

Cabinet Office Elections Policy and Coordination Group

**3rd Meeting, 13.00-15.00, Tuesday 26th January 2012
Cabinet Office, Admiralty Arch**

Attendees**UK Government**

Alex Thomas Head of Elections and Democracy Division, Cabinet Office (Chair)
Paul Docker Head of Electoral Administration, Cabinet Office
Jon Hoare Individual Electoral Registration, Cabinet Office
Matt Carey Elections and Democracy Division, Cabinet Office
Simon Meats Elections and Democracy Division, Cabinet Office
Kirsten O'Connell Elections and Democracy Division, Cabinet Office
Ian Barber Department for Communities and Local Government
Lynda Jones Department for Communities and Local Government
Paul Rowsell Department for Communities and Local Government
John Kilner Department for Environment, Food and Rural Affairs
Neil King Home Office
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)

John Bennett (JB) Greater London Returning Officer
Michelle Chard (MC) Manchester City Council
David Cook (DC) Kettering Borough Council
Robert Connelly (RC) Birmingham City Council
Bill Crawford (BC) Sunderland City Council
Mark Heath Southampton City Council
Trevor Holden (TH) Luton Borough Council
Paul Morris (PM) Borough of Poole Council
Bryn Parry-Jones (BPJ) Pembrokeshire County Council
Shirley Plenderleith (SP) Kettering Borough Council
Graham Shields (GS) Chief Electoral Officer for Northern Ireland
Dave Smith (DS) Sunderland City Council

Association of Electoral Administrators

John Turner Association of Electoral Administrators (AEA)

Electoral Commission

Peter Wardle Chief Executive
Andrew Scallan Director of Electoral Administration
Suzanne Miller Senior Policy Adviser
Chris Morgan Policy Adviser (Electoral Policy)

Apologies

Sir Howard Bernstein Manchester City Council
Tom Hawthorn Electoral Commission
Stephen Hughes Birmingham City Council
Peter Newbitt Wales Office
Barry Quirk Lewisham Council
Mary Pitcaithly Falkirk Council and Convener, Electoral Management Board for Scotland
Joanne Roney Wakefield Council
Sheila Scobie Scotland Office

Minutes

1. Welcome and introductions

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

2. Minutes and Matters Arising

2.1 There were no comments on the Minutes.

2.2 CO noted that, in order to plan for Police and Crime Commissioner elections in 2012 and the European Parliamentary elections in 2014, the intention was to ensure that all of the Police Area Returning Officer (PARO) regional representatives and the Regional Returning Officers (RROs) for European Elections were invited to meetings of the Group. Any PARO regional representatives and RROs who were yet to be appointed or who were not members of the current group would be invited to attend.

3. Possible future combinations of polls

3.1 CO introduced a paper which set out the possible scenarios for the combinations of elections and referendums over the coming years, and also set out the progress of legislation for new polls. This will be a living document and will be updated to reflect developments. It was noted that all those involved in planning for polls would need to take account of future developments. Examples discussed included the impact any potential changes to local authority funding structures might have on the incidence of council tax referendums, and the potential for multiple referendums to be held in a given area where multiple billing and/or precepting authorities implemented an 'excessive' increase.

3.2 A timeline of key upcoming electoral milestones was tabled by the AEA for the information of the Group. CO thanked the AEA for the useful document, which would be kept updated to reflect developments. **Action AEA, with input from other Group members and stakeholders.**

3.3 The Electoral Commission noted that some of the secondary legislation for the early May polls was not yet in force, and questioned whether the UK Government agreed with its view that electoral legislation should be in place no later than 6 months before the poll(s) affected by it. CO confirmed that it was always an aspiration to ensure legislation was in place at least 6 months in advance, but that factors such as the scheduling of Parliamentary business did not always make this practicable. DS commented that the role of Government must extend beyond the making of policy and legislation to supporting its effective implementation, by working closely with practitioners such as ROs. CO agreed with this, and the work of the Group was an example of how the Government planned to work with stakeholders to consider the best approaches to practical issues which might arise, and to plan effectively for polls. In the short term, the focus would be on the upcoming polls in May and November, but a key longer-term priority of the Group would be to plan for the combination of polls due in 2015.

4. Electoral updates

Police and Crime Commissioner (PCC) Elections

4.1 The Home Office (HO) informed the Group that the secondary legislation was being finalised, and it was hoped that this would be completed ahead of the next meeting. The specific issue of PAROs' power of direction was discussed with reference to a note which set out some of the key areas over which they will have direction across the Police Force Area (such as the timing of the count and the production of ballot papers). The EC and TH observed that the drafting of the note could give the misleading impression that a PARO's power of direction was limited to the examples listed in the paper. HO agreed to adjust the drafting to reflect that the matters included in the paper were key examples rather than a complete description. **Action HO**

4.2 MH noted that, if any mayoral elections were held in combination with PCC elections in November 2012, consideration would need to be given as to whether a delayed PCC count (for example) might have knock-on effects on a mayoral election, particularly since the Police Force Area is unlikely to be coterminous with the electoral area for a mayoral election. CO agreed that a discussion should be had on this point at the next meeting, following consideration of the matter within Government. **Action: CO, DCLG, HO**

4.3 JB noted that PAROs will have the power to issue directions as to the adjudication of doubtful ballot papers, and that this would need to be supported by clear guidance from the Electoral Commission. Similar guidance would also need to be in place for the forthcoming London Mayoral elections.

4.4 A letter will be circulated to PAROs shortly inviting them to a meeting at the Home Office. The Regional Representatives present were content for their contact details to be appended to this letter.

Mayoral Referendums and Elections

- 4.5 The Department for Communities and Local Government (DCLG) updated the Group on the progress through Parliament of the conduct regulations for the mayoral referendums, and the 11 orders requiring a referendum to be held in each of the cities in question on the ordinary day of elections in May, and it was anticipated that the legislation will be made and in force on around 8th February (subject to Parliamentary approval). Government will cover the cost of the referendums in the 11 areas. The regulations for mayoral elections will be laid shortly, and will largely mirror existing provisions.
- 4.6 RC commented that mayoral referendums would be new to the 11 areas concerned, and that the administrators there would need support to help them understand the process. The EC suggested that, whilst it was helpful that DCLG was writing to Returning Officers at this point, the Government should ensure issues of practical implementation are considered before legislation is brought forward, not afterwards. CO and DCLG agreed, and observed that the EPCG itself had already proved a useful forum for Government to consult on matters of practical implementation. Furthermore, DCLG was writing to ROs in each of the 11 cities with details of the draft conduct rules, and would also invite them to a meeting to discuss preparations.
- 4.7 MH suggested it would be useful for Government to agree to look at how a common approach might be taken to fitting together consultation and the legislative process in the development of future electoral policy. CO agreed that this matter warranted further consideration. **Action CO**

Council Tax Referendums

- 4.8 The conduct regulations had been laid before Parliament on 11th January, and had been cleared by the Joint Committee of Statutory Instruments and the Merits Committee. It was expected that debates would be held in the House of Commons on 2nd February and in the House of Lords before Recess on 16th February.

National Park Authority Elections

- 4.9 Defra was hoping to publish a consultation paper shortly and to establish a panel to consider matters relating to the conduct of the pilot elections in detail. A meeting had been set up with the Boundary Commission to consider ways to define the National Park electoral area. Defra would keep the EPCG updated on developments, and there would be an opportunity to consider more detailed matters, such as the mechanics of combination, at future meetings.

Preparations for European Parliamentary Elections in 2014

- 4.10 CO asked the Group for views on how far in advance of the poll the Regional Returning Officers (RROs) should be appointed. A range of options was discussed, although there was consensus that RROs should be in post 12 months in advance of the poll. It was agreed that the AEA's grid of future electoral milestones should be adapted to reflect the need for CO to appoint RROs in the first three months of 2013. **Action AEA**

5. Supporting the voter in 2012

- 5.1 CO introduced a paper which set out the polls due to occur in each region of Great Britain during 2012, and also included several suggested ways in which the voting experience can be supported. CO invited ideas from the Group about how voter-awareness and the effective casting of votes could be supported in 2012. The EC commented that the paper was a useful summary of some of the ways voters can be supported, and asked whether there were any plans to achieve consistency between the ballot papers used at PCC and mayoral elections, and which Department was responsible for taking this work forward. CO and DCLG confirmed that this matter was under consideration, along with the wider question of whether it would be practicable to reflect the improvements to other statutory forms resulting from the Home Office's review of forms for PCC elections in the conduct rules for other polls. CO and DCLG would update the Group on the plans to update forms for mayoral elections. **Action: CO & DCLG**
- 5.2 There was a wider discussion of steps which might be taken to support voters, and CO invited Group members and their electoral services staff to bring forward any other creative ideas about how effective voting could be supported in 2012. **Action: All**

6. Supporting effective administration- the 2012 canvass

- 6.1 CO informed the Group that discussions had been ongoing with the EC, AEA, SOLACE and others to consider the best option to ensure the 2012 Annual Canvass would fit with preparations for the November polls. Practical considerations had been discussed in detail at the Elections, Referendums and Registration Working Group (EARRWG). The next step was for the EC to take forward discussions with the political parties on the matter, and CO will circulate an update note to the Group setting out the position once that has been done and Ministers have taken a view. **Action EC and CO**
- 6.2 MH noted that, if the canvass is concluded early, there would be a need to inform voters that they need to return their canvass forms earlier than usual, and the EC and UK Government would need to consider how they might support ROs in communicating this point to voters. It was agreed that this would need to be considered. **Action: UK Government, EC**
- 6.3 The AEA asked whether, if the canvass concluded early, any by-elections held in the three months before the reference date would be subject to the conduct rules which apply to elections held during the canvass. CO confirmed this was the case.

7. Update on Individual Electoral Registration

- 7.1 CO informed the Group that it planned to publish shortly the response to the consultation on the draft IER legislation and a response to the Political and Constitutional Reform Committee's pre-legislative scrutiny report. A high-level implementation plan would also be published at the same time. Work was also ongoing around funding the transition to IER and on practical details of implementation. CO would give a fuller update following the publication of the response to the PCR Committee and wider consultation. **Action: CO**

7.2 It was also agreed that CO would circulate a link to the slide packs presented at the recent SOLACE elections conference. **Action: CO**

8. Any other business

8.1 The EC asked for an update from DCLG about whether the fees claimed by Counting Officers at the May 2011 Referendum on the Parliamentary voting system would be superannuable. It was noted that the EC had written to DCLG on that point, and DCLG had now published a consultation which also raised the question of whether superannuation should be payable on the fees for PAROs at PCC elections.

8.2 DCLG informed the Group that the consultation would be open until 27th February, and that any formal responses would be gratefully received. DCLG would check the legal position in relation to PAROs. **Action DCLG**

8.3 DS informed the Group that SOLACE had established a new elections network under his chairmanship, with a view to bringing together the views of ROs and EROs and represent those views in discussions around the conduct of elections and voter participation more widely.

8.4 CO noted that the EPCG membership would comprise an evolving mix of PARO regional representatives and RROs as time went on (although in many cases, these would be the same person). It was agreed that, where they did not already attend, the electoral services managers who worked to members of the EPCG should be able to attend the EARRWG. Any ROs who wished their electoral services manager to attend the Working Group should contact the EC. **Action ROs and EC**