From: Ben Watts, County Returning Officer

To: Electoral & Boundary Review Committee, 29 March 2022

Subject: Review of the 2021 Kent County Council Election

Status: Unrestricted

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1. Introduction

a) The election for 80 out of the 81 County Council seats took place on 6 May 2021, with the results being announced on 7 May. The election was held in conjunction with Police & Crime Commissioner election and other local polls which had been postponed from 2020 because of the COVID-19 pandemic. These elections were conducted in challenging circumstances and preparations were largely made during periods of lockdown across the County due to the ongoing public health emergency.

b) The KCC Election and related activities would not have been as successful as they were without the hard work of many people in KCC and in the 12 District, City and Borough Councils. They have all been thanked directly, but this paper provides an opportunity to recognise their achievements for the record.

2. Election Planning

a) In Summer 2020, the County Returning Officer (CRO), Ben Watts, who is responsibility for the conduct of KCC elections, began to work closely with the Police Area Returning Officer (PARO), Sarah Martin, who was responsible for the Police and Crime Commissioner (PCC) election. As both the PCC & KCC elections were countywide, the PARO & CRO issued joint directions relating to the discharge of their functions in each council area.

b) At the start of 2021, there was uncertainty if the scheduled polls would be postponed as the UK entered a third national lockdown. Confirmation was received on 5 February 2021 that the polls would go ahead as planned on 6 May 2021. This was announced alongside a [Delivery Plan](#) which included measures providing:

- Additional funding to address the costs associated with making the elections COVID-19 secure.
- Changes to the nominations process which reduced the number of signatories required.
- Uprated election expenses to provide a greater opportunity for candidates to campaign via digital channels whilst campaigning was not permissible during lockdown.
- Changes to proxy voting to enable those who were self-isolating to vote.
- Guidance on public health, social distancing and other safety measures for the election (in addition to the Electoral Commission's range of [guidance](#) published from September 2020).

c) In February 2021, the CRO appointed the Chief Executives of the 12 District Councils as Deputy Returning Officers (DROs) to administer the KCC election within their council area on his behalf.

d) The CRO and PARO met weekly to discuss strategic issues, in addition to regularly attending the Joint Kent Chief Executives meeting to provide updates, receive feedback and discuss issues related to the election with the 12 DROs.

e) The CRO & PARO also met with Electoral Services Managers as part of the Kent Association of Electoral Registration Officers and Staff (Kent AEROS) on 12 January and 17 March 2021.

f) The CRO would like to thank the twelve DROs, their Electoral Services Managers and Elections Teams for the safe delivery of the KCC election particularly given the challenges presented by COVID-19 and multiple polls being conducted simultaneously.

3. COVID-19 Secure Measures

a) Utilising KCC's expertise with public health, health & safety and procurement, the CRO committed to providing advice and guidance on COVID-19 secure measures for the DROs and coordinating the supply and distribution of PPE and Other Protective Equipment required for the elections in Kent & Medway.

b) Guidance was produced by KCC on conducting COVID-19 risk assessments, a COVID-19 secure polling station protocol (in conjunction with the PARO) & testing recommendations for election staff.

c) PPE and Other Protective Equipment required for polling stations and count venues were identified by KCC which included the following items:

- Hand sanitiser
- Antibacterial wipes
- Anti-viral disinfectant spray, disposable wiping cloth & gloves
- Type II face coverings
- Desktop Screens
- Visors if a vulnerability assessment highlighted that it was required for staff with a specific issue to be mitigated against

d) DROs were then given the option to place an order for these items from KCC. During this time, the Department of Health & Social Care confirmed that they would be making Type II face coverings and hand sanitiser available free of charge for the May 2021 elections. The free stock of face coverings and hand sanitisers were made available to order via KCC and distributed to the DROs with the other items they had ordered. All orders were delivered on schedule during w/c 12 April 2021.

e) The CRO would like to thank Rachel Kennard for the procurement of PPE used at polling stations and count venues across the county & Andrew Scott-Clark (retired) Director of Public Health and KCC's Health & Safety Team (Flavio Walker (retired), James Johnstone, Jamie Callaway) for advice, guidance, and support on COVID secure measures.

4. Staffing

a) There were initial concerns about having sufficient polling and count staff for the 2021 election. More staff were required to deliver the election safely including stewarding staff to support public health measures such as social distancing and standby staff to cover late notice absences due to COVID-19.

b) Opportunities to work as polling and count staff across Kent & Medway were advertised on KCC's intranet site KNet and a number of staff supported this.

c) KCC provided guidance to the DROs regarding polling station and count staff undertaking lateral flow testing ahead of polling day and/or the count including recommended timescales and how to access testing.

d) Staff were provided with and wore Type II face coverings (or higher) at all times unless they were exempt.

e) The CRO would like to thank all polling and count staff for delivering the KCC election including KCC staff who worked in a polling station or at a count.

5. Venues

a) Difficulties were faced in securing polling stations and count venues across Kent as buildings:

- remained closed due to the pandemic.
- were being used for testing and vaccination sites.
- were not able to be accessed and risk assessed due to keyholders' shielding or being classed as vulnerable.

b) Further, there was a limited availability of mobile buildings, which would normally only be used when no other facilities are available, due to them being prioritised for COVID-19 related activity.

c) The situation was impacted by the guidance in the Delivery Plan and subsequent letter from the Department of Education to all Headteachers and Returning Officers which discouraged the use of schools as polling stations particularly where it would result in the closure of the school. Schools are avoided where possible, but they are often the only option within a polling district when no other community or commercial facilities are available.

d) 20 KCC buildings and 7 KCC-run asymptomatic testing sites were used as polling stations. Following feedback from the Electoral Services Managers, the use of KCC buildings was centrally coordinated, for the first time, by Property to ensure all sites were booked and managed in a consistent way.

e) The districts were asked to submit their requests to Property who:

- arranged access for the completion of risk assessments, the delivery & collection of polling station equipment and the arrival & departure of polling station staff
- completed compliance checks and cleaning at each site
- issued one day occupation licences and invoices
- provided clear communication and informed key stakeholders that the site was being used as a polling station in the event of an emergency.

f) In consultation with KCC's Corporate Management Team, the County Returning Officer agreed the following charges for the use of KCC buildings as polling stations in 2021 and beyond:

£75   where polling staff open and close the building
£150   where a KCC staff member is required to open and close the building
£350   where a KCC staff member is required to open and close the building and security is required on site.

g) The CRO would like to thank Melanie Cowley for centrally coordinating the use of KCC buildings and asymptomatic testing sites to be used as a polling station or a count venue and all KCC staff who enabled the buildings and sites to be used.

6.   Implementation of New Boundaries

a) Following a Community Governance Review undertaken by Tonbridge & Malling Borough Council in 2016, there was a proposal for the [hatched area](#) to move from Malling Central to Malling Rural East. This alteration was supported by this Committee in July 2017 and was subsequently approved by the Local Government Boundary Commission for England. [The Tonbridge & Malling (Electoral Changes) Order 2019](#) enacted this alteration and came into effect for the 2021 KCC elections.

b) Following a Community Governance Review undertaken by Canterbury City Council in 2017, there was a proposal for the [hatched area](#) to move from Canterbury South to Canterbury City South. This alteration was supported by this Committee on 30 July 2018 and was subsequently approved by the Local Government Boundary Commission for England. [The Canterbury (Electoral Changes) Order 2019](#) enacted this alteration and came into effect for the 2021 KCC elections.

c) Both boundaries were successfully implemented for the 2021 election.

7.   Nominations

a) A statutory instrument was laid in February 2021 to temporarily reduce the number of subscribers required on a nomination paper from 10 to 2 for the May 2021 elections. This change was made to reduce the need for travel and person to person contact during the nomination period.

b) Nominations were able to be submitted between 22 March and 8 April 2021 to the DROs in the 12 District Councils. 348 candidates were validly nominated.

c) Details of nominations received were sent daily from the DROs to KCC to check that no candidates were nominated in more than one electoral division in the KCC electoral area. No duplicate nominations for were received.

d) KCC Elections Project Team reviewed the Statement of Persons Nominated for each electoral division ahead of publication on 9 April 2021 at 10:00.

8. Elham Valley

a) Following the death of a candidate in the Elham Valley division, the election in this division was countermanded on 15 April 2021. A new election was held on 17 June 2021 with the result being declared on 18 June 2021.

b) The CRO would like to thank Dr Susan Priest, Paul Butler and Folkestone & Hythe's Electoral Services Team for their extended support in delivering both the main KCC election in the Folkestone & Hythe area and the Elham Valley election.

9. Polling Day

a) Despite the challenges and concerns about the availability of polling stations and staffing, polling day went well and there were no reports of any significant problems. The CRO and Deputy CRO were both contactable from 5 – 7 May at all times for DROs and other election staff in case assistance or advice was required, but nothing of significance arose.

10. Verification and Count

a) The CRO and PARO directed that verification must be completed by 12:30 on Friday 7 May 2021. This provided flexibility for verification to be completed overnight.

b) The CRO further requested that the count for KCC elections commenced by 13:00 on Friday 7 May 2021. It was at the discretion of the DRO to confirm the start time of the KCC count in their area and how the KCC divisions were counted (e.g., all divisions are counted at the same time, done in groups or individually) to enable the count to be conducted in a COVID-19 secure way.

c) All KCC results were declared by 19:40; the majority of results were declared at around 15:45.

d) A KCC officer from the Governance, Law & Democracy division attended each count venue for the purposes of inputting the election results onto KCC's Modern.gov system as soon as possible after the result for each division was announced.

e) The CRO would like to thank the KCC Count Team who uploaded the results Matthew Dentten, Anna Taylor, Andrew Tait, Jaime Palmer, Joanne Holmes, Hannah Lucey-Lamb, Léonie Harrington, Emily Kennedy, Kay Goldsmith, Theresa Grayell, and to Cantium Business Services for supporting KCC staff attending the count (VIP Support) and monitoring servers (Chris Beer and Carl Palmer).

11. Election Result System

a) The interactive election results map developed by Digital Services for the 2017 election was updated for use in 2021 including the implementation of the new boundaries. The map was populated using the data from Modern.gov and was displayed on KCC's website and at count venues, at the discretion of DROs. The live election results page was viewed 56,541 times on 7 May 2021 with 10,622 unique page views.

b) The result for each division was also published via KCC's Twitter feed.

c) Due to public health considerations, a media hub in the Seminar Lecture Theatre, Sessions House was not arranged for the 2021 election. The Press Office liaised with the media remotely.

12. Public Awareness

a) KCC's role was to promote voting, to encourage candidates to stand, and to publish the statutory electoral notices in relation to the KCC election.

b) Social media messaging began on 19 March 2021 and continued until 7 May 2021 on Facebook, Twitter, LinkedIn & Instagram. On Facebook, there were 37 posts, which reached 83,358 people, generated 1,631 clicks, 7 comments, 310 reactions and 170 shares. On Twitter, there were 94 posts, which generated 279,601 impressions and 6,669 engagements (retweets/likes/clicks). On Instagram, there were 19 posts, which generated 8,635 impressions and 96 engagements. LinkedIn data is not available.

c) Paid social media advertising began on 1 April 2021 and continued until 5 May 2021 on Facebook and Instagram. This generated 1,635,592 impressions, which reached 473,011 people, generated 1,899 clicks and 143 engagements (likes, shares and reactions).

d) In total, social media and paid advertising generated just under 2 million impressions and reached up to half a million people in Kent. A variety of Electoral Commission images were shared along with a new KCC results day graphic. The animated video used in the 2017 election to explain the council services was updated with the election date and a new voiceover.

e) KCC's election pages on the website were also updated; division maps, statutory notices and information for candidates and voters were provided. There were 119,744 unique page views of the election pages between 19 March and 18 May.

f) In response to feedback received in 2017 regarding a lack of information about the candidates and their manifestos on KCC's website. Under the 'Who can I vote for?' heading, the following statement was included:

"KCC is responsible for publishing the statutory election notices. Details of the candidates in each electoral division (name and political party) will be published in the Statements of Persons Nominated on Friday 9 April.

KCC is not allowed to publish candidates' manifestos on our website; it is the role of the candidates to promote themselves as part of their campaign."

g) A virtual Prospective Councillor Event was held on 9 December 2020. The event hosted by the then Chairman of the Council included a Member Panel with the political group leaders and backbenchers. Of the 90 people who registered to attend, 57 (63%) went on to stand as a candidate. Positive feedback was received in a post-event survey.

h) The CRO would like to thank People and Communications for their support including Lidor Lapid and Nathanael Munckton for the election results map,

Kristie Lawton for the KCC Election webpages and notices, Lucie Beer for social media messaging, Lucy Mayor and the Press Office team for media liaison and Christina Starte and Andrew Bose for coordinating communication activity.

13. Candidates' Spending Returns

a) In accordance with The Representation of the People Act 1983, agents for candidates standing at local government elections are required to submit a spending return and declaration to the Returning Officer within 35 calendar days of the election results being declared. This deadline was 11 June 2021. A separate declaration by each candidate must be submitted within 7 working days of the spending return being submitted.

b) As of 21 March 2022, 22 spending returns are incomplete or outstanding out of a total of 343 candidates (excluding Elham Valley). The remaining documentation is available for public inspection in accordance with the legislation.

14. Election Accounts

a) DROs are able to claim back from KCC the costs of running the KCC election in their area in line with the KCC Scale of Fees & Expenses.

b) In 2017, the total cost of the KCC election was £1,950,000.

c) Following a discussion with the Joint Kent Chief Executives in February 2021, the CRO agreed to pay DROs an advance payment, representing 40% of their estimated total expenditure for the elections in their area. DROs were required to complete an advanced payment form; the advance payment was only paid upon receipt and review of their Project Plan and Risk Register which were used to collate key information, planning and risks. Only 4 districts requested an advanced payment

d) Further, the 2021 KCC election accounts have added complexity as they were held in conjunction with other elections so some of the claimed fees and costs have been split dependent on the electorate size and level of combination. There were also additional costs associated with making the elections COVID-secure. Additional funding via a Section 31 Grant to address these costs was paid directly from the Government to the districts as they administered the local polls. KCC has requested that its proportion of the funding should be deducted from the districts' claim to KCC.

e) The deadline for the submission of the districts' election accounts was 31 January. To date, 11 district councils have submitted their final accounts. Of these, one has been settled and the remaining accounts are in the process of being reviewed. The estimated total cost is around £1,500,000 (prior to the deduction of KCC's proportion of the Section 31 Grant and subject to any checks made on behalf of the Section 151 Officer).

15. Feedback from the District Councils

a) The CRO was keen to ensure that the 12 District Councils in Kent were given an opportunity to provide feedback on KCC's approach to co-ordinating the

elections, so that lessons learned can be applied for future elections. The CRO met with the Electoral Services Managers on 22 June 2021.

b) There was a recognition of the additional support provided by KCC particularly in relation to the procurement of PPE including the free Department of Health face coverings and hand sanitiser and the provision of Kent specific public health guidance.

c) A number of areas where we can make further improvements were identified relating to:

- the confirmation of the use of KCC buildings as polling stations
- the way and timing of our review of the districts' risk assessments and providing feedback
- election template notices
- the focused communication between the CRO & PARO with Deputy Returning Officers rather than directly with the Electoral Services Managers

d) The CRO committed to reflect and improve on these areas for the next KCC election.

16. County Returning Officer and the KCC Election Team

a) In 2017 the CRO was new in post and had not had the opportunity to shadow and be involved in the election planning process of a previous County election. In 2021, he had the benefit of his involvement in 2017 elections and the subsequent by-elections in Birchington and Rural, Canterbury North, Sittingbourne North & Northfleet and Gravesend West.

b) The CRO was supported by Lizzy Adam, who was appointed as the Deputy County Returning Officer (Deputy CRO) during the 2017 election process. As part of continuous development and effective succession planning and to assist with the planning and preparation of KCC elections, the Deputy CRO completed the Association of Electoral Administrators' Certificate, the only professional qualification in electoral administration, in advance of the 2021 election. This included a secondment with Canterbury City Council's Electoral Services Team for the local and European Parliamentary elections in May & June 2019. The CRO wishes to thank Lizzy for her outstanding work, support and commitment which directly contributed to the success of the election.

c) The CRO was further supported by the KCC Elections Project Team (Peter Healey, Siân Connelly, Rebecca Binstead, Jill Kennedy-Smith, Ryan Thomas, Joel Cook, Tristan Godfrey). The CRO wishes to record his thanks for the considerable efforts of the team in supporting the delivery of the 2021 election.

d) In addition to assistance provided by the above-mentioned Elections Project Team and colleagues in Property, Communications, Public Health & Procurement, the CRO was further assisted by:

- Fiona Dawson for enforcement activity relating to campaign material on KCC property
- Lee Manser for insurance queries relating to the election
- Anne Brierley for support with KCC boundaries and demographic data

17. Recommendation

The Electoral & Boundary Review Committee is asked to note the report and endorse the actions of the County Returning Officer in conducting the 2021 Kent County Council election, as set out in the report.

18. Background Documents

Association of Electoral Administrators (2021) *'AEA 2021 Post-Polls Review (12/07/2021)'*,https://www.aea-elections.co.uk/wp-content/uploads/2021/07/AEA-2021-Post-Polls-Review.pdf

Cabinet Office (2021) *'May 2021 Polls Delivery Plan (05/02/2021)'*, https://www.gov.uk/government/publications/may-2021-polls-delivery-plan/may-2021-polls-delivery-plan#executive-summary-and-introduction

Electoral Commission (2020) *'Guidance to support May 2021 elections during the coronavirus pandemic (30/09/2020)'*, https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/returning-officer/guidance-support-may-2021-elections-during-coronavirus-pandemic

Electoral & Boundary Review Committee, 11 December 2017
https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=142&MId=7824&Ver=4

Electoral & Boundary Review Committee, 30 July 2018
https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=142&MId=8114&Ver=4

UK Parliament (2019) *'The Tonbridge & Malling (Electoral Changes) Order 2019 (04/03/2019)'*, https://www.legislation.gov.uk/uksi/2019/423/contents/made

UK Parliament (2019) *'The Canterbury (Electoral Changes) Order 2019 (25/02/2019)'*, https://www.legislation.gov.uk/uksi/2019/356/contents/made

19. Report Author and Relevant Director

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