

County Council

6 February 2008

Electoral Issues

Report of Lesley Davies, Acting Director of Corporate Services

Purpose

1. To advise Council on developments relating to the administration of Elections and new powers for local authorities granted by the Local Government and Public Involvement in Health Act 2007 concerning electoral, boundary and other matters.

Background

2. I reported to Council in August 2006 that the Electoral Administration Act (EAA) had become law and provided Members with information on the measures contained within the Act to make elections and registration more accessible for voters, to enhance the security of the electoral system and improve administration. The majority of the provisions of the Act commenced either in September 2006 or were introduced in time for the May 2007 elections.

Administration of Elections and Referendums

3. One of the consequences of the EAA was to enable the Electoral Commission to set and monitor performance standards for electoral services and to collect information on the costs of electoral services. The Commission initially focussed its attention on electoral registration, consulting, piloting and rolling out revised electoral registration performance indicators across Great Britain in September 2007.

4. The Electoral Commission then turned its attention to developing a performance standards framework for elections and referendums. It published a consultation paper in October 2007 *Developing performance indicators for elections and referendums* with a closing date for responses of 21 December 2007. (A copy of the Paper has been placed in the Members Resource Centre.)

5. The consultation sought views and comments on a total of 13 draft performance indicators for elections and referendums ranging from project management, procurement of services, design and content of communications with electors, issue and opening of postal ballots, recruitment, training and support of polling and counting staff, accessibility of polling stations and count administration etc.

6. Members will be aware that District Returning Officers (also consultees) have had conduct of the County Council elections on its behalf since 1974. As such the Council was not in a position to offer an informed view or detailed comment on the administrative/operational aspects of the proposed performance indicators and did not supply a response to the consultation.

Commencement of remaining provisions in EAA

7. I referred earlier to the fact that the majority of the provisions of the Act commenced either in September 2006 or were introduced in time for the May 2007 elections.

8. A fifth Commencement Order came into effect on 30 November 2007 implementing provisions regarding Registration of Voters with Service Qualifications. The Ministry of Defence will be required to maintain a record of each member of the forces electoral registration details with a facility for service personnel who opt to provide such information to access it and update their details online.

9. The Order also introduced provisions relating to Greater London Assembly (GLA) elections to enable constituency returning officers at a GLA election to retain and control access to relevant election documents under the new regime introduced by the EAA. (This had formerly been introduced in the context of local authority elections.)

10. The Ministry of Justice announced that four provisions contained in the Act would not be commenced:

- Remaining aspects relating to Co-ordinated Online Record of Electors (CORE)
- Provision of signatures in polling stations which will be commenced when the power to withhold a ballot form a person refusing to sign has been clarified
- Reporting donations to include nature of donations and
- Regulations of loans to Northern Ireland etc - this will be commenced by the Northern Ireland Office.

11. I will appraise Members of any future developments in relation to these aspects.

Local Government and Public Involvement in Health Act 2007

12. In December 2007 the Electoral Commission published Circular EC37/2007 relating to the above Act and the new powers it contained for local authorities in England concerning electoral, boundary and other matters. The majority of these powers commenced on 30 December 2007. (A copy of the Circular and an extract from the Explanatory Notes to the Act have been placed in the Members Resource Centre.)

13. The information contained in the circular principally concerned: electoral cycles; number of members per ward; changing the name of an electoral ward or division; administrative boundaries; community governance reviews (formerly parish reviews); and potential to combine elections in 2009. The measures will not impact upon the Council's May 2008 elections but will have an impact for the unitary authority in 2009, e.g. community governance reviews.

Electoral Cycles

14. The Act enables District Councils in England in some circumstances to change their schemes of elections where they chose to do so. It specifies the requirements to be met for a Council to move to whole-council elections or alternatively for a Council operating whole-council elections to revert to elections by halves/thirds.

Number of members per ward

15. Any local authority that holds whole-council elections every four years will be able to request that the Electoral Commission directs the Boundary Committee for England (BCFE) to undertake a fresh electoral review, with a presumption in favour of recommending single-member wards or divisions. Those local authorities that hold elections either by thirds or by halves will not be able to make such a request.

16. If the Electoral Commission decided to direct the BCFE to undertake such a review, it would not necessarily mean that a uniform pattern of single-member wards would result, as the BCFE must take other factors into account, in particular the levels of electoral equality and community identity and interests. However, all other matters being equal, the BCFE must look to establish a pattern of single-member wards.

Changing the name of an electoral ward or division

17. Local authorities will be given the power to resolve to change the name of electoral areas (wards or divisions) in their area if it is at least five years since the Electoral Commission has made an Order in relation to the ward or division name. If the Electoral Commission had made an Order in relation to that ward or division name within five years then the Commission's agreement must be sought in relation to the proposed change.

Administrative Boundaries

18. The Act contains provisions relating to administrative boundary reviews of principal local authority areas by the BCFE. In future, the BCFE would be able to carry out such reviews at the request of a local authority, at the request of the Secretary of State, or on its own initiative.

19. The responsibility for implementing any boundary changes by Order will rest with the Secretary of State, although she would not be obliged to

implement any changes and will also have the power to ask for a further review. The Secretary of State would also have the power to modify the BCFE's recommendations.

Community Governance Reviews

20. The Act gives powers to district councils, unitary county councils and London boroughs to undertake community governance reviews and implement the outcome by local Order – this includes the abolition or creation of new parishes, or altering the boundaries between existing parishes (or between parished and unparished areas). The Electoral Commission and DCLG will issue guidance to local authorities on such reviews.

Potential to combine elections in 2009

21. There is a new power for the Secretary of State to make an Order moving the date of local government elections to the same date as European Parliamentary elections in years when they are scheduled to take place. Any Order to combine elections in 2009, the next year that European Parliamentary elections are scheduled, would need to be made a minimum of six months before the date of the local government elections (scheduled for Thursday 7 May 2009), that is, by 7 November 2008.

Conclusion

22. Members are asked to note the report.

Background Papers

Electoral Commission Consultation Paper: Developing performance indicators for elections and referendums.

Ministry of Justice, Electoral Policy Division Newsflash: Commencement of remaining provisions in Electoral Administration Act 2006.

Electoral Commission Circular EC37/2007.

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