

Committee Overview and Scrutiny Committee	Date 7 January 2014	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Returning Officer/Electoral Registration Officer Originating Officer(s): Louise Stamp, Electoral Services Manager/John Williams, Service Head, Democratic Services		Title: Elections 2014 update and Tower Hamlets Local Code of Conduct Ward(s) affected: All		

1. SUMMARY

- 1.1 The Overview and Scrutiny Committee has previously considered reports on the preparations for the May 2014 elections.
- 1.2 In October 2013 the Committee received a full report on this matter and resolved :- "That a further comprehensive report on arrangements to ensure the integrity of electoral registration and the 2014 elections be presented for OSC consideration." The Chair has requested that the report be submitted to the January 2014 meeting.
- 1.3 This report sets out information as previously reported on the ongoing work in liaison with the Metropolitan Police and Electoral Commission to ensure integrity of the electoral registration and elections processes; including the development of a local code of conduct. An update report on further progress in this work (Appendix B) will be circulated to members prior to the Committee meeting.

2. RECOMMENDATIONS

- 2.1 That the report, the draft Local Code of Conduct attached at Appendix A, and the progress update at Appendix B (to follow) be noted.

3. INTEGRITY OF THE REGISTRATION AND ELECTORAL PROCESS

- 3.1 As previously reported, the Returning Officer is currently working with the Metropolitan Police, the Electoral Commission and other partners, to ensure integrity of the electoral registration and elections processes, including the development of a local code of practice. .

- 3.2 The Overview and Scrutiny Committee has previously received a report setting out the background to the Electoral Commission/ACPO Guidance on Preventing and Detecting Electoral Malpractice' (February 2013), the Metropolitan Police findings in connection with their investigation of allegations of electoral fraud in Tower Hamlets in 2012; and the special procedures that the Council has in place to ensure integrity of the registration and election processes.
- 3.3 A number of existing procedures are in place to promote integrity of processes at election time. These include an early election agents meeting being called before the Notice of Election and all election agents are directed to the Electoral Commission's Code of Conduct on political party handling of postal vote applications and completed postal voting packs. All nomination papers are presented and informally checked by an appointed Deputy Returning Officer. All candidates and agents are advised to send copies of their nominations prior to official presentation to ensure that any problems can be discussed.
- 3.4 The training pack for polling station staff includes a section on electoral fraud and their briefing sessions include guidance on electoral fraud matters. All presiding officers are provided with a logbook in which they are requested to include the details of any incident which could amount to electoral fraud.
- 3.5 A report on the number of electors over 6 in same property is run prior to an election. Personal visits are made to all properties to confirm residency and update the register
- 3.6 Prior to the issue of postal votes, reports are produced which would detect any absent vote anomaly. The threshold is two for postal votes at an away address and the limitations on standing as a proxy are also investigated and if necessary followed up at this stage. All the security checks enabled by new Regulations have been implemented. Any existing postal voters who request that their postal vote be re-directed are informed that, where a reason has not been provided, the application cannot be processed.
- 3.7 All postal voters who request a re-issue of their postal vote pack are advised to follow a formal process, which includes a signature. This process is supervised by senior election staff. All postal vote applications are scanned and processed into the electoral management system under the supervision of the Deputy Returning Officer.
- 3.8 At the time of an election, 100% of Postal Voting Statements are scanned and verified to ensure the signature and date of birth matches the original application. Spreadsheet analysis is kept of decisions made and reasons for rejection. Opening sessions are observed by opening agents, candidates and Electoral Commission (EC) observers. Statistics on postal votes and turnout at polling stations is sent to all agents post election.
- 3.9 Post election reviews take place with the Returning Officer and feedback is sought on the election process from Police, Agents and Presiding Officers.

4. FURTHER ACTION PROPOSED AND LOCAL CODE OF CONDUCT

4.1 Building on this good practice, the Council undertook a review of local practices to support future work with police forces and the Electoral Commission, including more accurate reporting of cases and allegations.

4.2 Actions identified include:-

- a) A specific point of entry for allegations with a system of triage to record and respond to within a specified timescale or refer on to the police for investigation.
- b) Early contact with the police and local SPOC (Single point of contact).
- c) Preparation of a local code of conduct agreed by the Police and the Electoral Commission to be sent out to all parties for approval, early meetings to be held with parties and regular contact subsequently.
- d) The agreed local code of conduct will be implemented effective for the next European, Mayoral and Local Government elections scheduled for May 2014.
- e) Candidate and Agent briefings to include local arrangements
- f) Following publication of the new electoral register (on 17th February 2014), the Mayor, all councillors and political parties to be reminded to request the monthly updates of relevant sections of the revised register to ensure they are using up to date information for registration issues. All to be reminded of the need to use the registers based on the new ward boundaries for any nominations which will be available from April 2014.
- g) Additional measures to protect against fraud including the 'over 6 electors' checks referred to at paragraph 6.5 above to be run twice in the current year – firstly before the publication of the revised register and then two weeks before the deadline for registration; and
- h) Continued monitoring of new registrations to identify any unusual activity that could lead to fraud.

4.3 Liaison meetings have now commenced with the various partner agencies and the Metropolitan Police and Electoral Commission have been very supportive of the proposals.

4.4 The draft local code of conduct for Tower Hamlets, which all parties and candidates will be asked to sign up to, is attached at Appendix A. The purpose of the local code is to formally record in writing a commitment by all parties, individuals and organisations involved in the May 2014 elections in the London Borough of Tower Hamlets:

- to work towards a free and fair election

- to ensure allegations are correctly reported and investigated
- to campaign fairly, within the law and abiding by the Electoral Commission guidance

4.5 The local code has been drawn up to enhance the Electoral Commission's Code in order to reflect local issues, ensure transparency of our processes and to address concerns by the public about postal voting fraud and the democratic process. The ERO, RO and the Metropolitan Police Service will sign up to the local code and it is hoped that all candidates, agents and campaigners will as well.

4.6 The local code includes sections on:-

- The electoral register and procedures for dealing with any perceived discrepancies and allegations;
- Arrangements to ensure a secure process for postal and proxy vote applications and to prevent unauthorised handling of postal voting ballot papers.
- Campaigning outside polling places; and
- Dedicated procedures for dealing with complaints and allegations about electoral fraud

4.7 A joint communications plan will be agreed with the Metropolitan Police to publicise the protocol and send out a co-ordinated message that any fraudulent activity will be investigated and pursued.

4.8 The draft local code is currently the subject of consultation with the respective political parties and other interested agencies and the final version will be circulated to the committee members when it is available, ahead of the launch which is planned for January 2014.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no direct financial implications arising from the recommendation.

6. LEGAL COMMENTS

6.1 The report is presented for noting by the Committee and it is not considered necessary to provide legal comments on the information provided.

7. IMPLICATIONS FOR ONE TOWER HAMLETS

7.1 The aim of the work described in this report is to ensure that elections are conducted in a fair and transparent manner in accordance with the law.

8. APPENDICES ATTACHED

- Appendix A: Draft Tower Hamlets Local Code of Conduct
- Appendix B: Progress update on election planning/integrity work (to follow)

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

ERO Performance Standards Assessment
2012 – Email from Electoral Commission,
4 March 2013

Louise Stamp, 020 7364 3139,
Mulberry Place, E14 2BG

Tower Hamlets Local Code of Conduct

1 Purpose of the Protocol

1.1 The purpose of this protocol is to formally record in writing a commitment by all parties, individuals and organisations involved in the May 2014 elections in the London Borough of Tower Hamlets. This commitment will be detailed below, but in general terms it can be summarised as follows:

- to work towards a free and fair election
- to ensure allegations are correctly reported and investigated
- to campaign fairly, within the law and abiding by the Electoral Commission guidance

2 Reasons for the Protocol

2.1 It is recognised that recent elections in the London Borough of Tower Hamlets have generated a disproportionate number of issues compared to other London Boroughs. On occasion there has been a breakdown in trust between various individuals and organisations involved in the electoral process. There has been negative media coverage of the electoral process within Tower Hamlets, damaging the reputation of the Borough and potentially affecting public confidence.

2.2 These problems led to a report by the Electoral Commission addressing the issues within the Borough. This protocol is designed to address some of the issues raised and stand as a commitment towards a more positive experience in future elections.

2.3 This protocol chiefly addresses candidates, agents and campaigners, but also includes the London Borough of Tower Hamlets Council (including the Electoral Registration Officer (ERO) and Returning Officer (RO)) and the Metropolitan Police Service.

2.4 The Electoral Commission's Code of Conduct for campaigners has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections. The full guidance published jointly by the Electoral Commission and the UK's Associations of Chief Police Officers is also available on the following website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

2.5 The Code has been agreed by the political parties represented on the House of Commons Parliamentary Parties Panel and the panels for the Scottish Parliament and the National Assembly for Wales, and is endorsed by the

members of the Electoral Commission's UK Electoral Advisory Board of senior Returning and Electoral Registration Officers and Electoral Integrity Roundtable.

- 2.6 This specific local protocol has been drawn up to enhance the Commission's Code in order to reflect local issues, ensure transparency of our processes and to address concerns by the public about postal voting fraud and the democratic process. The ERO, RO and the Metropolitan Police Service will sign up to the protocol and it is hoped that all candidates, agents and campaigners will as well.
- 2.7 More detailed guidance about electoral offences can be found at Appendix A.

3 *Scope of this protocol*

- 3.1 This protocol covers all those actively involved in campaigning in elections in Tower Hamlets in *May 2014*.

All references to campaigners in this protocol include:

- Candidates standing at an election, their agents, campaigners and their staff and supporters
 - Political party officers, members and supporters campaigning at an election
 - Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
- 3.2 The protocol also covers the Metropolitan Police Service and the London Borough of Tower Hamlets.

4 *The Electoral Register*

- 4.1 Concerns about the accuracy of the electoral register have been a feature of previous elections. The ERO and the London Borough of Tower Hamlets will commit to doing all within his power to producing as accurate an electoral register as possible. The ERO welcomes any contact from candidates, agents or campaigners regarding the electoral register and acknowledges that there will be occasions where the register requires updating.
- 4.2 It is acknowledged by all signatories that discrepancies within the register will occur in any Borough, either due to error or due to voters moving. Tower Hamlets has one of the most transient populations in the country, which causes particular challenges with regard to an accurate register. In addition, the demographic often leads to multiple legitimate voters at one address. It is acknowledged by all signatories that discrepancies in the register do not necessarily mean there is any element of wrongdoing.
- 4.3 Any perceived discrepancies in the register and any allegations arising from voter registration will be passed to the ERO in the first instance to enable an initial review to be conducted. The ERO will endeavour to provide accurate

and timely information regarding a particular address and will assess whether there is the potential for any criminal offences to have been committed. If so, the matter will be passed to the police.

5 *11-Day Registration Application Deadline*

- 5.1 Tower Hamlets will include a verification process for all registration and absent vote application forms received after the last date to be included on the April 2014 alterations list and up to the statutory deadline date for the May 2014 elections (7 May 2014).
- 5.2 Any requests for applications to register after the April 2014 deadline will include a requirement for further information as proof of residency to be returned with the completed registration form.
- 5.3 Election Officers may make personal visits to those properties where a response has not been received close to the deadline date.

6 *Postal and proxy vote applications*

- 6.1 New absent vote application forms should be sent out from the electoral services office to ensure there is an audit trail of all new requests. A pre-paid envelope will be included to assist with the return of completed forms. Campaigners are advised to provide the electoral services office with the names and addresses of residents on a daily basis. This can be done through our dedicated email address for candidates, agents and campaigners. Campaigners and canvassers should not collect postal or proxy voting application forms from electors for delivery to the Town Hall.
- 6.2 To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, campaigners should ensure that electors who are included in current postal or proxy voter lists, or have already applied for a postal or proxy vote for a particular poll, do not request an additional application.
- 6.3 Close to the deadline for receipt of absent vote applications, campaigners should advise residents to visit the Town Hall to complete a postal vote application form. Residents will need to provide further information as proof of residency. For those residents who are disabled or infirm, a member of the ERO's staff will be available to visit the address, assist with completion and return it to the office to be processed.
- 6.4 It is important that campaigners ensure electors understand that they will not be able to vote in person on polling day if they or their proxy apply for and are granted a postal vote, and will not be able to vote in person if their appointed proxy has already voted on their behalf.
- 6.5 Acknowledgement letters for new absent voters will include information about voting by post and will include the statutory deadline date to change absent vote arrangements. The ERO will ensure that up-to-date postal and proxy voter lists will be available on a regular basis for candidates and agents.

- 6.6 Campaigners should not encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote. Electors must state on the application form the reason why they need their postal ballot pack sent to another address. The ERO will regularly review the list of postal votes being sent to away addresses. Any concerns will be investigated by the ERO's staff.
- 6.7 To minimise the risk of suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy. Tower Hamlets will check the address for all proxies to ensure they are registered electors. If the proxy is not resident in the borough, checks with other boroughs will be carried out.
- 6.8 Proxies should be appointed by the elector themselves. Forms must be complete, including the name and address of the proxy, before the form is signed by the elector. It is illegal for a person to act as proxy for electors who are not their close family (spouse, civil partner, parent, grandparent, brother, sister, child or grandchild) more than twice in the same ward. A proxy must be eligible to vote in the type of election in which they are voting on behalf of the elector.

7 *Postal voting ballot papers*

- 7.1 Campaigners should never touch or handle anyone else's ballot paper. If campaigners are asked for assistance in completing a ballot paper, they should always refer the voter to the Returning Officer's staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.
- 7.2 Campaigners should never observe voters completing their ballot paper. If they are with a voter when they are completing their ballot paper, remember the voter should always complete it in secret.
- 7.3 Tower Hamlets uses one-piece mailers to assist voters with completion and return of their postal ballot papers.
- 7.4 Pictorial and written guidance will be enclosed with the postal ballot pack, translated where necessary into Bengali. Campaigners should refer electors to the guidance.
- 7.5 The voter should be advised to post or deliver the completed ballot pack themselves. While campaigners may be approached for help by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time, other options for delivering the postal ballot pack – including relatives or neighbours, for example – must be explored. Campaigners must not accept completed postal vote packs from electors.
- 7.6 For those residents who are disabled or infirm, the returning officer has been asked to arrange personal collections.

8 *Campaigning outside polling places*

- 8.1 Candidates should not allocate more than two campaigners to gather outside polling places at any one time. The Police will not allow large groups of a candidate's supporters to gather in the public space or street outside of the polling place.
- 8.2 Campaigners should keep access to polling places clear and the pavements around polling places clear to allow voters to enter.
- 8.3 Campaigners should be careful to ensure that their approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters. The Police will be particularly alert to actions that may lead to electors feeling intimidated or influenced. Influencing includes deterring an elector from voting at all as well as influencing them to vote or not to vote for a particular candidate or party.
- 8.4 The RO will also engage Tower Hamlets Enforcement Officers with delegated powers to move on campaigners who restrict access to polling places. This will reduce allegations of intimidation and ensure electors have clear access to the polling place.

9 *Complaints and allegations about electoral fraud*

- 9.1 Both the London Borough of Tower Hamlets and the Metropolitan Police take electoral fraud extremely seriously and will investigate such allegations robustly. However, in order to enable an accurate, timely, proportionate and focused response it is important that a procedure for reporting is adhered to.
- 9.2 The ERO at Tower Hamlets will provide a dedicated email address for candidates, agents and campaigners to report allegations or complaints of electoral fraud or malpractice. The email will be acknowledged and reviewed initially by the ERO's staff and a response provided within 24 hours of receipt. This email system of reporting should always be used in the first instance unless the following applies:
1. There is a 'crime in action' and an immediate response is required
 2. There is a threat or danger to any person or property
 3. The situation is one of public order rather than electoral offences
 4. The allegation is one of a substantive offence rather than an electoral matter, for example theft or criminal damage
- 9.3 All other allegations should be first referred via email to the ERO. This system has the following advantages;
- It enables the ERO to initially assess the allegation and in some cases resolve the issue immediately
 - This allows the police to focus on more substantive allegations
 - It ensures that allegations are not missed or duplicated. The previous system saw offences being alleged via phone, in person, through the

media and Electoral Commission, often leading to confusion and delay. The email system ensures accurate reporting and a timely response.

- 9.4 It is acknowledged that members of the public may wish to make allegations to the police through the usual channels; this system covers those connected to candidates, agents or campaigners.
- 9.5 Upon receipt of the allegation the ERO/RO will make an assessment and will take action as required to ensure the integrity of the register and the election. In the event that fraud or other malpractice is suspected by the ERO/RO the allegation and outcome of the initial review will be passed to the police.
- 9.6 Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with issues or give advice to local police officers. The Metropolitan Police SPOC and dedicated team are based centrally at New Scotland Yard and cover all 32 London Boroughs. The SPOC will liaise closely with the ERO/RO and with the local Tower Hamlets Police. The SPOC is responsible for investigation of all electoral offences. The local Tower Hamlets Police are responsible for all public order issues generated by the election, policing of the polling stations, the investigation of other offences connected to the election (threats, assaults and other frauds for example). Through the Safer Neighbourhood Teams Tower Hamlets Police have responsibility for, and knowledge of, local community issues.
- 9.7 The ERO will initially pass any allegations they believe warrant police referral to the local Tower Hamlets Police. This is firstly in order to ensure a timely response as the SPOC officers do not provide a 24 hour cover. It will also ensure a crime reference is generated and the allegation will be allocated to the most appropriate department. If the allegation concerns electoral fraud or electoral malpractice SPOC officers will thoroughly investigate.
- 9.8 It is acknowledged that there has been a perception of lack of communication from the Police with regard to allegations. If the process outlined above is followed the SPOC commits to contacting the complainant at the earliest opportunity and outlining the investigative strategy. There will be regular communication between the SPOC and the complainant throughout the process, with a full update being provided at the conclusion of the investigation.
- 9.9 The police will thoroughly investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint. Unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process and damage the reputation of politics as a whole. Campaigners should ensure they are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation. This protocol will be widely publicised within local media and is intended to demonstrate how all individuals and organisations are committed to accurate reporting of allegations.

10 Electoral Commission Statement

10.1 The Returning Officer of Tower Hamlets and the Metropolitan Police Service are working hard to ensure that the elections in the borough are run in a fair and transparent way in accordance with electoral law. The Electoral Commission supports the steps taken by this local partnership to address the concerns of electors, campaigners and candidates in the borough. This local protocol is a commitment by all signatories to uphold the integrity of the electoral process in Tower Hamlets, to which the Commission lends its support. We will continue to carefully monitor the steps taken by all those involved in elections within the borough.

11 Compliance with this protocol

11.1 Any concerns that this protocol has been breached should be raised first with the ERO / RO who will mediate in any dispute. This does not impact upon the right of all parties to campaign in lawful and usual ways.

11.2 Any concerns following the initial review by the ERO/RO may be drawn to the attention of the Electoral Commission. The Commission will raise them with the relevant party or campaigner if appropriate, and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

11.3 Signatories below commit to abide by the ethos and specifics of this protocol:

Name

Role / Organisation / Party

Signed:.....

Signed:.....

Signed:.....

Name

Role / Organisation / Party

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Signed:.....

Agreed and effective from January 2014