

Non-Executive Report of the: General Purposes Committee 21 st June 2022	 TOWER HAMLETS
Report of: Will Tuckley, Tower Hamlets Chief Executive and Returning Officer	Classification: [Unrestricted]
Post-Election Report – Thursday 5 May 2022	

Originating Officer(s)	Robert Curtis, Head of Electoral Services
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Special Circumstances justifying urgent consideration

This report was not ready for publication with the agenda due to the short period of time available to prepare the report since the election. However, no decisions are required from this report, and it is important that the committee consider the report now as it is a current matter.

Summary

This report has been compiled to update General Purposes Committee on the administrative arrangements put in place by the Returning Officer for the Mayoral and Borough Ward polls held on Thursday 5th May 2022.

The report details the arrangements to inform the candidates/agents and political parties of their responsibilities, the procedures to engage the electorate, the preparations and delivery of the various stages and statutory requirements set out in the formal timetable.

It also highlights the arrangements implemented by the Returning Officer in Tower Hamlets that are exclusive to Tower Hamlets, the transparency of the approach taken from the outset through to the conclusion of the Borough Ward and Mayor counts.

Recommendations:

This report is an information item with no recommendations for the committee.

1. REASONS FOR THE DECISIONS

1.1. This report is an information item.

2. ALTERNATIVE OPTIONS

2.1 None.

3. DETAILS OF REPORT

3.1 This report details the planning undertaken to deliver the Tower Hamlets Borough Council Elections and the Executive Mayor election which took place on Thursday 5th May 2022.

3.2 The responsibility for the conduct of all local elections in Tower Hamlets falls on Will Tuckley in his role as Returning Officer, this a personal responsibility independent and separate from his duties as an employee of the council.

3.4 He is appointed under the Representation of the People Act 1983.

3.5 The Returning Officer may appoint one or more persons to discharge all or any of his/her functions and the following officers were appointed as his formal deputies with full powers for these elections.

- Janet Fasan - Director of Legal (Monitoring Officer)
- Denise Radley - Corporate Director Health, Adults and Community and Deputy Chief Executive
- Robert Curtis - Head of Electoral Services

The following officers were appointed with limited powers

- Paul Hallett - Deputy Electoral Services Manager (Elections)
- Stacey Kennedy-Clarke - Deputy Electoral Services Manager (Registration)

3.6 The Returning Officer plays a central role in the democratic process ensuring that elections are administered transparently and effectively and that, as a result, the experience of voters and those standing for election is a positive one.

3.7 His role includes ensuring the following are undertaken:

- publishing the notice of election
- administering the nomination process
- printing the ballot papers
- publishing the notice of poll, statement of persons nominated and notice of situation of polling stations
- the provision of polling stations
- appointing Presiding Officers and Poll Clerks
- managing the postal voting process
- verifying and counting the votes &
- declaring the result/s

3.8 The Council elections elected 45 Cllrs for twenty Borough Wards.

- 7 wards with 3 Cllrs elected (Total 21)
- 11 wards with 2 Cllrs elected (Total 22)
- 2 wards with a single Cllr elected (Total 2)

3.9 The Mayoral poll elected the new Executive Mayor for Tower Hamlets.

3.10 Details of those elected and the results of previous elections held in Tower Hamlets can be found here <http://democracy.towerhamlets.gov.uk/mgManageElectionResults.aspx?bcr=1>

4. Pre polling day

4.1 External stakeholders' meetings started in late 2021 with all the main suppliers contacted. These included

- FDM data print mail, an established specialist elections printer based in Canning Town, who produced the following,
 - Polling station, empty property, and absent vote polling cards
 - Combined one piece mailer postal vote packs
 - Variations of ballot papers
 - The Mayoral Booklet
 - Polling station stationery
- Civica Xpress (Electoral Services Software), who provide the software modules for the electoral register and elections management
- Royal Mail who delivered the poll cards and postal packs and the following was set up to aid these processes
 - Individual postal vote dispatch licences
 - Pre sortation return postal vote licences
 - International dispatch licences
 - Polling day sweep of the sorting offices for postal packs

4.2 To assist in the project planning and risk assessments meetings and regular discussions were held with the following from October 2021 through to polling day.

- The Electoral Commission - The Returning Officer is required to satisfy performance standards set by the Commission after every election.
- The Metropolitan Police
 - Major Investigations Support, Special Enquiries Team (SET)
 - Central East BCU (Hackney & Tower Hamlets)
 - The police compiled their own project plan for all elections across London and discussed these plans in detail with the Returning Officer particularly on how their plan would impact on the preparation and delivery of the polls here in Tower Hamlets.
- The London Elections Management Board (LEMB), consisting of senior officers from throughout London, were also utilised to ensure consistency of approach
- The London Branch of the Association of Electoral Administrators (AEA) – the professional organisation who assist electoral services teams throughout London and the UK
- The Department for Levelling Up, Housing and Communities (DLUHC) were also consulted on occasion for advice and interpretation of legislation.

4.3 After the publication of the electoral register on 1 December 2021, an Elections Project Board, chaired by the Returning Officer, was convened for the first time on Thursday 16 December 2021.

4.4 The Project Board met regularly throughout the 5 months leading up to polling day and used the statutory timetable, which commenced on Monday 28 March 2022 when the Notice of Election was published which is the formal beginning of the elections, to structure preparations.

4.5 Monday 28th March 2022 was also the date when purdah officially commenced for the Council and the implications of this date were formally communicated to all existing members at the time and council officers directly from the Monitoring Officer before this date to ensure compliance and that the principles of purdah were understood and complied with.

- 4.6 The Project Board consisted of internal department leads and external stakeholders
- Legal
 - IT
 - Communications
 - Facilities/Logistics
 - The Metropolitan Police (SET and Central East BCU)
 - The Electoral Commission
 - Electoral Services
 - Democratic Services
 - Finance
- 4.7 Three separate project plans were prepared by IT, Comms & Facilities aided by Electoral Services.
- 4.8 On Thursday 16 December 2021 a briefing was held for potential candidates and known political parties and election agents.
- Issues covered at the briefing included:
- Key dates of the election timetable
 - Nomination of candidates – what to do and what not to do
 - The roles of the various agent types
 - The different types of absent votes particularly the handling of postal votes
 - Polling day arrangements
 - The location and dates of the counts
 - How to submit a candidate's expenses
 - An open question and answer session was also offered with the Police/Electoral Commission/Returning Officer
- 4.9 This first briefing was well attended by all the known political parties involved in previous elections here in Tower hamlets.
- 4.9 The official statutory timetable for the polls was published and posted on the Councils Elections 2022 web site from October 2021
- 4.10 The Councils web site was updated throughout the timetable and included the publication of the following
- all statutory notices
 - All validly nominated candidates
 - Information of the polling places and venues being used
 - An interactive search facility for existing polling places
 - All officially declared results and statistics
 - All statutory deadlines and links to web sites to apply to register to vote and apply for an absent vote
- 4.11 Social media was also monitored throughout the initial and final preparations through to polling day and the count.

5. Electoral Registration

- 5.1 Throughout the elections preparations the necessity to compile an accurate electoral register continued.
- 5.2 Additions and deletions from the register were monitored, including absent vote applications, and the statutory electoral register publications were all produced on time and in accordance with the law on the first of each month from January through to April. These were also distributed all the usual recipients of the electoral registers as well.
- 5.2 The following statistics reflect the amendments to the electoral register during that time and calls taken in the office.

Additions to the register (1st Jan - 5th May)	13,193
Deletions from the register (1st Jan - 5th May)	9,112
New absent vote applications processed (1st Jan - 5th May)	2,540
Telephone enquiries received (From Notice of Election on 28 th March 2022 – 5 th May 2022)	2,578
Telephone enquiries received on polling day – 5 th May 2022	755
Invitation to Register (ITR's) emails sent from 1 January 2022 to polling day	14,027
Letters sent to the electorate (Various) sent from January to April 2022	13,525

6. Postal Votes

- 6.1 28,765 postal packs were issued. The packs were combined to include the Mayoral ballot paper and the paper for the appropriate ward.
- 6.2 10 postal vote opening sessions were held in Town Hall with 19,394 envelopes returned which represented a 67.42% return.
- 6.3 100% of postal voting statement personal identifiers were checked, these are the dates of birth and signatures against the original applications, and a deferral system adopted for the Returning Officer and Deputy Returning Officers to adjudicate those postal voting statements provisionally rejected. 900 postal voting statements were rejected at these elections.
- 6.3 919 postal packs were received at the close of poll from the polling stations and the Royal Mail sweep.
- 6.4 Postal vote opening sessions were scrutinised by several of the political parties and candidates and feedback received has been favourable and acknowledged the transparency of the processes undertaken.

7. Polling day

- 7.1 Polling day represented the culmination of 8 months' work with all 109 polling stations opening on time and staffed to levels over and above the Electoral Commissions recommended ratios.
- 7.2 More staff were recruited and trained for these polls than the extraordinary General Election in December 2019.
- 7.3 Several arrangements were put in place prior to polling and on polling day that were and continue to be arrangements particular to Tower Hamlets. These are detailed in Appendix A.
- 7.4 Detailed discussions with the Police and a RAG rating of polling places led to a police officer at every polling place from the commencement of polling to the close of poll. The training literature used by the Police was also contributed to by Tower Hamlets electoral services particularly the issues relating to family voting and campaigning outside polling places.
- 7.5 Feedback on polling day has generally been favourable with very little substantiated complaint, but observations of the following are still a source of some concern from the public, Electoral Commission accredited observers and political representatives.
- 7.6 Not all observers attending the polling stations raised concern, but all comments received are taken seriously and will be assessed during the formal reviews undertaken.
- 7.7 In the main the two issues that were raised more than others were family voting and campaigning outside polling places

7.8 Family Voting

It has been acknowledged that Tower Hamlets staff dealt with this issue very well, this a reflection of targeted training provided, but when the polling stations were very busy this proved difficult for staff to enforce at times. This is not an issue that is particular to Tower Hamlets and is now being carefully considered by Government and the Commission as part of formal reviews being undertaken.

7.9 The right to campaign outside polling places

Comments were received that campaigning outside polling places is illegal and that large numbers of people congregating outside polling places is intimidating. In some cases, it was alleged that this deterred people from attending the polling places to cast their vote.

All comments received were responded to as soon as was reasonably practicable on the day explaining that campaigning is not illegal but the way it is carried out could constitute an offence if not carried out in an orderly manner. Importantly, outside the confines of the polling place the Returning Officer does not have any legal authority and it falls on the Police to enforce and that all allegations received would be referred to them straight away.

Concerns were also raised that large groups congregating outside polling stations is intimidating simply because they are in the vicinity, and this should not be permitted.

It is important to note that this is also not an issue solely experienced in Tower Hamlets and this is also being reviewed by Government and the Electoral Commission.

7.10 All polling places closed on time and all the ballot boxes were secured and delivered back to Mulberry Place without incident.

8. The verification and Counts

8.1 The count venue was confirmed as the East Wintergarden in Canary Wharf, this a venue used before and is located within the Borough.

8.2 The venue was subject to several onsite meetings with all the major stakeholders including the Police and Canary Wharf Security.

8.3 All aspects of the verification and counts were subject to formal project planning with the stages of the count confirmed as follows

- The verification of the content of the ballot boxes for all the polls took place on Friday 6th May 2022 commencing at 8am.
- It was anticipated that the verification would last for 4 hours finishing at 12.30 and this was the case.
- An hours break was introduced at 1.30pm with the ballot boxes secured and access permitted to political representatives to ensure full transparency of process.
- At 1.30pm the Mayor Count commenced, and the anticipated finish of the count and declaration was achieved at 5.30pm and 6pm respectively.
- The count of the Mayoral votes also ran into the two-stage preferential vote count after no individual candidate gained more than 50% of the votes cast.
- The counting of votes for the Borough Council Elections started at 8am on Saturday 7th May 2022 and the last result was declared as anticipated at 6pm.
- Using grass skirts is an accurate counting method but due to the nature of mixed votes in Tower Hamlets the number used was very high particularly in those wards with 3 vacancies. In one ward alone an unprecedented 179 grass skirts were used, and this proved time consuming but was not unexpected.
- Two wards were subject to informal double checks of the ballot papers counted following requests from election agents.

8.4 Comments relating to the counts were varied

- The East Wintergarden is considered an excellent venue but considered by some to be too small compared to the Excel.
- The Perspex screens used on the tables were welcomed and the consensus that this set up should continue. The screens do however pose a problem of direct communication particularly when adjudicating spoiled papers and this will be considered for future polls held.
- Extra signage showing which ward was being counted was also requested and this will be arranged for future polls.
- Chairs were requested for some of the attendees given the time spent in the venue.
- The count ticket security system with photographs and the security provided by the EWG was welcomed and worked well. There was confusion as to the roles and rights of access to certain processes from some and this needs to be clarified in the future with agents and candidates with many appointed believing they had the right to attend all aspects of the verification and counts.
- Unfortunately, there were odd occasions where individuals gained entry without tickets predominantly through the staff entrance, often brought in by candidates and agents. Where identified individuals were removed from the venue by security but unfortunately showed a breach of the security arrangements and this will also be reviewed for future counts.

9 Post polling and count

- 9.1 All candidates must submit returns of their expenditure, this a statutory requirement subject to 35 days after the declaration of the results.
- 9.2 All Mayor returns were received in line with the return deadlines by Friday 10th June 2022 and will be held by the Returning Officer for a period of 2 years.
- 9.3 All Borough Ward returns were also received in line with the deadline by Monday 13th June 2022 and will be held by the Returning Officer for a period 2 years.
- 9.4 During that period, copies will be made available for public inspection without charge.
- 9.5 Anyone can also request copies of the returns and accompanying documents, which will be supplied on payment of the fee of 20p per side.
- 9.6 The addresses of individuals who have made donations to candidates will be removed from all inspection copies and copies supplied on request.
- 9.7 At the end of the two-year period if the candidate or the relevant election agent requests the returns, they must be returned. Otherwise, the returns and accompanying documents will be destroyed.

5. **COMMENTS OF THE CHIEF FINANCE OFFICER**

6. **LEGAL COMMENTS**

- 6.1 The requirements for the conduct of local elections are set out in the Representation of the People Act 1983 and in the Local Elections (Principal Areas) (England and Wales) Rules 2006.
- 6.2 The matters set out in this report comply with the above legislation.

7. **ONE TOWER HAMLETS CONSIDERATIONS**

- 7.1 There are no equalities or diversity implications arising from this report

8. **BEST VALUE (BV) IMPLICATIONS**

8.1 There are no implications arising from this report

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

9.1 There are no SAGE implications arising from this report.

10. RISK MANAGEMENT IMPLICATIONS

10.1 A formal risk assessment was compiled for these polls highlighting the complications of combined polls and the implications of Covid.

10.2 The Council and Mayor Polls were combined with 2 ballot papers having to be issued to the electorate with different ways to cast their vote and different counting methods to determine the results.

10.3 Some may find the receipt of 2 papers difficult to deal with in the polling booths and when receiving postal packs given that the voting methods are different.

10.4 It is therefore very important that the guidance and information communicated to the electorate is clear as is reasonably practicable.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

11.1 There are no implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

Appendix A - List of preparations

Local Government Act, 1972 Section 100D (As amended) list of “Background Papers” used in the preparation of this report

- NONE.

Officer contact details for documents:

- Robert Curtis, Head of Electoral Services