

Elections Committee. 27 June 2019
Summary report to Elections Committee
Appendix A
Neighbourhood Planning Referendums

Background

- The Localism Act 2011 introduced neighbourhood planning.
- Key features of the neighbourhood planning regime are as follows:
 - Neighbourhood forums
 - Designation of neighbourhood areas
 - Neighbourhood plans
 - Neighbourhood development orders
- Neighbourhood forum – an organisation
 - Whose purpose is to promote the environmental social or economic wellbeing of the area
 - Open to individuals living or working in the area and local councillors in the area
 - With 21 members and a written constitution
 - Only one per area
 - Lasts 5 years
- Designation of neighbourhood area
 - Forums can apply for area to be designated as neighbourhood area .
 - Area designated by LBL
 - Neighbourhood areas can't overlap with each other but can cross borough boundaries
- Neighbourhood plan
 - Proposal drawn up by Forum
 - Sets out policies in relation to development and use of land in the neighbourhood area (whole or part)
 - Addition to, not replacement for, Local Development Plan
 - Independent Examination
 - Decision by members to submit to binding referendum – 50% of those voting
 - At the time of making that decision we will have 56 days to hold the referendum
 - Neighbourhood planning referendums broadly follow the rules for local elections and will be of a similar scale to ward level by-elections
- Neighbourhood development orders
 - Approve specific development at specific site
 - “Excluded development”
 - Specifies period effective
 - Limits
- **Current progress**
 - There are 5 formally designated neighbourhood forums in Lewisham. They are in the process of preparing their neighbourhood plans

- Grove Park Neighbourhood Forum are the closest to being ready to submit their plan
- Lee Green Neighbourhood Forum are the closest behind them
- We have been told that the plans are imminent many times over the last 2 years, but nothing has come to fruition
- We have been told that planning officers are confident that Grove Park will submit before the end of the month
- If that happens, it is likely we will be required to hold a referendum before the end of the year

What role can Councillors have?

- Mayor and Cabinet must consider the proposed neighbourhood plan before it can be progressed to a referendum

An officer from Planning will attend the meeting to provide more background information on Lewisham's neighbourhood forum.

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Appendix B
Review of local by-elections held on 2 May

Background

- By-elections were held in Evelyn and Whitefoot wards on 2 May 2019 – due to Councillor resignations
- There was relatively late notice for these by-elections – the resignations triggered the date with a 25 day timetable
- The overlap with the European Parliamentary elections caused significant extra burden to the team and an administrative challenge
- The delivery of poll cards for the second election was delayed to prevent voter confusion
- Despite the challenges, these by-elections were successful – there was decent turnout and no significant issues

The Results

- Labour retained both seats with a 25% turnout
- Kim Powell became a new Councillor for Whitefoot
- Lionel Openshaw became a new Councillor for Evelyn

Review of Electoral Services team performance

- Communications to candidates and agents – usually we would send a weekly update to all candidates and agents but the overlap with the EU election and massive workload mean we missed 3 of the 5 updates
- Feedback from candidates and agents was however very positive
- Registration was low – only 250 new names were added to the register for the by-elections
- Poll cards and postal votes were sent out early. We also sent emails to all electors which received a positive response
- The new polling station at Haskins Hall was a risk – it is the third venue for this district in 3 elections – but the feedback has been positive and it's an improvement on the previous 2 venues
- The counts took place in the Civic Suite and were particularly quick – good counting staff and a tried and tested plan ensured it was efficient, transparent and accurate
- This was a good test of our by-elections plan and we believed we performed extremely well in challenging circumstances

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Appendix C

Review of EU Parliamentary election held on 23 May

Summary

- All objectives were achieved and the elections can be considered a success – from an administrative point of view
- The overlap with the 2 by-elections was a challenge – it created additional workloads and another layer of risk. This was managed though and the by-elections did not suffer
- Our Returning Officer was also the Regional Returning Officer for London. This was an additional burden for Lewisham but also a benefit as we could lead from the front and present a positive image of Lewisham Council

Staffing

- The vacant post in the electoral services team had to be filled with a temporary secondment. This worked well but we need to get the team back to full strength as soon as possible
- Polling staff performed well – but we did suffer from a lack of experienced Presiding Officers. In many cases this was down to the late notice of the election with many staff away on holiday due to the proximity to bank holiday and half term
- Count staff were very good this year. We've managed to improve the standard over the last few years

Registration

- Some issues with the scanning of postal votes and UC1 forms. A small number of errors have been identified where the team didn't follow the correct procedure
- More training and monitoring will take place to prevent this from happening next time
- Registration did pick up towards the deadline with 9,000 new applications during the election period. This is just as high as 2018 but lower than 2017
- Late postal vote applications from overseas electors caused a problem. Getting a postal vote to and from Australia in 10 days seems beyond the ability of the Royal Mail international service

Polling stations and equipment

- Portacabins are still used in 3 polling districts. We will attempt to find solutions to these during the polling district review
- Disabled access needs improvement in a small number of polling stations. Again, this will be picked up during the polling district review
- Delivery of equipment worked very well but the bank holidays and half term have disrupted the collection
- 2 stations needed an additional ballot box on polling day as the turnout was so high the one box wasn't enough
- The team are revising our procedure for the collation and allocation of materials for polling stations as there were a number of minor errors this time caused by miscommunication and lack of early action

Customer Service Centre (CSC)

- The CSC have been taking electoral services calls for over 2 years now. The performance has varied in quality

- During this election there were some mistakes by Advisors giving out inaccurate information. This led to some complaints which could have been avoided
- All of the Advisors have received several training sessions yet there is a clear need for staff to improve their performance when answering elections queries
- More work is needed to better prepare the CSC to take our calls during a big election

Complaints

- The vast majority of complaints were from EU residents unhappy that they couldn't vote in this election, Appendix D covers this issue in detail
- It is noted that the government's online voter registration service didn't provide enough information
- Most other complaints came from postal voters, particularly overseas postal voters who applied for a postal vote on deadline day only to receive the postal vote too late to be able to return it before polling day

The Count

- Knights Academy in Downham was used for the second time for a Friday count. It proved an excellent choice with plenty of space and decent facilities
- Our senior count staff are now very comfortable with our count processes
- The number of capable count assistants is particularly pleasing
- We continue to improve our plans, staff and skills for the GLA elections next year and particularly for the 2022 elections when we are scheduled to have general, mayoral and local elections to count overnight and during the following day

Regional Returning Officer (RRO) Performance

- Janet Senior also performed the role of RRO
- This involved bringing together staff from various teams to manage the election for the whole London Region
- The workload was bigger than anticipated and incredibly stressful and demanding, at times
- Nominations was the first challenge – 9 new independent candidates signed up on deadline day
- The central count went extremely well and feedback from administrators and agents has been extremely positive, with many saying this was the best RRO performance they had experienced in any region.

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Appendix D

EU Residents unable to vote in the EU Elections in the UK

EU Residents and the requirement to complete a declaration

- In European Parliamentary elections EU residents are not automatically entitled to vote in the UK (excluding UK, Irish, Cypriot and Maltese)
- They are required to complete a Declaration stating their choice is to vote in the UK rather than their country of citizenship
- This form is often referred to as a UC1 declaration form
- This is a legal requirement and is very similar to the requirements in all other EU member states. There is no disparity with other EU countries nor are the rules here stricter than elsewhere
- The declaration requires the elector to provide their name, address of registration, nationality, and details of the authority where they were last registered in their country of citizenship
- Each Electoral Registration Officer provides a list to each EU member state of their citizens who have completed declarations to vote in the UK
- The purpose of this process is to prevent anyone from voting in 2 different member states in the same election

When did Lewisham send UC1s to our EU residents?

- All EU residents on the electoral register by 11 April were sent a UC1 form on 20 April
- This form was sent by first class post, and contained a first class response envelope
- EU residents who registered to vote after 11 April were added to a list. UC1 forms were sent to people on this list on a weekly basis. As we approached the deadline of 7 May, the forms were sent out more often
- The electors who registered after 11 April were sent forms via email and/or post
- In some cases reminder forms were sent by post or email, but not for all electors. This was due to capacity and because not all EU electors have an email address on our database
- Lewisham were not able to send the forms out until the UK Government confirmed we would be taking part in the elections. This confirmation was only received on 10th April.
- Only on that date could we begin preparations. Legal advice from the Electoral Commission made it clear that we could not send out the form until the Government had formally declared we would be taking part in the election
- If we had sent the form out, it would have carried no legal weight and could have denied our EU residents the ability to vote in their country of citizenship, or effectively enabled them to make an invalid declaration
- Printing and posting over 20,000 UC1 forms could not be done in house, so we used a print contractor
- Prior to 10 April we agreed with a print contractor on the format of the UC1 letter and envelopes
- Envelopes had to be purchased in advance and pre-printed. Pre-printing the business response licence and the outgoing licence on the envelopes took around 2 days
- The proofing process for the letters took another 2 days.
- Half of London authorities use the same supplier so our letters were in a queue for the printing machinery. A fault at the printer's end caused a further 1 day delay
- The letters were finally printed and posted on 20 April, 9 days after sending the data to the printer

How many responses were received?

- Lewisham has 20,026 EU electors on our register
- 5,465 electors returned the form before the deadline of midnight on 7 May
- This equates to 27.29%
- This figure is above the national and London average response rate
- Many responses were received after the deadline. The late responses were date-stamped and for the first few days the electors were sent letters stating the form was received late. Due to the huge workload in the office these letters did not go out immediately and we were not able to respond to all electors who returned the form late

Did any forms go missing?

- All forms received by the electoral services office were processed on the day of receipt
- Forms received late were date-stamped
- There were reports of forms being received and not processed – we have found a total of 2 clerical errors where a form was handed in to the reception point and not passed on to the back office, and 2 clerical errors where the form was sent via email and not printed and processed correctly. These were all reported on polling day and resolved immediately to enable the electors to vote. An apology was also issued immediately to the voters concerned
- An audit has not uncovered any further clerical errors

Why so many postal failures and delays?

- This is a good question and we are investigating with Royal Mail
- As items were not sent via a tracked service it is hard to establish why specific items were not delivered
- Royal Mail promise a 95% success rate with all first class post. Given the volume of items posted the number of missing items reported is well under that figure.

Why isn't the declaration form available online?

- Prior to the election the official guidance from the Electoral Commission is that a wet-ink signature is required on the UC1. This was accepted by all Regional Returning Officers
- Forms completed and submitted online were deemed non-compliant. In fact, there were 2 websites offering this service which were given cease and desist orders by the Electoral Commission

How did Lewisham make people aware of the declaration requirement?

- As soon as the election was made official we had a dedicated web page explaining the extra requirement for EU residents
- This page was put up as a story on our main page and tweeted
- Information was also available on the voter registration website and the Electoral Commission's website
- However, there was no extra communications campaign by the Electoral Commission

What more can we do next time?

- Usually we would be given at least 6 months lead in time for a European Parliamentary election. We would send out UC1 forms much earlier and at least 2 reminder forms should people not respond
- Forms would be sent via email as well as post, with an online response facility, where we have email details
- The online registration service could be improved to automatically send forms and information to anyone registering with a relevant EU nationality

- We will support our local MPs in their campaign to change the law for this process – making it an opt-out rather than an opt-in. This would mean our EU residents would have to actively complete the form to remove their right to vote in the UK. We believe this makes more sense and would enable more people to vote

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Appendix E
Polling District Review 2019

Background

- It is a legal requirement to complete a review of our polling districts and places by 31 January 2020
- We intend to complete our review in time for the 1 December publication of the new register. The timetable will allow for the final proposals to be put to Full Council for approval in November

Scope and process

- This review is for polling districts and polling stations only
- Ward boundaries will not be considered
- The Returning Officer must declare polling districts and places to be used for all elections within our electoral area
- The review begins with the Returning Officer publishing proposals for each ward. The proposals will include a map and a list of polling places, with reasons for any proposed changes
- There will be a 5 week consultation period followed by revised plans
- Local disability groups will be consulted on the polling places
- Changes to polling districts must be agreed by Full Council
- The revised polling districts and places will be used for all elections until the end of 2021 when we will revise them once again to match the new ward boundaries due to come into force in May 2022

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Appendix F

Local Government Boundary Commission Review

Stage 1

- The first stage is to determine the number of Councillors that Lewisham should have in the future
- Full council approved the submission to the Local Government Boundary Commission (LGBC) on the recommendation of a working group of members and officers
- The submission strongly supported retaining 54 Councillors
- In addition, we were required to provide the following data;
 - Electorate now and predicted for 2025
 - Polling districts and ward boundaries
 - Mapping information for all properties
 - New developments
 - List of local groups and individuals to contact during stage 2
- Our submission was received by the LGBC at the beginning of May and has received an informal but favourable response. They have indicated it is likely the Commissioners will approve our figure of 54 Councillors
- Once a formal response is received from the LGBC it will confirm their decision on the number of Councillors for Lewisham and will begin stage 2 of the review

Stage 2

- The second stage follows a process for determining:
 - Ward boundaries
 - Numbers of Councillors per Ward
 - Names of Wards
- The Council, local parties, community groups and individuals will be encouraged to submit representations during an initial consultation period
- The representations should include details of proposed boundaries and reasoning behind them – for example; natural boundaries, community links, town centres, transport links, etc
- The Council will make a representation via a group of Councillors and officers similar to stage 1
- The LGBC will collate all representations and publish some proposals. They will seek feedback on their proposals during a second consultation period
- Once the second consultation period has finished the LGBC will review all submissions and make a final decision on our boundaries
- They will publish their final proposals towards the end of 2020. These are then confirmed by an Act of Parliament and will come into force during our next Council elections in 2022
- A more detailed timeline will be provided to all councillors once the decision of the LGBC is received.

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Appendix G
 Annual Electoral Registration Canvass 2019

ELECTIONS COMMITTEE		
Report Title	The Annual Canvass	
Key Decision	n/a	Item No.
Wards	All	
Contributors	Jamie Baker, Electoral Services Manager	
Class	Part 1	Date: 18 June 2019

1. **Summary**
 This report gives information on the upcoming annual electoral registration canvass in Lewisham.

2. **Purpose**
 To advise the committee on the plans for the annual canvass.

3. **Recommendation**
 - 3.1 That the Committee make note of this report and consider what more can be done to maximise the response rates to the forms.

- 4 **Report**
 - 4.1 Timetable. We start with the first HEF (household enquiry form) being delivered to each property at the start of August. This will be by Royal Mail. A reminder form will go out by the same method at the start of September.
 - 4.2 The forms will also be sent via email to around 65,000 residents. This method was used last year and saved us a considerable amount of money, as well as improving the response rate.
 - 4.3 The third form will be sent out via canvasser. They will only deliver the form if they cannot catch somebody at home to complete it there and then.
 - 4.4 Budget. The approximate spend in 2018 was £170k (which was a saving of £15k from 2017). By maximising use of canvassers and email we hope to reduce the cost even further by another £10k.
 - 4.7 On top of that, we'll be looking at how we can improve our registration figures for the rest of the year – during the monthly updates. Current data shows that unless there is an election the registration rates remain very low, including during the canvass. This is the same across all London boroughs and is not a

Lewisham phenomenon. We can however try to be innovative and lead the way in finding solutions to this problem.

- 4.8 Targets. The response rate last year was 86.54%. This was a small decrease of around 1% from the previous year. We expect it will be hard to reach this figure because there are no scheduled elections so the 'hook' is not as great, and the impact of Brexit on some residents' willingness to engage can prove a challenge on the doorstep. Our target therefore is 85%.
- 4.9 Other targets: to canvass every single household by knocking on their door at least twice; add at least 5,000 new names to the register; remove at least 5,000 names from the register; collect more email addresses to improve future communication opportunities; improve data processing in the office.

6. **Legal implications**

- 6.1 None.

7. **Equalities implications**

- 7.1 The delivery of elections is subject to the DDA and Equality Act provisions. In particular we must ensure there is equal access to voter registration during the annual canvass.
- 7.2 The forms are prescribed, meaning we have little room for modifying them. We can however include a cover letter and wording on the outer envelope to improve their visibility and make it clearer what we are asking the residents to do.
- 7.3 We intend to be proactive with under-registered groups, where possible. Using data is one area where we were very good last year and where we can improve even further. University data and info on disabled people is what we're aiming for this time. Both should be achievable and would considerably improve the ease with which these people can get registered.

8. **Financial implications**

- 8.1 The budget is around £170k, though falls under the annual electoral services budget. Any money saved here would likely be used later in the year chasing people to register.

9. **Crime and disorder implications**

None.

10. **Environmental implications**

There are no environmental implications arising.