

Non-Executive Report of the:  <b>General Purpose Committee</b>  Tuesday 13 June 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan – Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Update on Elections Act 2022</b>	

<b>Originating Officer(s)</b>	Robert Curtis, Head of Electoral Services
<b>Wards affected</b>	All

### Reasons justifying urgent consideration

The report is an information item only and does not require a decision. IT issues and administrative error contributed to its late publication.

Some of the requirements of the Act are now in place and will start to apply if we had unscheduled polls or a General Election were to be called. It was also recommended by DLUHC that members are briefed on the requirements. Accordingly, it is considered important that the Committee is briefed at this, as opposed to the scheduled 28 September 2023 meeting.

### Executive Summary

- 1.1. Following the introduction of the Elections Act 2022 the implications for the electorate of Tower Hamlets, political representatives and elected members is significant.
- 1.2. General Purpose Committee is asked to note where elements of the Act have already been implemented, future changes and the implications.
- 1.3. Comprehensive guidance continues to be provided by the Department of Levelling Up, Housing and Communities (DLUHC) and the Electoral Commission for administrators, Returning Officers, Electoral Registration Officers, the electorate, political parties, elected members, and future candidates.
- 1.4. In some circumstances statutory instruments have yet to be approved and clarification of process continue to be updated as the incremental introduction of the various stages of the Act take place and are subsequently implemented.

## **Recommendations:**

General Purpose Committee is recommended to:

1. Note the requirements already implemented by the Elections Act 2022 and the implications of future scheduled changes.

### **1. REASONS FOR THE DECISIONS**

- 1.1 This report is for information to be noted

### **2. ALTERNATIVE OPTIONS**

- 2.1 N/A

### **3. DETAILS OF THE REPORT**

- 3.1. The UK government has implemented significant changes following the Elections Act 2022.
- 3.2 The Act received Royal Assent on 28 April 2022 and makes a range of changes that present numerous challenges to the Returning Officer, Electoral Registration Officer and electoral administrators and will impact on political parties, campaigners, and the electorate of Tower Hamlets.
- 3.3 The Act is comprehensive but is not being implemented in a single publication with the Department for Levelling Up, Housing and Communities (DLUHC) developing a rolling programme of secondary legislation, and statutory instruments to implement the various changes. In addition, guidance will set out the necessary processes that will have to be followed as the deadline for each change approaches.
- 3.4 A timetable of the implementation of the incremental introduction of the Act is detailed in **Appendix A** but could vary slightly as each phase of introduction is introduced.
- 3.5 The Act applies to the following election types here in Tower Hamlets.
  - UK Parliamentary elections in Great Britain
  - Local Elections in England including Mayoral elections.
- 3.6 The Act seeks to improve the security, accessibility and transparency of elections and campaigning and the changes will require additional administrative resource and extensive training as it is phased in over the next few years. The scale of change must not be underestimated.
- 3.7 A summary of the changes are attached at **Appendix B** and include:
  - All electors, who vote at a polling station, will be required to show an approved form of photographic identification before they receive their ballot paper/s and if accepted the elector can then cast their vote. There are no exceptions to this requirement and will also include those who are registered as anonymous electors.

- Those unable to provide any of the photographic ID can apply for a Voter Authority Certificate (VAC) This can be applied for online, in person at the Town Hall or a paper application submitted to the ERO.
- Changes to absent voting
- Accessibility at polling stations
- Rights of EU citizens for voting and candidacy
- Overseas electors
- Changes to the voting systems
- Preventing undue influence

### 3.8 The preparations have included thus far.

- A presentation has been delivered separately to the main 5 political party representatives here in Tower Hamlets. It is hoped that this information will have permeated through to existing Cllrs through the political groups.
- Detailed information and links to the Electoral Commissions and DLUHC web sites have been posted on the Councils website here.  
[https://www.towerhamlets.gov.uk/lgnl/council\\_and\\_democracy/elections\\_voting/Elections-Act-2022.aspx](https://www.towerhamlets.gov.uk/lgnl/council_and_democracy/elections_voting/Elections-Act-2022.aspx)
- Meetings have been held with the Interim CEO, Communications, Facilities Management, and IT to prepare for the changes.
- VAC certificates have been successfully processed and distributed via the Government's portal and applications received in person in the Town Hall. (To date more than 160 applications have been received)
- Comprehensive planning is taking place with the GLA for the polls to be held on Thursday 2 May 2024 and the potential of a General Election being held on the same day.
- Planning is also taking place in the event of a General Election being held as a standalone poll prior to January 2025.
- The initial requirements of the Act were implemented across the UK at polls held on Thursday 4<sup>th</sup> May 2023. The Head of Service was appointed as an Electoral Commission Accredited Observer and attended polling places in Windsor and Maidenhead to witness the initial requirements of the Act in situ, namely Voter ID, privacy areas and accessibility in polling stations.
- Observation also took place at the count held on that evening to see if there were any implications from polling day.
- Visits will also take place to observe by elections being held in other council areas in London in the coming months.
- It is anticipated following the polls held on Thursday 4 May 2023 that evidence of good practice will be adopted and where implementation proved successful across the UK that this will be disseminated to all RO's and ERO's once the final analysis

has been completed by Government, The Commission, and the Association of Electoral Administrators (AEA).

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 Concern has been expressed nationally that many members of the electorate have been disenfranchised and have not attended or have been turned away from polling stations because they did not have the necessary documentation to satisfy the Voter ID requirements.
- 4.2 The data of how many electors were alleged to have been disenfranchised, perceived deficiencies of the process but also good practice from the first polls held on Thursday 4 May 2023 is currently being compiled by DLUHC and the Electoral Commission and will be available in due course.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 None

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The additional costs incurred in implementing the requirements of the Elections Act 2022 will be funded by the Government, as detailed in the attached **Appendix C**
- 6.2 To date Tower Hamlets has received the following grants from DLUHC
- 22/23 - £10,300
  - 23/24 - £6,306

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 No specific implications have been identified.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix A - Key Events
- Appendix B - Elections Act Summary

- Appendix C – DLUHC New Burdens Funding

**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:**

- N/A