

Council Business Committee

Consultation on moving the date of English Local Government elections to the date of the European Parliament elections in 2009

26 June 2008

Report of Head of Democratic Services

PURPOSE OF REPORT

To consider a draft response to the consultation on moving the date of local government elections to the date of the European Parliamentary election in 2009.

This report is public

RECOMMENDATIONS

(1) To approve the draft response detailed in Appendix B for submission to the Department for Communities and Local Government (DCLG) on the consultation on the date of elections in 2009.

1.0 Introduction

1.1 In 2009 there will be elections to 34 principal authorities, of which Lancashire County Council is one, scheduled to take place on Thursday 7th May 2009. There is also the possibility subject to approval that the elections for the proposed Morecambe Town Council will also be held on the same day.

1.2 Section 37A of the Representation of the People Act 1983 enables the dates of all these elections to be moved to the same date as the European Parliamentary elections in the years that they take place. The next European Parliamentary elections are scheduled to take place on Thursday 4th June 2009.

2.0 Proposal Details

2.1 The Department for Communities and Local Government has issued a consultation paper seeking views on using the power in Section 37A to make an order to move the date of the local government elections from the 7th May 2009 to coincide with the date of the European elections - 4th June 2009. If the elections are to be combined an Order must be made by 7th November 2008. The deadline for responses is 11th August 2008.

3.0 Details of Consultation

3.1 The Department for Communities and Local Government are consulting widely with all interested organisations on whether the planned elections should be combined and held on the 4th June 2009. A full list of organisations that have been consulted is available at Appendix A to the report.

4.0 Options and Options Analysis (including risk assessment)

4.1 The concept of combining elections is not a new one. In 2004, the local, GLA and European elections were combined and took place on the 10th June 2004 in line with measures that focussed on voter convenience and assisting the voter and so that people did not have to vote twice in a six week period. In 2004 the North West Region was part of a pilot and these elections were all postal elections. The turnout at the European elections was significantly higher than in previous years and the Electoral Commission concluded in their follow up report of those elections that the combination of the elections was an important factor in the improved turnout. In Lancaster the European elections were not combined as there were no local elections, the turnout in Lancaster was 40.9% however it is more likely that the higher turnout was due to the fact that Lancaster was part of the all postal pilot and there is strong evidence that postal ballots attract a higher turnout.

4.2 DCLG feel that there is a risk that if the elections are not combined that the closeness of the dates for the elections will cause confusion for electors who could receive a poll card for the European elections just before they are going to vote in the County Council elections and also that the overlap will cause administrators difficulties with having to publish notice of election and deal with nominations for the European election in the week leading up to polling day for the local elections. Nominations for European elections are submitted to a regional co-ordination centre and are not dealt with by the individual authorities therefore the impact of the overlap would minimal to most authorities.

4.3 Combining the elections would reduce the costs for electoral administration and there would also be savings for political parties in election campaigns being held simultaneously rather than separately.

4.4 The consultation paper states that the benefits to holding the local and European election on the same day are:

- it will be more convenient for voters to have to visit the polling station once only, meaning that more voters are likely to participate in the election
- it will result in the election periods for the local and European elections running together and avoid the start of the European election period overlapping with the end of the local election period
- it will reduce costs incurred by local authorities, returning officers and political parties in distributing election material, contacting voters, canvassing and holding the polls themselves
- those responsible for voter awareness campaigns, particularly local authorities, will be able to concentrate their efforts in increasing awareness of one single election day.

4.5 There are practical issues that should be considered when elections take place on the same day some of which that are not connected to the administration of elections. Local authorities may need to make provisions regarding the dates when annual meetings may be

held and committee cycles may have to be amended. Whilst this does not affect Lancaster City Council directly, the term of office of County Councillors would be extended for a further month.

4.6 In addition it is not only principal authorities that have scheduled elections, in some areas there may be parish council elections. As previously mentioned it is very likely that the elections for the proposed Morecambe Town Council could be scheduled to take place in 2009. Under the Representation of the People Act 1983 there is a power to amend the current provision (Section 16, representation of the People Act 1985) that requires a parish election to be deferred by at least three weeks in any case where other local elections are combined with the European Parliamentary elections and the DCLG believe that parish elections should also be moved in step with the local government (County Council) elections and held on the 4th June 2009. As stated this proposal will directly affect this District and there is a real concern about the issue of capacity of the Elections team should all elections be held on the same date.

4.7 Holding elections on the same date can be a complex matter and since 2004 concerns have been expressed about the impact of combining elections on the administration of elections, particularly the increased levels of postal voters but also there have been concerns about the potential for increased confusion amongst electors, particularly when different voting methods are used.

4.8 Following an independent external review commissioned by the Electoral Commission on the 2007 Scottish Elections, the Gould report stated that that 'combined elections diminish the place of local government elections and may confuse the voters'.

4.9 In Scotland the electoral systems in use for the Scottish parliamentary elections and the local government elections were different. The electoral systems of English local government and European Parliamentary elections are also different.

4.10 A further concern highlighted in the Gould Report was that the constituency and regional votes for the Scottish Parliament were on the same paper. In order to reduce the risk of voter confusion, the Government believes that any proposal to move the date of the local elections to the date of the European Parliamentary elections date should not involve a combination of ballot papers; the two/three ballot papers should be dealt with separately.

4.11 It is the view of the Association of Electoral Administrators that planning for the conduct for an election is a much more complex matter now than in 2004. This is largely due to dependency of Returning Officers on commercial suppliers for a variety of services, in particular, ballot papers and postal voter packs and there is a real concern that printers may not have the capacity to respond to such a huge demand for services in such a short timescale. There is also an issue over the size of the ballot paper for European elections and local printers used by some local authorities may not be able to produce the correct size putting even more pressure on limited suppliers.

5.0 Conclusion

5.1 Whilst it is recognised that there are some benefits, mainly cost reductions, to combining the date of elections it is the view of officers responsible for electoral administration in Lancaster these are outweighed by the concerns. A copy of the draft response to the consultation paper is attached at Appendix B for approval or amendment.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Combining elections makes voting more convenient, avoiding asking electors to vote on two separate occasions in a short period of time. It may therefore encourage more people to take part in elections and improve the democratic process as a whole. In addition, having two elections on the same day, rather than two separate elections on different days, will result in savings for local authorities.

However, it might be argued that holding two different elections on the same day risks confusing voters and could be complex to administer.

FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report however having two elections on the same day, rather than two separate elections on different days, will result in savings for local authorities. There would be no saving Lancaster City Council in respect of the European Parliamentary election or Lancashire County Council election as they are funded entirely by external grant.

However as there is a possibility that there will be a parish election for the proposed Morecambe Town Council there will be some expenditure for Lancaster City Council associated with conducting this election, should the decision be taken not to combine Parish elections it is estimated that the cost of conducting the election would be £23,000. If there is a decision to combine the elections either with the County Council elections on the 7th may or all three elections combined on the 4th June there will be some savings from that estimate as the cost of polling stations and staff would be shared proportionately, however it is not possible to determine what level of savings there would be until a decision has been made.

SECTION 151 OFFICER'S COMMENTS

The Section 151 officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Section 37A of the Representation of the People Act 1983 enables the dates of all these elections to be moved to the same date as the European Parliamentary elections in the years that they take place. However any change cannot be made until consultation has taken place with the Electoral Commission and such other persons as the Secretary of State considers appropriate. This consultation meets those criteria.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Consultation paper dated May 2008 titled 'Moving the date of English Local Government elections to the date of the European elections in 2009.

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Ref: elections reports

List of consultees

All Principal Authorities
The Electoral Commission
The Conservative Party
The Labour Party
Liberal Democrats
British National Party
The Green Party
The Liberal Party
Mebyon Kernow – The Party of Cornwall
Respect – The Unity Coalition
Socialist Party
UK Independence Party
Local Government Association
National Association of Local Councils
Association of Police Authorities
Association of Chief Police Officers
Association of Electoral Administrators
The Chief Fire Officer's Association
Confederation of British Industry
County Councils Network
England National Park Authorities Association
Electoral Reform Society
Equality and Human Rights Commission
Institute of Directors
National Association for Areas of Outstanding Natural Beauty
Operation Black Vote
Royal National Institute of the Blind
SCOPE
Society of Local Council Clerks
Society of Local Authority Chief Executives

Draft Response:

Moving the date of English Local Government elections to the date of the European Parliamentary elections in 2009

Whilst it is recognised that there are some benefits: cost reductions, convenience to voters in that they only have to visit the polling station once and convenience for postal voters only having to vote once; advantages to electoral administrators in not having to organise two separate elections in a short space of time and avoiding the overlap in timetables; to combining the date of the local government elections with the European Parliamentary elections these are in our view outweighed by the practical difficulties and concerns. Therefore we do not believe that the Government should seek to move the date of the local elections or any parish council elections from the scheduled date of 7th May 2009.

The argument that the combination of elections is advantageous is not new and using the 2004 combined local and European elections as an example is in our view misleading. In 2004 four out of the twelve UK electoral regions piloted a system of all-postal voting; these regions were the East Midlands, Yorkshire and the Humber, the North East and the North West. The European elections were on district boundaries as part of regions and not as proposed for 2009 on existing Parliamentary boundaries.

It is reported that the combination of the 2004 elections led to an increased turnout for the European elections. It could be argued that this was due to local government (District) elections being held at the same time however only those local authorities that hold elections by thirds in fact had combined elections that year. The 2009 proposed combination is different from that experienced in 2004 in that the local government elections are mainly County Council elections which are known to have lower turnouts than District Council elections. There is probably more of an argument that the increased turnout was due to the all postal pilots which operated in a substantial portion of the UK. In 2004 Lancaster City Council did not have a combined European election and the turnout was 40.9%.

As stated in the consultation paper there are concerns about the potential for increased confusion amongst electors, particularly when different voting methods are used.

Since the combined elections of 2004 the administration of elections has become much more complex. There has been a significant increase in the number of postal voters - in Lancaster there has been a substantial increase in postal voters. In 2003 there were **3,484**, at present there are **12,650**. In addition to this the requirement to check personal identifiers at openings has made this element of an election extremely time consuming causing a significant impact on resources and if the elections are combined this would be doubled and in some areas with Parish elections tripled.

Lancaster City Council is still awaiting a decision on a petition for the creation of a Parish for the Morecambe area; however should approval be given for this it is likely that the elections for this would be in 2009. The proposed electoral arrangements for this parish cover five wards with 26 parish councillors and this would be an added burden on a small elections team. We are extremely concerned about the effect on the small elections team should Parish Council elections also be combined on the 4th June 2009.

The issue of checking personal identifiers is even more complicated by the fact that the European elections as proposals stand will involve cross boundary checking. There is concern as to whether the software providers will have a tried and tested solution to this

issue by 2009. This was a real concern when it was thought that there would be a general election in the autumn of 2007.

Since 2004 a number of local authorities are reliant on commercial suppliers for the provision of ballot papers, poll cards and postal ballot packs. In 2007 there were significant capacity issues for print industry which impacted on local authorities. Whilst it appears that those issues have not been repeated in the 2008 elections it should be noted that there were a significantly reduced number of authorities holding elections and there is a concern that the capacity issues of 2007 could be repeated if the elections are combined in 2009.