered necessary following that RAG rating review.
- 3.8.2. A RAG rating review is essentially a traffic light system using red, amber (yellow), and green to signify different scale ratings based on current risk.
- 3.8.3. Following the poll it was considered that this worked but would not set a precedent with higher profile national elections or referenda reverting back to the standard practice of an officer at every polling place if considered necessary.
- 3.8.4. A formal review of the poll was undertaken with the Police at Bethnal Green on 16th July 2019 with confirmation of no major incidents reported on the day.

- 3.8.5.** The police also confirmed that there was a significant reduction in the number of malicious communication cases compared to previous years.

3.9. Specific issue

- 3.9.1. One issue, covered extensively by the media, was the handing in of two UC1's to the front reception at Mulberry Place. These two applications were received by the electoral services team on the 7th Floor, date stamped on receipt and refused by the ERO as missing the statutory deadline.
- 3.9.2. Receipt on reception does not satisfy the legal criteria and applications must be received in the office on the 7th Floor of Mulberry House.
- 3.9.3. The reason for the adverse publicity was a catalogue of unavoidable and inadvertent events.
- 3.9.4. Unfortunately, an old metal ballot box, and it is important to note that electoral services have no metal ballot boxes having all been replaced, was placed on reception unbeknown to the electoral services team.

The origination of this metal box appears to have been found by the facilities team in the council chamber in Mulberry Place and to date why it was left is unknown but it may have been a remnant of an internal ballot by persons unknown having borrowed a box for this purpose.

Facilities then put the metal box on reception to be collected by the electoral services team. Unfortunately, they did not inform the electoral services team that it was actually there.

- 3.9.5. The reception team, with many years' experience of having a box for postal votes handed in, thought this metal box was the official box and put correspondence handed into reception into it.

This came to light when members of the public and elected members checked the box after an evening meeting and discovered that the lid was not secure and it contained correspondence handed into reception.

On being informed the correspondence was immediately removed and secured by the Local Returning Officer.

- 3.9.6. Electoral Services were, until this discovery, completely unaware that the metal box existed.

- 3.9.7. On polling day two European Parliamentary Electors attended their polling place and were turned away because no receipt of a UC1 had been received from them prior to the statutory deadline despite their insistence that they had handed in the applications into reception before the deadline.

- 3.9.8. It was very quickly discovered, on close inspection of the building CCTV that two envelopes had in fact been handed in on time but had been placed into the aforementioned rogue metal box and as a result received in the office after the deadline.

- 3.9.9. Both electors were, following liaison with the Local Returning Officer and the evidence from the CCTV, permitted to vote.

- 3.9.10. No other electors were affected

3.10. Lessons learnt

- 3.10.1. The placing of the empty metal ballot box on reception was unfortunate and the implications not considered and electoral services should have been informed of its existence and it would have been collected immediately.
- 3.10.2. In addition, the implications of placing correspondence into an unsealed box, was not fully understood on reception.

This will now be addressed by implementing the following

- Guidance provided to all reception staff that only the approved sealed plastic ballot box can be utilised at future polls
- All seals used be recorded daily
- The plastic box secured to the reception desk
- all elections correspondence received date stamped on receipt
- all correspondence collected by the electoral services team every day

3.11. Statistics

109 Polling stations

174,126 - Eligible electorate

26,133 - Postal votes issued

15,514 - Postal ballots counted

68,011 - Ballots counted

39.06% overall turnout

4. EQUALITIES IMPLICATIONS

- 4.1 Not applicable

5. OTHER STATUTORY IMPLICATIONS

- 5.1 Not applicable

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report is a noting only report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 This report is a noting only report.
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Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports
- State NONE if none.

Appendices

- None

Officer contact details for documents: N/A