

Council

Developments in Elections and Electoral Registration – Update Report

17 December 2012

Report of Chief Executive (as Returning Officer and Electoral Registration Officer)

PURPOSE OF REPORT

The purpose of this report is to provide Members with an update on the, changes in electoral registration and the annual canvass and to seek delegated power for the Chief Executive to resource Individual Electoral Registration in light of these developments. A similar report is being taken to South Northamptonshire Council on 19 December 2012.

This report is public

Recommendations

Council is recommended to:

- (1) Note the further developments in the electoral and electoral registration programme to 2015 and request that Council receives future reports as appropriate.
- (2) Note the publication of the Electoral Registration and Administration Bill.
- (3) Give delegated authority to the Chief Executive to recruit and appoint a 0.5 FTE Project Co-ordinator from May 2013 and processing and canvass staff as required in order to meet the new statutory requirements placed upon the Council with the costs being shared between this Council and South Northamptonshire Council.

Details

Updated Programme

- 1.1 The elections and electoral registration programme to 2015 is set out below:

2012

Nov 2012 – Jun 2013 Community Governance Review of Cherwell area

2013

Jan – Postal Vote refresh SNC & CDC

May – County Council elections SNC & CDC

Jun – Dec - Annual Canvass

Jun onwards – Cherwell District Council Electoral Review

2014

Jan – Postal Vote refresh SNC & CDC

Mar – Mini Canvass and confirmation of elector details

May/June – European Elections, District and Parish elections CDC

Oct – Mar 2014 Individual Electoral Registration SNC & CDC

2015

Jan – Postal Vote refresh SNC & CDC

Early May – House of Commons and District elections SNC & CDC

Late May – Parish elections SNC & CDC

Aug – Sep – Individual electoral registration annual canvass

Additionally there could be by-elections, council tax polls, parish polls and neighbourhood planning referenda could be called at any time.

- 1.2 Since the last report to Council in May 2012, the proposal for an election to the House of Lords in 2015 has been shelved, similarly it is now uncertain which parliamentary boundaries will be used in 2015 as it has been suggested the withdrawal of support for an elected House of Lords, could lead to a withdrawal of support for parliamentary boundary changes. All of this creates a degree of uncertainty in terms of work scheduling as boundary changes require a large volume of systems work.
- 1.3 Additionally, the Local Government Boundary Commission have announced a review of Cherwell District Council to commence in Autumn 2013, as a result of 30% of wards within Cherwell District Council have an electoral variance in excess of 10% from the average for the Council.
- 1.4 The Cherwell district has been subject to much growth since the last review of the district, this growth is likely to continue within the next three years and therefore it is highly unlikely that the electoral imbalances identified will be countered and the variances from the average ward electorate are likely to increase, particularly in Banbury and Bicester.
- 1.5 There are a number of issues which the Council will need to consider in due course, in terms of a review such as whether councillor numbers should remain the same or reduce and whether single member wards would better reflect the needs of the electorate and whether to continue to elect by thirds or change to all out elections.

- 1.6 Initial fact finding meetings with the Commission will begin in early 2013. Following the review there will be an all out election, most likely in 2016 on the new ward boundaries, with subsequent elections held either in thirds or all out.
- 1.7 Lastly, the situation with regard to an Annual Canvass in 2013 remains fluid. In the last week the position has changed from there being no canvass planned, to a canvass between November 2013 - March 2014 in preparation for Individual Electoral Registration (IER) with a mini canvass in March 2014. However, it has been highlighted by the Association of Electoral Administrators that no change has been enacted and that all authorities should prepare for a canvass under the normal arrangements e.g. Jun to Dec 2013.

Individual Electoral Registration (IER)

- 2.0 The government's programme for elections and electoral registration between now and 2015 is ambitious and involves several large scale projects with new legislation, the largest of which is IER. IER will require the canvassing of individuals as opposed to households and obtaining signatures and national insurance numbers, resulting in increased administration, cost and complexity. Whilst external elections and individual electoral registration will be in part externally funded they will also have ongoing resource implications for the council. Work is currently taking place to quantify this resource and will be reported as part of the annual budget setting process, if known.
- 2.1 The Electoral Registration system in mainland Britain has remained largely unchanged since the beginning of the last century. Based on registration being the responsibility of a 'head of household', it has come under increasing criticism as not only being outdated, but also vulnerable to fraud. The Electoral Commission has been calling for the IER since 2003, and the previous Government made provision for its future introduction (subject to further primary legislation) within the Political Parties and Elections Act 2009. On coming to power in 2010 the coalition Government confirmed that it fully supported the principle of IER, and would bring forward legislation after appropriate consultation and pre-legislative scrutiny. The Queen's speech on 9 May, 2012 announced that an Electoral Registration and Administration Bill would be introduced during the next session of Parliament, and a Bill was duly introduced into the House of Commons. It has currently reached the Committee stage in the House of Lords.
- 2.2 The Bill contains proposals in respect of both IER and the organisation and conduct of elections. Those relating to IER:
- Provide that, subject to a transition period, from autumn 2015 each elector must apply individually to be registered to vote.
 - Make transitional arrangements (commencing July, 2014); including using data matching with other records to verify existing entries, and providing for the carry forward of electors who are not automatically verified or fail to register under the new system in the first year - this to ensure that existing

electors remain on the first register published under the new system, which is likely to be the register used for the 2015 general election.

- Provide for the use of data matching (primarily Department of Work and Pensions (DWP) data) to check existing entries in registers, verify future applications, and find individuals who do not currently appear on the register.
- Create a legislative framework to allow alternative channels for registration (e.g. online registration).
- Make provision for an annual canvass which is compatible with the new registration system, but provide a power to amend or abolish the annual canvass in future.
- Ensure that all those wishing to vote by post or proxy will need to be registered under the new registration system if they wish utilise these voting methods after the first annual canvass under IER.
- Introduce a civil penalty for those who fail to make an application when required to do so by an Electoral Registration Officer.

2.3 A number of pilots have already taken place across the country, and these suggest that, nationally, some 65% of existing electors will data match against DWP records. Where this occurs the electors will be automatically registered under IER, with no further action required on the part of the individual or the Council. Given the nature of the District, the Council might anticipate improving on this automatic registration figure. However, even a 70% automatic registration would then require the canvassing (forms and, potentially, doorstep visits) for approximately 31,500 individuals in Cherwell and 21, 000 in South Northamptonshire.

2.4 Notwithstanding the as yet unknown impact of the possible introduction in the future of 'alternative channels for registration', IER will have a significant impact on the volume of registration forms to be printed, delivered (including door-step canvassing) and subsequently processed (Cherwell has 59,678 households and some 105,000 electors, South Northamptonshire has 36,554 households with approximately 69,000 electors). This will have operational (staffing) and financial implications.

2.5 With regard to existing in-house budgetary resources, to-date the Council has not made any provision for the introduction of IER. Accordingly, once the full extent of the new requirements are known, some additional budgetary resources will have to be identified in order to ensure the successful introduction of IER. However, it is understood that local authorities will not have to absorb the full cost of the transition, as the Government acknowledges that, at least initially, more staff will have to be employed in order to make contact with large numbers of both existing and potentially

eligible electors. Provision has been made for additional funding in the sum of £108m nationally for the financial years 2010/11 to 2014/15, with the monies being allocated via non ring-fenced grants rather than through the Revenue Support Grant. The Government also estimates that, after the move to IER is complete, the ongoing cost of electoral registration across the country will be an additional £13m per annum. However, as yet, there is no indication that local authorities will receive any on-going funding support, although it is unclear how this sits with the new burdens doctrine.

- 2.6 The Bill makes provision for a potential decision in the future to stop the annual canvass and, if implemented, this could be expected to bring significant cost savings. However, it is by no means certain that this will ever happen (certainly not before being piloted) and, in any event, such a move could provide limited or even no net savings, as the running costs of a replacement for the annual canvass – which could be based on data matching - are unknown. In Northern Ireland where Individual Electoral Registration was implemented in 2006, the number of people registered to vote reduced by 10% in the first year. Additionally when the annual canvass was abolished and replaced by rolling registration in 2007, the register has changed from being 83% complete and 94% accurate to 71% complete and 78% accurate, (Source: Continuous electoral registration in Northern Ireland, Electoral Commission, November 2012).
- 2.7 It can be anticipated that one of the most significant implications arising from the introduction of IER will be in respect of door-step canvassing, with canvassers inevitably having to make a number of visits to a property where one might have been sufficient under household registration. Furthermore, obtaining personal identification information on the doorstep is likely to prove challenging and it seems probable that not only will there be a requirement for an increase in the number of canvassers, but they will require additional training and support. Post introduction, it is probable that there will be an impact following the autumn 2015 canvass, when non-responding electors who were initially carried over are removed from the register. Those affected will find they are unable to vote at any elections held during 2016, and they may also encounter problems in obtaining credit (the Electoral Register is a key source of information for the Credit Reference Agencies). Local authorities will undoubtedly be encouraged to make a particular effort to recapture these electors.
- 2.8 ICT is critical to the successful delivery of electoral registration services and, in this respect the council is well served in having the market leading 'Express' system. Part of the larger ERS group, Express has a good track record of introducing successful system upgrades and reacting quickly to issues and issuing fixes. It is understood that Express and the other key software providers are in detailed discussion with the Cabinet Office project group, and the required system upgrades are under development. It can be anticipated, however, that some of the development costs will be passed on to local authorities in the form of higher licence fees. There will however be new government developed software to enable the secure data exchange with the Department of Work and Pensions. This will place additional workloads on

specialist ICT staff in the Council and may mean that some projects will be delayed or additional resources will be required.

- 2.9 It is clear from communications from the government that the introduction of IER will be resource intensive and complex. Each authority has been asked to nominate lead officers from ICT, Finance, Elections and Business transformation to initial briefing sessions in the New Year, where further information will be provided.

Review of Democratic and Elections Team following Annual Canvass and Police and Crime Commissioner Elections

- 3.0 The Democratic and Elections shared team has now delivered a combined annual canvass and an all out election on both sites. Both have been delivered in an efficient and effective manner, whilst maintaining the democratic process at both councils. These two events have fully tested the team structure and it has found to be fit for purpose and able to deliver these functions going forward at the current staffing levels. In light of this, the Chief Executive has given approval to recruit to the vacant team leader post (currently filled by a Democratic and Elections Officer acting up) and if necessary to the Democratic and Elections Officer post (currently being filled by through staff bank).
- 3.1 Due to the size and scale of IER and the challenging elections and electoral registration programme to 2015, as set out above, there is a need to enhance the team on a fixed term basis. Whilst it is proposed that the Democratic and Elections Manager has responsibility for the delivery of IER, he does not have the capacity to carry this out further resources and there is a need for a project co-ordination role. It is proposed that a 0.5 FTE Project Co-ordinator be appointed on a fixed term basis from May 2013 until June 2015 to assist the Democratic and Elections Manager. Whilst this would be subject to job evaluation, the post is envisaged to have equivalent responsibility to that carried out by the Personal Assistants to Heads of Service and likely to be graded accordingly. It is envisaged that this would be funded at least in part by the transitional funding provided by central government and would equate to approximately £16,000 including on costs to be shared between the two Councils. It is envisaged that additional processing and canvassing staff would be recruited on a temporary basis when required and when volumes are known.

Conclusion

- 4.0 With the laying before Parliament of the Electoral Registration and Administration Bill it is clear that the current system of household electoral registration is to be replaced by one of IER. Accordingly, while the passage of the Bill through the Houses of Parliament will inevitably see some amendments made before becoming law, with broad support across the political spectrum it is likely that the fundamentals will remain as now published. As such, plans must be developed inviting all existing electors to become individually registered and, thereafter, maintain an Electoral Register based on IER. The staffing proposals set out in this report would allow this to take place.

Key Issues for Consideration/Reasons for Decision and Options

3.1 The following options have been identified. The approach in the recommendation is believed to be the best way forward.

- Option One** To accept the recommendations.
- Option Two** To reject the recommendations. This is not recommended, as failure to adequately develop appropriate operational measures will result in the Council being unable to comply with new statutory obligations.

Consultations

None

Implications

Financial The report includes proposed expenditure of approximately £16,000 per annum from May 2013 (split equally between CDC and SNC). These costs are likely to be funded from central government but this is still to be confirmed. In the event that sufficient funds are not available, a further report will be presented to Council..

Comments checked by Nicola Jackson Corporate Finance Manager – 01295 221731

Legal The update and proposals in this report set out the legal position as known at present.

Comments checked by Kevin Lane Head of Law and Governance – 0300 0030107

Risk Management The provision of adequate financial and human resources will be essential to mitigate the risk of the Councils failing to implement IER properly and to cope with prospective work demands arising from the programme set out in paragraph 1.1 above. IER will have a Project Plan, Risk Log and Equalities Impact Assessment produced.

Comments checked by Kevin Lane Head of Law and Governance – 0300 0030107

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	James Doble, Democratic and Elections Manager
Contact Information	james.doble@cherwellandsouthnorthants.gov.uk 01295 221587