

## Cabinet Office Elections Policy and Coordination Group

2nd Meeting, 13.00-15.15, Tuesday 6<sup>th</sup> December 2011  
Electoral Commission, 3 Bunhill Row

### Attendees

#### UK Government

**Alex Thomas** Head of Elections and Democracy Division, Cabinet Office (Chair)  
**Paul Docker** Elections and Democracy Division, Cabinet Office  
**Jason Smithwick** Elections and Democracy Division, Cabinet Office  
**Alexandra Doyle** Home Office  
**Roddy Angus** Scotland Office  
**Ian Barber** Department for Communities and Local Government  
**Karl Holden** Department for Communities and Local Government  
**John Kilner** Department for Environment, Food and Rural Affairs  
**Rachel White** Northern Ireland Office

#### Welsh Government

**Hugh Rawlings** Director, Constitutional Affairs and Inter-Governmental Relations,  
Department for the First Minister and Cabinet

#### Returning Officers (and/or representatives)

**Kate Brown (KB)** Manchester City Council  
**David Cook (DC)** Kettering Borough Council  
**Robert Connelly (RC)** Birmingham City Council  
**Lindsey Dixon (LD)** Sunderland City Council  
**Keith Hathaway (KH)** Deputy Greater London Returning Officer  
**Paul Morris (PM)** Borough of Poole Council  
**Bryn Parry-Jones (BPJ)** Pembrokeshire County Council  
**Joanne Roney (JR)** Wakefield Council  
**Graham Shields (GS)** Chief Electoral Officer for Northern Ireland

#### Association of Electoral Administrators

**John Turner** Association of Electoral Administrators

#### Electoral Commission

**Peter Wardle** Chief Executive  
**Andrew Scallan** Director of Electoral Administration  
**Tom Hawthorn** Head of Electoral Policy  
**Chris Morgan** Policy Adviser (Electoral Policy)  
**Bob Posner** Legal Counsel

## **Apologies**

**Sir Howard Bernstein** Manchester City Council  
**Mark Heath (MH)** Southampton City Council  
**Stephen Hughes** Birmingham City Council  
**Peter Newbitt** Wales Office  
**Barry Quirk** Lewisham Council  
**Mary Pitcaithly** Falkirk Council and Convener, Electoral Management Board for Scotland  
**Paul Rowsell** Department for Communities and Local Government  
**Sheila Scobie** Scotland Office  
**Dave Smith** Sunderland City Council

## **Minutes**

### **1. Welcome and introductions**

1.1 Cabinet Office (CO) welcomed members to the second meeting of the Elections Policy and Coordination Group.

### **2. Minutes and Matters Arising**

2.1 There were no comments on the Minutes. It was noted that, in the paper on the co-ordination of elections discussed at the previous meeting, the Welsh Government should be shown as responsible for policy relating to the boundaries for local elections in Wales, rather than DCLG. It was agreed that this would be revised. **Action: CO**

2.2 CO advised that the Scottish Government has been invited to join the EPCG, but had asked to receive papers only at this stage but may attend in the future. It was noted that Dave Smith had now been confirmed as the lead on electoral matters for SOLACE and would be invited to attend future meetings of the Group in that capacity.

2.3 CO provided a brief IER update - the consultation had now closed and the Political and Constitutional Reform Committee (PCRC) had concluded its pre-legislative scrutiny and published its report. The Government's response to the PCRC would be published in the New Year. The data matching pilots had also concluded and the analysis of the pilots was underway. The Electoral Commission would publish its final evaluation in March 2012. CO would provide a substantive IER update at the January meeting. **Action: CO**

### **3. Co-ordination and planning for 2012**

3.1 CO provided an update on developments within Government. CO had convened a cross-Whitehall group of departments that were looking to introduce or develop provisions for statutory electoral events. Membership included the Home Office (PCC elections), Defra (National Park Authorities) and DCLG (Mayoral referendums and elections, and council tax and neighbourhood referendums). The intention is to hold these meetings on a regular basis ahead of the EPCG meetings.

3.2 It was noted that there is an increasing number of potential polls which need to be considered and co-ordinated and which could significantly add to the complexity for administrators and electors. The Whitehall group is working to identify what needs to be resolved in terms of, for example, legislation for the combination of elections. The group is looking at the option to give discretion to combine rather than requiring it for these 'new' polls and whether any longer term change needs to be made to existing legislation where combination is already mandatory.

3.3 The Commission stressed the need for effective co-ordination and consistency within Government, highlighting that these issues needed to be resolved well in advance of the May 2012 elections. It was agreed that CO would circulate the outcome of the group's consideration ahead of the next EPCG meeting. **Action: CO**

i. Update on May 2012 – Local and GLA elections

3.4 CO informed the Group that advice on the GLA elections in May 2012 was with Ministers and that it was intended that an Order setting out the Rules for the GLA elections in May 2012 would be laid shortly. It was envisaged that the changes to the existing rules would be straightforward. No major changes are planned, merely minor technical corrections to and tidying up omissions from the existing rules. KH confirmed that the proposed changes were minor and had not impacted on planning for the May 2012 elections.

ii. Update on Localism Act

3.5 DCLG updated the Group on progress towards implementing the polls provided for in the Localism Act 2011, which had received Royal Assent on 15 November. The Orders requiring 11 cities to hold Mayoral Referendums in May 2012 were laid on 5 December, alongside regulations setting out how the referendums will be conducted. Subject to Parliamentary time, it was expected that the debates would take place in mid- to late-January. The new regulations will largely replicate the current rules in the Local Authorities (Conduct of Referendums) (England) Regulations 2007. The amendments are mainly to update the referendum questions and to make other minor changes to reflect the provisions in the Localism Act.

3.6 The Localism Act gives local electorates the power to approve or veto excessive council tax increases through a referendum. Ministers are clear that the facility to hold such referendums must be in place for next May, should any be triggered. DCLG are aware this is a challenging timetable and that cross-boundary referendums (in Police and/or Fire Authority areas) would throw up particular issues.

3.7 The Commission asked for a fuller update and noted that the previous meeting had agreed the merits of establishing a firm timetable for legislation and implementation for all proposed polls under the Localism Act. It was noted that the consultation with the electoral community promised at the previous meeting had not yet taken place and it was agreed that it was vital to get clarity as soon as possible, given the proximity of the polls. The AEA noted it had raised the issue of the hierarchy of polls and that an update on that was needed for this Group. It was agreed that DCLG would update CO on the proposed timetable for the secondary legislation on council tax referendums once this was confirmed

with colleagues. **Action: DCLG.** DCLG also agreed to circulate the draft secondary legislation to the AEA and SOLACE for consideration. **Action: DCLG**

3.8 The Group requested a detailed timeline setting out all the relevant dates for all the potential polls that would take place in 2012 to allow for the relatively small group of administrators across the country that would be expected to deliver these polls to plan effectively. The AEA noted that it was working on a diagrammatic version of such a document, including relevant dates for the implementation of IER, and would share it with the EPCG. **Action: AEA.** CO said it would put relevant dates in the report on the work of the cross-Whitehall group noted at 3.3. **Action: CO**

iii. Planning for the 2012 canvass

3.9 CO provided an update on planning for the 2012 canvass. CO was grateful to the Commission and the AEA for their thoughtful input on options for dealing with the problems likely to be caused by holding the PCC elections on 15 November 2012 in the canvass period. Subject to Ministerial agreement, CO intended to make a firm announcement early in the New Year. **Action: EC, CO**

iv. Update on PCC elections

3.10 HO updated the Group on the PCC polls. The primary legislation is already in place, the detail of the secondary legislation is being finalised, but would broadly follow existing electoral practices. Draft secondary legislation had been circulated to the PCC Panel for comment, and HO planned to circulate for statutory consultation at the end of December subject to Minister's decisions on two items. The aim is to lay the secondary legislation in Parliament early in the New Year so that it is in place well ahead of the polls to facilitate planning. The fees and charges order would follow in May.

3.11 Workshops have been held on ensuring that the election notices take account of electors' needs. HO is minded to base the design of the ballot papers on those used in London, but is user testing designs to ensure they are as user friendly as possible. All 41 PAROs have now been appointed and meetings with them will be put in place shortly. HO also intends to publish regular bulletins providing updates from January next year.

3.12 HO Ministers are clear that the cost of candidate mailings for PCC polls is unaffordable. HO is therefore looking at developing a website option to provide information about candidates; these could include a print on demand service for booklets. The Commission voiced concerns about such an approach, which would represent a major shift in policy in not providing information directly to electors. HO agreed to update the Group once Ministers have formed a view. **Action: HO**

The Welsh Government asked for clarity about the funding for PCC elections in Wales. HO and WO confirmed that the PCC elections would be centrally funded from HO, administered through the Election Claims Unit.

v. SV elections: combination and the voting experience

3.13 CO introduced a paper intended to stimulate debate about some of the key high-level challenges for SV polls in 2012, and some of the actions which can be taken to meet them. The Group was asked whether the paper captured all of the issues and the actions to address them. In discussion it was noted that neither administrators nor electors had much experience of the SV voting system and information to assist both would be important.

3.14 The EC said it would be issuing guidance to administrators, including on the conduct of the count under SV and would also be looking at the design of various voter-facing material for the PCC elections. HO will look at the design of the ballot paper. There was a call for administrators to be provided with examples of spoilt ballot papers, along with some explanation of the rationale for why some should be rejected and some accepted to promote consistency in adjudications.

3.15 The EC will be writing to PAROs shortly (their letter to follow the planned HO letter) and then planned to talk to PAROs individually over the summer to see what would suit their area. PAROs needed to know what discretion they have. HO advised that the Commission and CO had separately done significant amounts of work on this. It would be helpful to bring together what we have so far and circulate for comment. **Action: HO, CO**

3.16 In terms of voter education the Commission advised that it planned to send each household a leaflet providing information. The intention is to have all materials ready in March next year.

#### **4. National Park Authority elections**

4.1 Defra outlined proposals to introduce provisions for the election of members of National Park Authorities from 2013, to be elected on a 4 year timescale. The intention was to consult in January-March next year on the necessary changes to primary legislation to allow for such elections, with the legislative process beginning in the summer, or by October at the latest. Consultation on the secondary legislation would take place in May to July. The aim was for the necessary legislation to be in place next autumn ready for pilot elections in two national parks in May 2013.

4.2 The current plan – although subject to consultation – was for the National Park Authority elections to look as much as possible like other local government elections. The polls will therefore be run differently from their equivalents in Scotland. The key difference will be the boundaries of the National Parks which are not co-terminus with local authority boundaries. The Commission asked who would be responsible for drawing ward boundaries with the Parks and recommended that Defra talk to the Boundary Commission. **Action: Defra**.

4.3 Defra will be looking to establish a group for the National Parks Authorities elections similar to the PCC Panel and would keep the EPCG updated on developments. **Action: Defra**.

#### **5. Wider electoral legislation**

5.1 CO advised that the planned timetable for the introduction of the upcoming IER/electoral administration Bill had changed. CO would provide more news on this shortly. **Action: CO**

## **6. Any other business**

6.1 In response to a query about proposals for the Recall of MPs CO advised that a detailed policy announcement (White Paper and draft legislation) would be published on 13 December.

6.2 Now the PAROs have been formally appointed, once regional representatives are identified, CO will invite them to join the EPCG. **Action: CO**