

Subject: Parliamentary Voting System and Constituencies Bill – implications for the council

Date of Meeting: 16 November 2010

Report of: Strategic Director, Resources

Contact Officer: Name: Claire Wardle Tel: 29-1997
E-mail: claire.wardle@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Political reform is a headline theme in the Coalition's programme for government. Under that heading, the Government has introduced a Bill on electoral reform, which provides for the next General Election to be held under the Alternative Vote system, provided this change is endorsed in a referendum on 5 May 2011, and for the creation of fewer and more equal sized constituencies. Its name is the Parliamentary Voting System and Constituencies Bill and is sponsored by the Deputy Prime Minister.
- 1.2 Following Second Reading, and owing to its constitutional importance, the Bill was committed to a Committee of the whole House of Commons, enabling all MPs to scrutinise each clause. The Bill completed its passage through the Commons on 2 November 2010, and will proceed to the House of Lords for further consideration.
- 1.3 The proposed referendum date of 5 May 2011 coincides with polling day for local government elections in Brighton & Hove, which has implications for the council as it will be responsible for staging both events simultaneously. Further, the Bill is likely to bring about changes to the existing parliamentary constituencies covering Brighton & Hove.
- 1.4 This report considers these issues in more detail.

2. RECOMMENDATION:

- 2.1 That the Governance Committee notes the content and implications of the Parliamentary Voting System and Constituencies Bill.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 22 July 2010 the government introduced the Parliamentary Voting Systems and Constituencies Bill to Parliament. There are two elements to this Bill:

Part 1 proposes a UK wide referendum on whether the UK should move towards the alternative vote system for parliamentary elections. It is proposed that the referendum will take place on 5 May 2011, the same day as scheduled elections in other parts of the UK, including Brighton & Hove.

Part 2 proposes that the number of parliamentary constituencies in the UK be reduced from 650 to 600.

Part 1

- 3.2 There will be full Brighton & Hove City Council elections on 5 May 2011, as well as Parish elections in Rottingdean. If the referendum is held on the same day, there are a number of practical implications. Planning for the referendum is currently difficult, because the detail of the regulations is still being worked on and is subject to parliamentary debate.
- 3.3 It should be noted that the level of franchise will be different in the referendum to the local elections. At the referendum, British and Commonwealth citizens will be able to vote. At the local elections, the franchise is extended to include European Union citizens. This has a practical implication in terms of the printing of poll cards, ballot papers and polling station registers. The majority of electors will receive two ballot papers, but some will only receive one. In Rottingdean there could be three ballot papers.
- 3.4 It has, however, been confirmed that the referendum will be run on local authority boundaries, rather than parliamentary constituencies, and so there will not be the cross-boundary issues experienced at the recent General Election. The council's Returning Officer will be appointed the local counting officer to conduct the referendum, and there will be regional co-ordination, along the lines of the 2009 European elections.
- 3.5 The provisions for the combination of polls have been drafted and redrafted at the Commons Committee stage of the Bill. The new Schedules are lengthy and technically complex, and the Electoral Commission have stated that they will need further time to consider the Schedules, and to clarify the practical implications to Returning Officers and Counting Officers. In the meantime then, there are still questions about whether there will be separate polling stations, ballot boxes, poll cards, and postal votes, or whether we should combine these. Again, there could be logistical and capacity issues for printers. Administering different polls on the same day will undoubtedly be complex, and it is hoped that the rules will soon be confirmed and sufficiently clarified to enable us to make effective plans.
- 3.6 This will be the first UK wide referendum since 1975, so election staff and voters alike have little experience of referendums. The Electoral Commission has recently carried out some public research and found that the general understanding of different voting systems is relatively low. They have recommended that the wording of the referendum question be changed, so that it can be more easily understood. They have also committed to providing an

information booklet to voters explaining the different voting systems. Undoubtedly though, there will still be an element of voter confusion, so polling stations will need to be adequately staffed, and staff adequately briefed, to deal with questions from voters.

- 3.7 The timetabling for the counts is not yet clear. It is usual for national election counts to take precedence over local election counts. However, the Cabinet Office has indicated that it expects the local election counts to take place first on this occasion. The Electoral Commission will wish to co-ordinate the referendum counts, as it is the Chief Counting Officer's (Jenny Watson, Chair) duty to collate and announce the UK-wide referendum result.
- 3.8 The Returning Officer and his team will make every effort to meet the challenges of these polls. As with the recent General Election, the early development of a project plan will be key, and the plan and activities will be regularly monitored and reviewed. Risk management and contingency planning will also be crucial. Key election staff will also receive appropriate training, which can be cascaded to the rest of the team. Relationships already developed with other Returning Officers, and with professional bodies, will be maintained as a valuable support mechanism. The Returning Officer will also enlist the necessary support from across the organisation, including from Legal Services, Communications and Events management.
- 3.9 As one of the key issues in these combined polls is likely to be voter confusion, it is suggested that a telephone team be established to assist with common queries, so that office staff can concentrate on the more complex electoral administration.
- 3.10 The council will need to be mindful that the extra Electoral Commission publicity and national media interest in the referendum may mean that the local elections are sidelined. The council will need to provide sufficient information and publicity about the local elections to raise their profile.

Part 2

- 3.11 The proposals to reduce the number of parliamentary constituencies from 650 to 600 will also have an impact in Brighton & Hove. The government wants to create new constituencies of a more uniform electorate size, with a variance of only 5% from the electoral quota. The electoral quota will be determined by dividing the UK electorate by 568 (two constituencies in Scotland will be preserved).
- 3.12 This numerical principle will have priority over other issues, such as Geography, local ties and administrative boundaries. It is more likely that the new constituencies will cross local authority boundaries, and it is envisaged that constituency boundaries will even cut into local authority wards. It is difficult to co-ordinate elections across local authority boundaries and cross-boundaries are another cause of voter confusion.

- 3.13 The Bill proposes that parliamentary constituencies be reviewed frequently, every five years, with the first review to be completed by the Boundary Commission by October 2013. If the Bill is enacted, the first review will use electorate figures as at the publication of the register of electors on 1 December 2010 to calculate the electoral quota.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 There are likely to be cost implications if a referendum on the Alternative Vote system is held on the same day as local elections next May, in terms of staff training, contact centres, additional materials for the two separate polls, and separate counts. It is unclear at this stage how much of this will be funded by central government, but it is expected there will be some savings in combination compared to holding separate polls on different days.

Finance Officer Consulted: Mike Bentley

Date: 01/11/10

Legal Implications:

- 4.2 As noted in paragraph 3.2 above, the Bill is still before Parliament and the content liable to amendment. The following comments are therefore subject to the Bill as currently drafted receiving Royal Assent.
- 4.3 Where the date of the referendum coincides with the date of local authority elections (as it does for Brighton & Hove), clause 4 of the Bill requires the polls to be taken together.
- 4.4 Further, the council will be required to comply with the 'Referendum Rules', currently set out in Schedule 2 of the Bill. These comprise the operational arrangements for preparing for and conducting the poll, and for counting the votes.
- 4.5 The conduct of local authority elections is governed by The Local Elections (Principal Areas) (England and Wales) Rules 2006, made under section 36(2) of the Representation of the People Act 1983.
- 4.6 Council lawyers will monitor the progress of the Bill and will advise on any further legal implications arising.

Lawyer Consulted:

Oliver Dixon

Date: 26/10/10

Equalities Implications:

- 4.7 The project planning detailed in 3.8 above will include provisions for making the two polls as accessible and comprehensible as possible for all those eligible to vote. This will take account of any advice from the Electoral Commission as to the efficient administration of the dual polls.

Sustainability Implications:

- 4.8 Project planning will also consider sustainability issues regarding the procurement and use of materials need for the dual polls.

Crime & Disorder Implications:

- 4.9 The dual polls will be planned so as to minimise the risk of any disorder at polling places.

Risk and Opportunity Management Implications:

- 4.10 Effective planning should mitigate the risk of any significant problems occurring on polling day

Corporate / Citywide Implications:

- 4.11 Paragraph 3.8 above details the corporate support mechanisms which officers are putting in place to maximise the effectiveness of polling arrangements.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

1. Latest version of Bill - <http://www.publications.parliament.uk/pa/cm201011/cmbills/098/11098.i-ii.html>
2. Explanatory notes to Bill - <http://www.publications.parliament.uk/pa/cm201011/cmbills/063/en/2011063-en.pdf>
3. Electoral Commission's position on the timing of the proposed referendum - http://www.electoralcommission.org.uk/_data/assets/pdf_file/0014/100661/Position-statement-Voting-at-different-polls-on-5-May-2011.pdf

