

| <b>ELECTIONS COMMITTEE</b> |                                   |                                      |          |
|----------------------------|-----------------------------------|--------------------------------------|----------|
| Report Title               | GLA Elections 5 May 2016 - review |                                      |          |
| Key Decision               | n/a                               |                                      | Item No. |
| Ward                       | n/a                               |                                      |          |
| Contributors               | Head of Law                       |                                      |          |
| Class                      | Part 1                            | Date: 8 <sup>th</sup> September 2016 |          |

### 1. **Purpose**

This report reviews the arrangements for the GLA Elections which took place on 5 May 2016. The Elections were for

- London Mayor
- London Assembly Member
- London Assembly Member for Greenwich and Lewisham Constituency

### 2. **Recommendation**

That the Committee note this report.

### 3. **Introduction**

#### 3.1 The scale and complexity of the Mayor of London and London Assembly elections represented a major challenge:-

- the electorate is 5.8m and there are four votes across three ballot papers using three different electoral systems;
- there were approximately 830,000 postal voters
- they are delivered by working across the administrative boundaries of London and the hierarchy of a Greater London Returning Officer (GLRO), Constituency Returning Officers (CROs) and then Borough Returning Officers (BROs);
- there is a legal requirement to send a manifesto booklet to every registered voter; and
- the staffing and wider resource needs are considerable . Some 12000 staff were involved in 4000 polling stations across London, at three count centres and at City Hall.

- 3.2 A new approach to the management of the GLA election was adopted at City Hall. In the past, the London elections have been delivered by a discrete separate unit using staff on fixed term contracts who left the GLA after the election. The 2016 GLA elections were delivered by a programme team drawn from across the GLA . The new arrangements were designed to draw on the skills and knowledge within the GLA and to enhance resilience but meant that some of the team had limited experience of elections. As a result, the normal partnership working between the GLA team and the boroughs was heightened to ensure a sharing of expertise and knowledge. On the whole this new arrangement worked very satisfactorily.
- 3.3 There are 14 constituencies in London, each made up of two or three boroughs, with the borough with the largest electorate within the constituency taking the lead. Lewisham is the lead borough for the Greenwich and Lewisham constituency and Barry Quirk is the Constituency Returning Officer (CRO). There continues to be some dissatisfaction with the legal position of the Borough Returning Officer (BRO) in the non-lead constituency. The current legislation clearly states that the CRO has responsibility for running the election in the combined constituency. However he is reliant on the support and engagement of the following borough, particularly in relation to the pre-election preparations and the administration of polling stations. However the BRO has no status in law, and arrangements between the CRO and BRO are largely informal. This is generally viewed as unsatisfactory and has led to problems between some boroughs in the past, though not in Lewisham and Greenwich. Notwithstanding this issue the CRO in Lewisham continues to enjoy the full support of Greenwich BRO and Electoral Services Manager.

#### **4 Review of the election London wide**

- 4.1 There have so far been only 2 reports which deal with aspects of the GLA election 2016. Both are reports of the GLA Assembly Elections Review Panel. The first is dated June 2016 and the second August 2016. Copies are available here

<https://www.london.gov.uk/moderngov/ieListDocuments.aspx?...>

They dealt with the administration of the London wide election generally and concluded that the election was generally well run. However the reports note that several issues arose which gave cause for concern.

- 4.2 The major concern at a London level was the provision of incomplete electoral registers to polling stations in the London Borough of Barnet as a result of human error. This meant that some voters were unable to

vote and there were no system checks in place to avoid the possibility of the human error which arose. A full report of the occurrences in Barnet is appended to the London Assembly reports. The CRO and the Elections team have taken to heart the recommendations from the Barnet Inquiry and though checks were already in place in Lewisham and there is no experience of a similar occurrence here, those system checks were enhanced for the EU Referendum and future elections.

- 4.3 The second issue which gave rise to concern was the delay in the publication of the mayoral result. The London Assembly reports state that this was due to an IT error in the allocation of votes between first and second preferences but not across candidates, so that detailed checks had to be done after declaration of constituency results the last of which was at approximately 6 p.m. on 6<sup>th</sup> May. However as a consequence the results could not be declared until 00.18 on 7<sup>th</sup> May.
- 4.4 The Electoral Commission is to publish its own review of the GLA elections though this is unlikely to be available until the end of September 2016.

## **5. The GLA election in Lewisham**

- 5.1 In Lewisham, at the time of the GLA election in 2016 there were approximately 190,000 registered local government electors of whom approximately 24,000 were postal voters. 113 polling stations were used and we employed approximately 450 polling staff.
- 5.2 Despite the sad, unexpected death of the Electoral Services Manager a matter of weeks before them, the GLA elections in Greenwich and Lewisham were conducted without any major issues, and the CRO would like to commend the excellent efforts of the small central Elections Team in very difficult circumstances. Because of the proximity to the GLA elections and the EU referendum, it would have proved impossible to recruit quickly to the vacant position and so interim support was commissioned from Steve Gough who acted on a temporary basis to manage the team and the GLA project. The post has now been advertised with a closing date of 18th August 2016.

## **6. Polling Stations and Staffing**

- 6.1 Because of the complexity of the three voting systems, with three ballot papers and three ballot paper accounts, staffing at polling stations exceeded both the Electoral Commissions and GLRO guidance. We employed 3 Poll Clerks and 1 Presiding Officer at each station with one more at split and double stations. In all, we used 113 Presiding Officers (POs), 344 Poll Clerks (PCs) and 18 Visiting Officers (VOs).

6.2 Of the 113 polling places used in Lewisham at this election only 5 were portakabins. We split 4 polling stations to conform to Electoral Commission footfall guidance which requires that no more than a maximum of 2500 voters who may vote in person at a polling station.

6.3 The split polling stations were:-

- Ashmead Primary School (DBR6)
- Riverside Youth Club (DEV3)
- Brindishe Green Primary School (DLC1)
- All Saints Community Centre (DNE5)

Where the polling stations were split we employed an additional poll clerk to direct people to the correct desk.

6.4 We had robust contingency arrangements in place to cover any failure to gain access to polling stations which involved having locksmiths on call and a fully equipped Council bus as a mobile polling station. Neither had to be used on the day. Our POs and VOs are trained to commence issuing ballot papers at 07.00 hrs, if necessary using the boot of their car until such time as help arrives.

6.5 Training was given by the Head of Law to all POs and VOs as required by Electoral Commission direction. However LBL have a policy of compulsory attendance at training sessions before confirming appointments - no training no job. The GLRO sent observers to one of our training sessions and commended the quality of the training given by the Head of Law. For this election, we put together an instructional video in addition to the usual material from the Electoral Commission and it was very well received by participants and the GLRO observer.

6.6 We used 18 Visiting Officers, one per ward. Their role was to inspect the set-up of polling stations and provide feedback on their suitability, carry emergency equipment, provide advice to staff and collect postal votes handed in at polling stations during the day and be available to provide assistance in emergencies. The EC and GLRO directions were for VOs to visit polling stations twice, once between 17.00 and 19.00hrs to assess the risk of queues developing. Our VOs were instructed to visit three times to minimise the impact of having to deal with postal votes. Each VO was stationed in their ward from 9 p.m. so that they would be on hand quickly to deal with any problems at close of poll. In the event, however, there were no queues.

## **7. Poll cards and postal votes**

7.1 Lewisham complied with the directions of the EC with regard to wordings and mailing dates on poll cards and instructions to postal voters. The postal vote issue was again outsourced to our printers, Financial Data

Management Limited (FDML). The Head of Law and a small team visited FDML's premises prior to mailing to conduct quality assurance tests by random sample checks and process inspection.

- 7.2 In accordance with EC and GLRO directions 100% of personal identifiers on returned postal votes were checked. Whilst the statutory requirement is to check 20% LBL has always conducted 100% check. No integrity issues were detected during this process and there were no allegations of postal vote fraud.
- 7.3 In 2016, LBL issued 72,564 postal ballot papers across all three elections ( 24,188 ballot paper packs). of which 17,079 packs were returned. From these returns, approximately 16,670 were included in each count with 410 being rejected for the following reasons:
- Postal vote statements had either been completed incorrectly –that is either no date of birth or signature or both had not been provided;
  - Dates of birth or signatures did not match with the underlying application form.

The postal vote rejection rate was approximately 2.4% .

This represents an increase in the number of postal votes over 2012 when 22,746 postal ballot paper packs were issued, of which 16,669 were returned. Of these approximately 3% were rejected for the same reasons set out above. This rejection rate in 2012 was 25% higher than in 2016.

- 7.4 The persons undertaking the verification of postal votes are provided with a copy of the Electoral Commission's "Forensic Science Guidance on Signature Checking"

## 8. **After the close of poll**

- 8.1 Ballot boxes were returned to Laurence House where the ballot paper accounts and unused ballot papers were checked. They were then put on lorries and transferred to the Excel count venue arriving there at 02.30hrs on Friday 6 May. The ballot boxes could not be released until the final postal votes returned to polling stations had been checked. The ballot boxes were transferred to the lorries under police supervision but unlike in previous years, the police were unable to provide an escort to the count venue. The ballot papers were accompanied en route to Excel by the CRO and Head of Law who travelled in the 2 lorries with the ballot papers and oversaw their arrival and deposit at the count venue. Both waited for delivery of the Greenwich ballot papers, and only when all ballot papers were safely delivered did they leave the count venue. Excel provided security from that point overnight. However a member of

the CRO's team stayed at all times with the ballot boxes on the floor of Excel overnight until the count team started to arrive at 07.00hrs on 6 May.

## 9. The Count

- 9.1 The count was conducted electronically by Intellect, a company commissioned by the GLA. Intellect is a joint venture between DRS, a company which has conducted electronic counts in the past, and Electoral Reform Services. The count for the Greenwich and Lewisham constituency was based at Excel along with 4 other constituencies (Bexley and Bromley; City and East; Lambeth and Southwark; Havering and Redbridge). Lewisham and Greenwich supplied the staff to operate all of the machinery – PCs and scanners – whilst Intellect provided the hardware, software and technical support. Detailed training was provided by Intellect and the GLA team a few weeks before election day. All of the Lewisham and Greenwich count team travelled to Hounslow for this training. Unfortunately the training day suffered a number of technical glitches, with the equipment not being operational for several hours. However, eventually, staff were able to participate in a mock count albeit for a much shorter time than planned.
- 9.2. We experienced no significant issues at the count which affected the outcome. On the whole it was conducted relatively smoothly. However there were two matters which did cause delay locally.
- 9.3 The first of these was the performance of the scanning machines. By lunchtime over 80% of the Greenwich and Lewisham votes had been processed. However as the day wore on, the scanners became less efficient and would not read the ballot papers electronically. Several were out of commission at any one time with insufficient spares provided. The result was that to scan one batch of votes took 5 or 6 times as long to scan as should be expected. Performance of the machinery became so poor as the day wore on that the CRO considered abandoning scanning altogether and resorting to manual entry on the PCs across the board. It also seemed that the scanning machines were hampered by the glue from the one piece mailers used on the postal packs by a number of boroughs. However at other count centres a newer model of the scanning machines was in use which seemed to suffer less from this problem. Eventually however, all votes were scanned and adjudicated using the PCs without escalation to exclusively manual entry.

The second issue was a technical IT glitch which arose when all votes had been entered on the system. Although all of the votes had been processed, by later afternoon there remained a handful, - approximately 15 – which required some level of manual input. However due to IT

technical glitches, the system would not allow manual processing. Until these final few had been processed the local results could not be declared. We escalated this to Intellect, who further escalated it and eventually after a wait of over one hour, the technical team at City Hall rectified the problem and the result could finally be declared locally.

#### 10. **Turnout and result**

The franchise for the election was all eligible Local Government Electors. This includes EU citizens. The turn out overall in the Greenwich and Lewisham Constituency was 45% compared to 37% in 2012. The average turnout across London was 45.3% compared to 38.85% in 2012. The turnout in Lewisham was 47.39% and in Greenwich 43.27%. In 2012 it was 37.27% in Lewisham and 37.21% in Greenwich. Ward breakdowns are given in Appendix A.

#### 11. **Future Implications**

The conduct of these elections went smoothly in Lewisham and Greenwich. In August the CRO will be holding a mop up session to establish what practical lessons can be learnt from the conduct of this poll. We also await the Electoral Commission report to be published in September this year which may also contain pointers for improvement in the administration of future polls

#### 12. **Financial implications**

There are no specific financial implications known at this point. The GLA fund the cost of these elections. A joint claim will be submitted on behalf of the constituency for the cost of the election across both Greenwich and Lewisham. Those accounts are yet to be finalised. In the past the claim has been met in full by the GLA and we anticipate that this is likely to be the case this time. Lewisham's share will be higher than Greenwich's as the lead borough was responsible for count expenditure.

#### 13. **Legal implications**

There are no legal implications arising.

#### 14. **Crime and disorder implications**

There are no crime and disorder implications arising.

#### 15. **Equalities implications**

- 15.1 In the conduct of elections, Lewisham pays particular attention to its duties under the Equality Act 2010. Equality measures include outreach to voluntary sector groups supporting people with protected

characteristics, the use of tactile devices in polling stations for those with visual impairment, pictorial Makaton guides to voting in the polling stations, systematic review of polling places to ensure disabled access is available and several other measures.

15.2 The Equality Act 2010 (the Act) introduced the new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

15.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

15.4 The duty is to pay regard that is due in all the circumstances, and the weight to be attached to it is a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

15.5 The Equality and Human Rights Commission issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

15.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty

4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 5.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

16. **Environmental implications**

There are no environmental implications arising.

17. **Background documents and originator**

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## Appendix A - Lewisham ward breakdown

| Borough  | Ward             | Mayor        |              |                     | Assembly London-wide |              |                        | Constituency Assembly Member |              |                            | Turnout      | Ward Level Electorate | % Turnout     |
|----------|------------------|--------------|--------------|---------------------|----------------------|--------------|------------------------|------------------------------|--------------|----------------------------|--------------|-----------------------|---------------|
|          |                  | Total Good   | Total Spoils | Total Mayor Ballots | Total Good           | Total Spoils | Total Assembly Ballots | Total Good                   | Total Spoils | Total Constituency Ballots |              |                       |               |
| Lewisham | Bellingham       | 2781         | 67           | 2848                | 2786                 | 62           | 2848                   | 2786                         | 62           | 2848                       | 2848         | 8,552                 | 33.30%        |
| Lewisham | Blackheath       | 3895         | 46           | 3941                | 3906                 | 35           | 3941                   | 3903                         | 38           | 3941                       | 3941         | 7,999                 | 49.27%        |
| Lewisham | Brockley         | 4816         | 53           | 4869                | 4829                 | 40           | 4869                   | 4824                         | 45           | 4869                       | 4869         | 9,959                 | 48.89%        |
| Lewisham | Catford South    | 3867         | 77           | 3944                | 3901                 | 43           | 3944                   | 3891                         | 54           | 3945                       | 3945         | 8,949                 | 44.08%        |
| Lewisham | Crofton Park     | 4558         | 63           | 4621                | 4574                 | 47           | 4621                   | 4564                         | 57           | 4621                       | 4621         | 8,977                 | 51.48%        |
| Lewisham | Downham          | 2607         | 55           | 2662                | 2611                 | 50           | 2661                   | 2624                         | 37           | 2661                       | 2662         | 8,437                 | 31.55%        |
| Lewisham | Evelyn           | 3544         | 53           | 3597                | 3560                 | 37           | 3597                   | 3546                         | 51           | 3597                       | 3597         | 9,314                 | 38.62%        |
| Lewisham | Forest Hill      | 4210         | 52           | 4262                | 4223                 | 36           | 4259                   | 4222                         | 39           | 4261                       | 4262         | 8,608                 | 49.51%        |
| Lewisham | Grove Park       | 3210         | 63           | 3273                | 3221                 | 52           | 3273                   | 3235                         | 37           | 3272                       | 3273         | 8,607                 | 38.03%        |
| Lewisham | Ladywell         | 4349         | 79           | 4428                | 4373                 | 56           | 4429                   | 4386                         | 42           | 4428                       | 4429         | 8,271                 | 53.55%        |
| Lewisham | Lee Green        | 4335         | 58           | 4393                | 4359                 | 33           | 4392                   | 4349                         | 43           | 4392                       | 4393         | 8,499                 | 51.69%        |
| Lewisham | Lewisham Central | 4303         | 82           | 4385                | 4317                 | 67           | 4384                   | 4318                         | 66           | 4384                       | 4385         | 10,418                | 42.09%        |
| Lewisham | New Cross        | 3728         | 64           | 3792                | 3744                 | 47           | 3791                   | 3745                         | 46           | 3791                       | 3792         | 9,092                 | 41.71%        |
| Lewisham | Perry Vale       | 4442         | 54           | 4496                | 4459                 | 38           | 4497                   | 4455                         | 41           | 4496                       | 4497         | 9,309                 | 48.31%        |
| Lewisham | Postal Ward      | 16241        | 127          | 16368               | 16255                | 98           | 16353                  | 16278                        | 76           | 16354                      | 16368        | 23,562                | 69.47%        |
| Lewisham | Rushey Green     | 3194         | 64           | 3258                | 3212                 | 46           | 3258                   | 3195                         | 62           | 3257                       | 3258         | 8,019                 | 40.63%        |
| Lewisham | Sydenham         | 4176         | 78           | 4254                | 4203                 | 51           | 4254                   | 4201                         | 52           | 4253                       | 4254         | 9,213                 | 46.17%        |
| Lewisham | Telegraph Hill   | 4535         | 60           | 4595                | 4552                 | 43           | 4595                   | 4552                         | 43           | 4595                       | 4595         | 9,403                 | 48.87%        |
| Lewisham | Whitefoot        | 2841         | 67           | 2908                | 2827                 | 81           | 2908                   | 2827                         | 81           | 2908                       | 2908         | 8,188                 | 35.52%        |
|          | <b>TOTAL</b>     | <b>85632</b> | <b>1262</b>  | <b>86894</b>        | <b>85912</b>         | <b>962</b>   | <b>86874</b>           | <b>85901</b>                 | <b>972</b>   | <b>86873</b>               | <b>86897</b> | <b>183376</b>         | <b>47.39%</b> |

## Appendix B – Greenwich ward breakdown

| Borough   | Ward                       | Mayor        |              |                     | Assembly London-wide |              |                        | Constituency Assembly Member |              |                            | Turnout      | Ward Level Electorate | % Turnout     |
|-----------|----------------------------|--------------|--------------|---------------------|----------------------|--------------|------------------------|------------------------------|--------------|----------------------------|--------------|-----------------------|---------------|
|           |                            | Total Good   | Total Spoils | Total Mayor Ballots | Total Good           | Total Spoils | Total Assembly Ballots | Total Good                   | Total Spoils | Total Constituency Ballots |              |                       |               |
| Greenwich | Abbey Wood                 | 2881         | 101          | 2982                | 2951                 | 32           | 2983                   | 2943                         | 40           | 2983                       | 2983         | 9,202                 | 32.42%        |
| Greenwich | Blackheath Westcombe       | 4233         | 62           | 4295                | 4258                 | 31           | 4289                   | 4268                         | 26           | 4294                       | 4295         | 8,196                 | 52.40%        |
| Greenwich | Charlton                   | 3694         | 80           | 3774                | 3744                 | 30           | 3774                   | 3747                         | 27           | 3774                       | 3774         | 8,918                 | 42.32%        |
| Greenwich | Coldharbour and New Eltham | 3161         | 75           | 3236                | 3214                 | 22           | 3236                   | 3215                         | 21           | 3236                       | 3236         | 8,273                 | 39.12%        |
| Greenwich | Eltham North               | 4264         | 103          | 4367                | 4340                 | 27           | 4367                   | 4349                         | 18           | 4367                       | 4367         | 8,528                 | 51.21%        |
| Greenwich | Eltham South               | 3162         | 43           | 3205                | 3175                 | 30           | 3205                   | 3181                         | 23           | 3204                       | 3205         | 7,616                 | 42.08%        |
| Greenwich | Eltham West                | 2445         | 69           | 2514                | 2488                 | 25           | 2513                   | 2502                         | 14           | 2516                       | 2516         | 7,445                 | 33.79%        |
| Greenwich | Glyndon                    | 3484         | 96           | 3580                | 3535                 | 45           | 3580                   | 3538                         | 42           | 3580                       | 3580         | 9,598                 | 37.30%        |
| Greenwich | Greenwich Postal Votes     | 17486        | 134          | 17620               | 17477                | 78           | 17555                  | 17485                        | 71           | 17556                      | 17620        | 25,825                | 68.23%        |
| Greenwich | Greenwich West             | 5076         | 77           | 5153                | 5113                 | 40           | 5153                   | 5115                         | 37           | 5152                       | 5153         | 11,597                | 44.43%        |
| Greenwich | Kidbrooke with Hornfair    | 2895         | 82           | 2977                | 2944                 | 32           | 2976                   | 2950                         | 27           | 2977                       | 2977         | 8,558                 | 34.79%        |
| Greenwich | Middle Park and Sutcliffe  | 3150         | 56           | 3206                | 3179                 | 28           | 3207                   | 3188                         | 18           | 3206                       | 3207         | 8,180                 | 39.21%        |
| Greenwich | Peninsula                  | 4345         | 88           | 4433                | 4394                 | 39           | 4433                   | 4402                         | 29           | 4431                       | 4433         | 10,688                | 41.48%        |
| Greenwich | Plumstead                  | 3231         | 94           | 3325                | 3290                 | 34           | 3324                   | 3291                         | 34           | 3325                       | 3325         | 9,145                 | 36.36%        |
| Greenwich | Shooters Hill              | 3624         | 101          | 3725                | 3681                 | 42           | 3723                   | 3694                         | 32           | 3726                       | 3726         | 8,423                 | 44.24%        |
| Greenwich | Thamesmead Moorings        | 2780         | 109          | 2889                | 2846                 | 42           | 2888                   | 2843                         | 45           | 2888                       | 2889         | 10,049                | 28.75%        |
| Greenwich | Woolwich Common            | 2994         | 104          | 3098                | 3071                 | 29           | 3100                   | 3073                         | 27           | 3100                       | 3100         | 9,218                 | 33.63%        |
| Greenwich | Woolwich Riverside         | 3597         | 112          | 3709                | 3669                 | 40           | 3709                   | 3674                         | 35           | 3709                       | 3709         | 11,029                | 33.63%        |
|           | <b>TOTAL</b>               | <b>76502</b> | <b>1586</b>  | <b>78088</b>        | <b>77369</b>         | <b>646</b>   | <b>78015</b>           | <b>77458</b>                 | <b>566</b>   | <b>78024</b>               | <b>78095</b> | <b>180488</b>         | <b>43.27%</b> |