

From: Graham Gibbens, Chairman of the Electoral and Boundary Review Committee  
Ben Watts, General Counsel (Interim)

To: Electoral and Boundary Review Committee – 24 November 2016

Subject: Kent County Council Election – May 2017

Classification: Unrestricted

**Summary:** This report updates Members on the appointment of the County Returning Officer and the work being undertaken with the Borough and District Councils in Kent to plan for the County Council election in May 2017.

## **1. County Returning Officer**

- (1) At its meeting on 12 February 2015, the County Council approved the new Strategic and Corporate Services Directorate structure which included the establishment of the new role of General Counsel, in the probable event of the delivery of Legal Services being transferred to a company trading as an Alternative Business Structure.
- (2) The new role of General Counsel included responsibility for discharging the duties of the County Returning Officer and leading and directing the implementation of Council elections in close partnership with Borough and District Councils.
- (3) At Personnel Committee on 8 June 2016, the Committee endorsed the interim appointment of Mr Ben Watts to the post of General Counsel. The General Counsel (Interim) became responsible for discharging the duties of the County Returning Officer on 15 October 2016.

## **2. Election Planning**

- (1) Upon appointment, the General Counsel (Interim) began to develop a team from within Democratic Services which includes the new Head of Democratic Services who has experience of delivering elections from his previous authority. The County Returning Officer (CRO) and his staff have begun to work closely with Deputy Returning Officers and Electoral Services Managers in the 12 District Councils in relation to planning and co-ordinating the County Council Election to be held on Thursday 4 May 2017.
- (2) Initial introductory meetings were held with the Chairman of the Kent Association of Electoral Registration Officers and Staff (Kent AEROS) on 6 September 2016 and the Members of the Kent Association of Electoral Registration Officers and Staff (Kent AEROS) on 11 October 2016. The CRO also attended a meeting of the Joint Kent Chief Executives on 3 November 2016. These were extremely positive meetings in terms of the CRO introducing himself to the District Councils and to listen to the

feedback from the District Councils in relation to 2013 election and the expectations on the CRO going forward. The CRO also sent a brief survey to the District Councils to provide a confidential opportunity for them to inform the decisions that the CRO needs to make around planning for the election.

- (3) As a result of these meetings and the feedback received, the CRO is now considering the following:

**(a) The date of publication of the Notice of Election**

The pre-election 'purdah' period is defined as beginning with the publication of Notice of the Election and the latest date for publication would be Monday 27 March 2017. If the date of publication was before 27 March, the pre-election period and the delivery of nomination papers would be extended. Nominations are to be delivered from the date stated on the Notice of Election up until 4pm on Tuesday 4 April. The CRO is mindful of the significant number of likely nominations and the need to process these properly and lawfully. At the last election there were 402 nominations.

**(b) The start time for the verification and counting of the votes for the County Council Election**

The CRO is minded to request that arrangements should be made in each Borough and District Council area for the County Council Election verification and the count to begin at 9.00am on Friday 5 May 2017.

Whilst the CRO is conscious of the eagerness of both elected Members and political parties for the election results to be announced as soon as possible after the close of poll, there are other factors which need to be considered including:

- (i) Those Councils with two-Member electoral divisions, which can take significantly longer to count than those Councils with all single divisions;
- (ii) The health and safety of key election staff, some of whom could be on duty for 24 hours or more if there was an overnight count; and
- (iii) The need for complete accuracy, which is enhanced by having fresh counting staff the following day.

**(c) The potential to centralise nominations at County Hall**

In the run up to the 2013 elections, the then CRO received a number of allegations from members of the public about the accuracy and validity of some of the candidates' nominations for one political party. As is normal with allegations of potential electoral fraud, the complaints were referred to Kent Police and an

individual was charged with offences under electoral legislation relating to those nominations which is still subject to judicial proceedings.

The then CRO was satisfied that the District Returning Officers (DROs) involved had complied fully with electoral legislation, case law and Electoral Commission guidance and there was full co-operation with the Kent Police investigation.

The Electoral Commission has the power to set and monitor performance standards for electoral services including the performance of Returning Officers. As a new CRO, the General Counsel (Interim) will be subject to scrutiny by the Electoral Commission with regards to the delivery of a consistent high-quality service for voters and those standing for election. We will be expected to have reflected the experiences of the 2013 election in the planning for the 2017 elections. The CRO will need to demonstrate to the Electoral Commission how outcomes against the three performance standards for Returning Officers have been met including:

- (i) the development and implementation of robust project management processes
- (ii) evaluation of the planning and delivery of previous polls and the identification of lessons learnt
- (iii) ensuring that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission (Electoral Commission 2013).

For these purposes, the CRO is exploring the possibility of nominations being informally checked and submitted to a central team, made up of Kent Association of Electoral Registration Officers and Staff. These staff would be based at County Hall in Maidstone between the date stated on the Notice of Election up until 4pm on Tuesday 4 April.

**(d) The uplifting of the 2017/18 Scale of Fees and Expenses for the County Council election**

It is a function of the Electoral and Boundary Review Committee to determine the scale of election fees and expenses for County Council elections. The fees are uplifted annually by the average NJC pay award for local government; in 2016/17 the fees were uplifted by 1.7%.

The average NJC pay award for local government for 2017/18 is 1.35%. A benchmarking review is being carried out; the remuneration of borough and districts' staff time and the maximum recoverable amount allocated to each Borough and District Council area for the 2016 Police and Crime Commissioner Elections is being considered.

- (4) The CRO would be grateful for the Committee's comments on these issues at this meeting and is proposing to bring a further update to the Committee in January.
- (5) Further liaison meetings are planned with the relevant Borough and District Council staff between now and the election next May to ensure that both the County and District Councils' expectations with regard to the running of the election are achieved.

**Recommendation:** The Committee is invited to:

- (a) note the appointment of the General Counsel (Interim) as the County Returning Officer and the progress made with regard to planning for the 2017 County Council election;
- (b) request the County Returning Officer to take note of the Committee's comments about the Notice of Election, election count, nomination process and the Scale of Fees and Expenses and provides an update to the Committee in January 2017

### **Background Documents**

County Council, 12 February 2015

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CIId=113&MIId=5812&Ver=4>

Electoral Commission (2013) *Performance standards for Returning Officers in Great Britain (01/11/2013)*,

[http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/163821/New-performance-standards-for-ROs-November-2013.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/163821/New-performance-standards-for-ROs-November-2013.pdf)

Personnel Committee, 8 June 2016

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CIId=129&MIId=6143&Ver=4>

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