

**Cabinet Office Elections Policy and Co-ordination Group**

**6<sup>th</sup> Meeting, 13.00-14.25, Monday 28<sup>th</sup> May 2012  
Electoral Commission, 3 Bunhill Row**

**Attendees****UK Government**

**Alex Thomas** Head of Elections and Democracy Division, Cabinet Office (Chair)

**Paul Docker** Head of Electoral Administration, Cabinet Office

**Matt Carey** Elections and Democracy Division, Cabinet Office

**Ian Barber** Department for Communities and Local Government

**Paul Rowsell** Department for Communities and Local Government

**Roddy Angus** Scotland Office

**Welsh Government**

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

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

**Sir Howard Bernstein (HB)** Manchester City Council

**Michelle Chard (MC)** Manchester City Council

**Robert Connelly (RC)** Birmingham City Council

**Bill Crawford (BC)** Sunderland City Council

**Mark Heath (MH)** Southampton City Council

**Trevor Holden (TH)** Luton Borough Council

**Shirley Plenderleith (SP)** Kettering Borough Council

**Barry Quirk (BQ)** Lewisham Council

**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 Northern Ireland

**Dave Smith (DS)** Sunderland City Council (and SOLACE representative)

**Association of Electoral Administrators**

**John Turner** Association of Electoral Administrators (AEA)

**Electoral Commission**

**Peter Wardle** Chief Executive

**Andrew Scallan** Director of Electoral Administration

**Bob Posner** Legal Counsel

**Alex Robertson** Director of Communications

**Tom Hawthorn** Head of Electoral Policy

**Chris Morgan** Policy Adviser (Electoral Policy)

## Apologies

**John Bennett** Greater London Returning Officer

**David Cook** Kettering Borough Council

**Stephen Hughes** Birmingham City Council

**John Kilner** Department for Environment, Food and Rural Affairs

**Neil King** Home Office

**Peter Newbitt** Wales Office

**Mary Pitcaithly** Falkirk Council and Convener, Electoral Management Board for Scotland

**Rachel White** Northern Ireland Office

## Minutes

### 1. Welcome and introductions

1.1 Cabinet Office (CO) welcomed members to the sixth meeting of the Elections Policy and Co-ordination Group. The CO tabled an updated paper on the legislation and consultation which will support ongoing polls. It was noted that the item on Business Neighbourhood Planning had been postponed to the next meeting.

### 2. Minutes

2.1 The minutes of the previous meeting were agreed.

### 3. Feedback from May 2012 elections & referendums

3.1 CO invited the Group to raise any issues from the May polls. MH noted that some schools had been reluctant to give Returning Officers access for their premises to be used as polling places. CO agreed to look at the sufficiency of guidance provided to schools on this matter.

3.2 PM, MC, JR and the Electoral Commission raised the issue of voter confusion, both about the voting process at the mayoral referendums and about the choice they were being asked to make. The lateness or lack of information to voters, and in many cases, the lack of organised campaigns on each side of the question were raised as factors which might explain this. HB suggested that information for voters in polling stations could assist in voter understanding, noting that there had been a number of invalid or blank ballot papers at the referendum in Manchester. It was agreed that the Returning Officer members of the Group would copy statistical returns going to the EC on ballot paper rejection rates to the Cabinet Office. **Action: ROs**

3.3 RC suggested that some parts of the regulations for the mayoral referendums had not fitted completely with the practicalities of running the polls. It was agreed that a list of issues would be circulated to the Group. **Action: RC**

3.4 The Electoral Commission confirmed it would be bringing forward a report later in the year on the allegations of electoral integrity around the May polls. CO

confirmed it would consider the feedback from the Group in co-ordinating planning for future polls.

#### **4. Police and Crime Commissioners Order**

4.1 CO explained that the conduct rules for the polls had been laid before Parliament on 15 May (the Police and Crime Commissioners Order). Subject to Parliamentary approval, the Order sets out the rules for the running of the polls in November, and their publication will help administrators prepare for those polls. Several other orders would follow, including those setting out the amounts Returning Officers would be able to recover for each item of expenditure, and orders relating to insurance and Welsh translations.

4.2 Several supporting pieces of work were being undertaken by the Home Office and Cabinet Office, including consideration of the indemnity and insurance arrangements for Police Area Returning Officers, and a review of the assumptions and guidance which would underpin the fees and charges order for the polls. It was agreed that an initial draft of the assumptions would be given to BPJ and MH for comments before being circulated to the whole group for views.

**Action: CO / HO**

4.3 It was also agreed that the Home Office should look at whether it might be possible to commission the advice of legal counsel centrally by a single PARO regional representative for the purpose of queries on the content of candidates' election addresses, to avoid duplication of costs and requests by Returning Officers. Whether or not this proved practicable, the Group was of the view that Police Area Returning Officers should share with one another any advice they receive. **Action: HO / ROs**

4.4 It was agreed that in future all Police Area Returning Officer regional representatives should be invited to attend the Home Office PCC panel meetings ahead of the polls, and that the venues and timings of those meetings should be co-ordinated with meetings of the EPCG. **Action: CO / HO**

4.5 It was noted by TH and other members of the Group that there would need to be clear guidelines about the role of police forces at the polls, given that the outcome would have a bearing on them. The role of the Police in upholding and monitoring the integrity of the elections was paramount, but they must avoid any involvement or perceived involvement in campaigning. CO noted that HO had already circulated guidance to police forces on this matter, but that more detailed Association of Chief Police Officers (ACPO) guidance would be issued shortly. As part of this, it was noted that police authorities should be made aware that the local authorities code of conduct would also apply to them at the polls, which will be reinforced through Association of Police Authorities (APA) guidance. **Action: HO**

#### **5. Update on other polls**

5.1 DCLG advised that it is working productively with the EC to revise the referendum question for council tax referendums, so that, subject to Parliamentary approval, the new question will be in place in time for any referendums held in 2013 (the next opportunity for the polls).

5.2 DCLG noted that the conduct rules for the residential Neighbourhood Planning referendums were being finalised, and comments were invited on the regulations from SOLACE following the meeting. **Action: SOLACE**

5.3 CO advised that the Department for the Environment, Food and Rural Affairs' (Defra's) consultation on the possible National Park elections would end on 31 May. The Government will then look at the responses and expects to make a statement about the way ahead and the timetable. The next meeting of Defra's elections sub-group is scheduled for Tues 19 June and Defra hoped to have a view on way ahead by then. The AEA noted that timings are tight if the polls were to occur in May 2013, and if they were to first occur in 2014, Government would need to consider how the polls will fit with the timing of canvass and planning for the European Parliamentary elections. CO confirmed that Government was cognisant of these issues and also noted that work had begun with the suppliers of Electoral Management Systems to consider how the register for Neighbourhood Planning and National Park areas could be compiled effectively.

## **6. Electoral Registration and Administration Bill**

6.1 CO had circulated a paper explaining each provision in the Electoral Registration and Administration Bill, which had been laid before Parliament on 10 May and had received its second reading. The next stage was for the Bill to be debated in Committee. The Bill makes provision for the early implementation of Individual Electoral Registration (IER) and also makes a number of changes to electoral administration. In terms of the IER proposals, the two key changes since pre-legislative scrutiny are the introduction of a civil penalty upon failure to register, and the removal of an opt-out from registration. CO confirmed that it is in the process of drafting secondary legislation to support the IER clauses in the Bill, and this will be circulated in draft to the Group. **Action: CO**

6.2 MH noted that the legislation did not attempt to consolidate the existing law around electoral registration, and CO agreed to circulate the keeling schedule which had been produced for the IER provisions to assist the Group's consideration of the clauses. **Action: CO**

6.3 CO also noted the electoral administration provisions in Part 2 of the Bill, which reflected the set of proposals discussed with the Group at previous meetings.

## **7. Planning for 2014**

7.1 CO explained it had begun planning the actions which needed to be taken forward by Government to prepare for the European Parliamentary elections in 2014. CO tabled a timeline setting out key milestones and agreed to circulate it electronically after the meeting. The timeline will sit alongside the roadmap of key administrative milestones produced by the AEA, and would be a living document. CO invited the Group to comment on this draft timeline. **Action: All**

7.2 HR asked whether any change to the number of elected representatives was being considered following the Croatian accession. CO confirmed this was being looked at and the outcome would be reported to the Group in due course. PM asked whether the date of the poll had been set. CO advised that the date would need to be set by order following advice from the European Commission on the

range of acceptable dates. Once this advice had been received, the date could be fixed.

## **8. Any other Business**

8.1 The EC noted that the majority of claims following the referendum on the Parliamentary Voting System had been under-spent, and many claims were less than the total value of the original advance. The EC urged the Government to look at the funding structure of advances in the light of this, and informed the Group it planned to publish a report on the funding arrangements at the referendum in the autumn. CO confirmed it was considering issues such as under-spends and the quality of returns to the Elections Claims Unit as part of its funding review, and that it would be interesting to take account of the EC's analysis as part of this work.