

**2010 Elections in London Working Group**

**11 November 2010**

**Transcript of Item 6: 2010 Elections in London**

**Andrew Boff (Chair):** Welcome to the 2010 Elections in London Working Group. I am very grateful that we have a large number of people here. I would ask that everyone keeps their comments to the bare minimum if possible because we would like to hear from everyone here.

Before we actually start I wonder whether or not we could briefly introduce ourselves, from left to right?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** My name is Paul Libreri. I am Head of Registration and Electoral Services, London Borough of Newham.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** Good morning. My name is Peter Bailey. I am Head of Democratic Services, London Borough of Waltham Forest.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** I am Louise Stamp, Electoral Services Manager, London Borough of Tower Hamlets.

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** My name is Jeff Lustig. I am Director of Corporate Governance, London Borough of Barnet.

**Nick Walkey (Chief Executive, London Borough of Barnet):** I am Nick Walkey, Chief Executive of the London Borough of Barnet and the Returning Officer for the three constituencies.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** My name is Kath Nicholson. I am Head of Law at the London Borough of Lewisham and Deputy Returning Officer. I manage electoral services.

**Adrian Green (Regional Manager (London and South West), Electoral Commission):** I am Adrian Green. I am the Regional Manager for London and the South West for the Electoral Commission.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** Tom Hawthorn, I am the Head of Electoral Policy at the Electoral Commission.

**John Bennett (Head of Special Projects and Elections, GLA):** John Bennett, I am the Deputy Greater London Returning Officer here at the Greater London Authority (GLA).

**Leo Boland (Chief Executive, GLA):** I am Leo Boland, Director, London Returning Officer and Chief Executive of the GLA.

**Mark Roberts (Executive Director of Secretariat):** I am Mark Roberts, Executive Director of Secretariat for the GLA.

**Andrew Boff (Chair):** Thank you very much. We have got two representatives from the Electoral Commission here. Obviously you have done some work with regard to the 2010 elections in general. Would you like to share with us what your findings are to date, with regard to those elections?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** Thank you, Chair. I think the Working Group will have noted that we have published two reports since the May 2010 elections. The Electoral Commission has a statutory duty to review and report on a series of elections in the United Kingdom (UK) including General Elections so, in producing those reports we were discharging our statutory responsibilities.

The first report we produced in late May 2010 was specifically looking at the issues around queues at polling stations at the close of poll. The second report that we published in July 2010 was a fuller report looking at all of the issues surrounding the administration of the elections. Our main conclusion about the 2010 elections was that they were well run in the vast majority of constituencies across the UK and our assessment and analysis of the performance of Returning Officers supported that analysis, showing that they performed well in general against the performance standards which the Commission has set for Returning Officers since 2009.

There were very specific problems around queues in polling stations. I think Adrian [Green] might say a little bit more about those in relation to London. One of the key points that probably we ought to make sure the Working Group is clear about is that up until about 9pm on polling day there was absolutely no indication for us at the Electoral Commission that there were any serious problems anywhere in the UK. That was something that we noted as a distinction from previous elections. Obviously the events that took place between 9pm and 10pm changed some of that picture.

I will pass over to Adrian [Green] to talk about the experience with some of the polling stations and our findings there, is that OK?

**Adrian Green (Regional Manager (London and South West), Electoral Commission):**

The interim report focused on issues with queues affecting 11 local authorities, 3 of which were in London. In total there were only nine polling stations that were named in the report and were affected.

Our interim report, I think could apply to London as much as it applies nationally. We found four main reasons behind why these queues occurred: these were, firstly, either unsuitable buildings or inadequate staffing in the polling stations, secondly, poor planning assumptions in certain areas, thirdly, that contingency arrangements were either not in place or were

implemented too late to make any real difference to the problems that were occurring and fourthly we made reference in our report to a way of trying to make things better in the future, and one of the things we recommended was that legislation should be introduced to allow people in queues to vote. That is separate to the problems.

Again, reflecting on what Tom said, in London as a whole, the elections were conducted pretty well. We found evidence of some excellent planning. The vast majority of constituencies and boroughs had no problems at all. Obviously the day was very busy; there was a very high turnout. By and large most people managed that, had planned for it and coped with it very well.

As Tom has said, no real problems were apparent to us before approximately 9pm. Looking at the submissions from the various authorities as well, in most cases, although there had been some build up of queues throughout the day, there was no real sense of crisis until about 9pm.

In the three areas affected there was, a mixture of the three main reasons that could be attributed: perhaps inadequate staffing in some areas so there was not enough resource to deal with the queues and the complexity of the issue of ballot papers; the poor planning assumptions, again, would have been reflected on polling day by not taking into account the higher turnout; and thirdly the complexity of the different elections taking place on the day and the problems that would cause in issuing the ballot papers.

I think planning assumptions are worth mentioning here as well. There was a knock on effect, perhaps from much earlier in the election process as well, in that, a number of authorities did not have the same sort of corporate support across the whole of London. That affects planning in that, for example, if authorities did not have in place call centre support for electoral services teams, this meant that those teams were getting overwhelmed by queries in the weeks running up to the election and, therefore, that affected their planning of polling day and the count as well. Quite a few people said to us that that was a big issue and that is why, in respect of the elections next year, we are placing much more emphasis on the corporate planning approach as well, to support the Returning Officers.

Regarding contingency arrangements: In the cases of the three areas affected, it is apparent that, although there were contingency arrangements either with Visiting Officers or the ability to get additional staff to polling stations to help with queues, very often this was notified to the Elections Office and the Returning Officer far too late for them to do anything about it. In the report you see that, in two cases, the report to the Returning Officer went from a candidate's agent and in another case from the police on duty as well. In terms of planning, the mechanisms for reporting problems and being able to deal with them easily were not in place as well as they could have been.

I think I will leave it there.

**Andrew Boff (Chair):** Thank you very much. You have identified four reasons. You felt some of the perceptions of the election of 2010 being quite low, even though the Returning Officers generally, as you say, seemed to indicate that most of the elections went OK. There was, however, something within the reports about the pressure on staff, even from those boroughs

that did not experience a problem. There did seem to be some concern that staff were overworked. Is that something that any of the other boroughs reported?

**Nick Walkey (Chief Executive, London Borough of Barnet):** If I could start? This was my first election as Returning Officer but I had been Deputy Returning Officer at the two previous elections. It was certain during the day when voting was brisk and when there were many people turning up at the same time that running two elections required a certain amount of paperwork to be processed in a manual way, and that simply meant that many staff reported it was the hardest day they had had working as an experienced polling clerk.

Unfortunately – I may as well say this up front – whilst I accept everything the Electoral Commission say, I do not believe that doing all of those things would have prevented the sorts of queues that we saw at many polling stations, due to the phenomenon of very large numbers of people turning up between about 9.15pm and 10.00pm. Certainly, in the case of the station where we ended up turning away a very small number, it was a combination of large groups turning up at the last moment with staff already under pressure, and it simply would not have been possible to process them because we would have needed to effectively have doubled the number of staff for the final hour; that may be something we need to consider doing at some specific polling stations in the future.

Looking back over previous Commission reports, this was an exceptional election in terms of the numbers turning up between 9pm and 10pm and was not something that was predicted at this election. We need to reflect that; in our view, Barnet had we done everything that the Electoral Commission say should have been done, however we still feel that two elections, the amount of processing and the numbers, would have made it very difficult at every polling station to process everybody.

**Andrew Boff (Chair):** The Electoral Commission issued a recommendation of staffing of polling stations. Was that adequate for the day?

**Nick Walkey (Chief Executive, London Borough of Barnet):** Every single polling station in Barnet was well above the recommended level and in the case of the polling station with the longest queues we had almost 50% to 60% more staffing than was required. It is not about adequacy through the day; it is about adequacy to deal with very high numbers at very specific polling stations. I would argue that that could be very difficult to predict.

**Andrew Boff (Chair):** Are there any other comments with regard to what the Electoral Commission has just said? Any other Returning Officers want to volunteer something?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** In terms of the staffing and this mention of contingency, in Newham we had three poll clerks at every polling station. That goes against a recommendation from the Ministry of Justice (MoJ) of 1.8 poll clerks per station. It is all very well to say ‘every borough should have contingency,’ but time and time again in the fees and charges there has been no provision for contingency. In effect, we are asked to pay for staff to be on stand by, perhaps until 9.30pm, but nowhere in the fees and charges is that cost or expense reflected.

I would also say that because of the nature of the combination of elections, certainly in Newham, we were stretched to the hilt to get staff to staff polling stations, to count and all the other functions that take place on an election night. To free up staff, essentially to sit and wait, would be very, very difficult. We are just stretched too much trying to provide staff from the local authority or anywhere else we can source them. Even where we can provide numbers we cannot provide the quality. It is easy to say that every Returning Officer should have a contingency for every event but that has to be reflected in the funding and, to date, it has not been reflected in the funding.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** Firstly I support what has been said already. There was a combination of the turn out, which was phenomenal, and the complexity. The two of those together were a lethal combination. In Lewisham and Newham we were looking at three elections, not two, all with different voting methods and it was extremely complex for the voter to understand. In all of the polling stations we had one Polling Officer (PO) and three poll clerks, which far exceeded what the funding provided was for. We also doubled our number of Visiting Officers so we had one for each ward, whereas normally we would have one for two wards.

On the point on contingency planning, we did plan! We did anticipate queues after Eastenders [Popular evening soap] finished, and yet we did have queues in two polling stations! Part of our contingency planning was very close liaison with our single point of contact with the police and we had a very senior officer with us from 6pm and officers at the stations where we found we did have queues. We used them as part of our contingency; it was not an accident, it was designed in. Their radio support is fantastic so you can get through really very quickly. We sent additional Visiting Officers to the polling stations where we did have two queues. Our training material said what to do if you have a queue, which was to get them all in before 10pm, get a ballot paper in their hand and then issue and close the doors and queue for the polling booths. Nobody in Lewisham was disenfranchised; if the law were clearer on what you can do at 10pm if you do have queues, then there would not be any of this about.

**Darren Johnson (AM):** As a Lewisham councillor anyway I would like to congratulate the London Borough of Lewisham on what I thought was a very sensible and pragmatic approach to the problem, in that no one was disenfranchised and everyone got in to the polling station before 10pm. I would be interested to hear from the Electoral Commission and from other authorities why that approach was not taken more widely and why, in other areas, the same process was not followed and people were disenfranchised?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** The point probably for a lot of authorities and a lot of Returning Officers and, more specifically for Presiding Officers, was that they simply did not have the physical capacity to carry out that approach. They perhaps had smaller polling stations and were not able to accommodate all of the people who were queuing at the close of polls within the polling station itself, to be able to issue a ballot paper lawfully. That is something that has been reflected to us in comments from Returning Officers but I would not want to speculate about specific instances.

**Darren Johnson (AM):** Kath, do you believe that the legislation needs changing or, for you, is it clear enough?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** It is pretty clear at the moment that it is just not right! I do not think there is any ambiguity in it; I think it is clear, that if you have not issued the ballot paper by 10pm, people cannot vote. What we need is something which gives the Presiding Officer and the Returning Officers more flexibility on what to do. If Sainsburys did not have queues it would think it was a failure! They want people to come. We need something which says, "If there is somebody there waiting to vote, you can extend to allow those in the queue to vote".

**Darren Johnson (AM):** I suppose you could also use the analogy of a pub; you have got closing time and then you have got a drinking up time afterwards. If there was a voting period afterwards that would

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We do not usually have our polling stations in pubs!

**Darren Johnson (AM):** Tom [Hawthorn], did you want to come back?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** Yes. It is a really important point to come back on. The point that Mr Walkey made about, probably, what all Returning Officers will be doing in terms of planning for next year's elections and the proposed referendum, will mean that all of the weaknesses that we have identified, in some of these cases about planning and preparation and contingency management are unlikely to be the kinds of issues that are going to be ignored for next year.

Even if all of those actions are taken, there is no action that we can take to manage electors. If they want to come to the polling station at 9.30pm and there are a lot of them, and it is a small polling station, there is not anything that we can do to manage that. That is why we are absolutely clear that the law needs to be changed so that Returning Officers and Presiding Officers can do their bit by allowing people to vote, even if there are queues. People have made the effort to come to the polling station and cast their vote. We need to make sure that the law and the practice allows them to do that.

**Andrew Boff (Chair):** My polling station where I vote is the now infamous Ann Taylor Centre in Hackney where people queued for an hour and a half! You are absolutely right; people queue at Sainsbury but they at least expect to get something at the end. People had queued for an hour and a half and were unable to vote.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** I would also support the analysis that has already been presented; the turnout this year for a General Election was higher than perhaps for previous borough elections; specifically, the factor was turnout at the very end of the day. Perhaps, for London, it is a particular issue with commuters coming home from work at the end of the day.

**Andrew Boff (Chair):** However the turnouts, historically, are not high. This was not a historically high turnout; the turnouts in 1997 and 1992 were higher; considerably higher.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** It was the combination.

**Nick Walkey (Chief Executive, London Borough of Barnet):** It was the combination of elections. A particular concern that we had during the day, which Kath has referred to, was in some wards, and particularly those wards with large numbers of transient communities, it was taking a long time to process electors because of explaining the two votes, how they worked and what that meant. That combination, with any larger number of voters turning up post-9pm, was really difficult. I saw some of my staff doing a really fantastic job to get ballot papers in hands and ensuring that people were enfranchised. The system is complex and complex to administer.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** In addition the number of registrations we had to deal with 11 days before the election was an issue; we had 9,000 in Tower Hamlets; we have never had anything like that and it stretched our staff to the limit! Also, think about clerical errors made on the day of the election. Right up to 9pm, staff were ringing back to the office checking registrations and seeing if people had handed forms in. That adds to the pressure. It was not anything like that for previous elections.

**Andrew Boff (Chair):** We certainly will have a question later on about those registrations.

**Darren Johnson (AM):** Looking ahead to 2012; historically turnout is unlikely to be as high as it was for the General Election, however, it is a very complex election. Culturally we may be seeing this trend towards much later voting. What lessons do each of you think need to be learned for 2012?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** We have a translation issue in our borough. We had a Mayoral election at the end of October 2010. Because of what happened in May 2010 we have had everything translated into Bengali and that assisted somewhat. However our Bengali translators were accused of influencing the vote and telling people who to vote for. That, for us, was a major issue and we have now combated that so, hopefully, for us, that is one step forward. As far as planning, we plan to the hilt. We plan, we double check, we involve the police, we involve everybody and we could not do any more planning than we do at the moment; that just would not be possible.

**Nick Walkey (Chief Executive, London Borough of Barnet):** I think this is a really obvious but rather important point; that is that we have never before told people to vote early and the benefits of so doing. It was really interesting that one of the wards in Hampstead Garden Suburb - had seen almost five times as many voters by 9pm compared to any other ward. People do vote early there because they are probably going to be working until rather late in the evening, about a mile in that direction. They had a really straightforward run through the rest of the day. Messaging around when to vote and how to vote may seem really obvious but it was clear that large sections of our community did not understand it was a 7am to 10pm election and that you could vote at any time and were clearly thinking right at the end of the

day, "Perhaps I had better do this". Clear messaging about when to vote and how to vote seems, to me, to be really rudimentary but really, really important.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** There is an issue, not just for 2012 but for the referendum as well, which is that people have to know what they are voting for, and how they vote. That is not just about the way that the polling stations are administered but it is about the way the whole campaign is managed by the Commission, by the GLA and by everybody who puts that information out. Once you are in the polling station, if you want people to go through quickly, then having to explain over and over again where the crosses go - and that they are not actually voting for Mr Brown or whatever it is - the more you can take that out of it, then the easier it is going to be to get things through the polling station.

I have got one point on the issue of the ballot paper: the corresponding numbers lists were introduced to promote integrity and they were designed initially because it was anticipated people would have to sign for their votes. When that was dropped, the corresponding numbers lists were not dropped. If you have got to fill in three lots of corresponding numbers lists in a polling station, it takes longer than it does to right the numbers on the stubs. If you want people through the polling station quickly, take the corresponding numbers lists away.

**James Cleverly (AM):** I will throw this question somewhere between Tom and Adrian. On the day of the election itself, obviously, news reports were coming in. If my memory serves me correctly the Head of the Electoral Commission was on the media saying, "This has all gone wrong because we have an outdated electoral system which needs changing." Do you think those statements prejudiced in any way the subsequent reports that your organisation put forward?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** I do not think so. I do not think we have had any representations that those statements did prejudice our reports in any way.

**James Cleverly (AM):** OK. It seems there is a mismatch between your report which says that, with isolated exceptions, things went well, and the message that was coming across from the head of your organisation at the time, which was: "This is a fundamentally flawed system that needs complete revolution."

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** The report that we produced in May 2010 was intended to try to provide some more robust evidence to sit behind the media reports that were circulating from 10pm on polling day throughout the following day and the following weekend. Many of the report were very inaccurate, identifying constituencies and areas where there were, in fact, no problems at all. One of the key things that we wanted to do with that first report was to try to establish the extent of the problem as best as we could and to make sure that, where there were previously assertions about problems, that we clarified whether they were, or were not, an issue.

That first report was very much a fact finding exercise, and also to try to identify some of the factors that were involved. I do not think we intended to look at individual constituencies and Returning Officers or flag up anything that they specifically had or had not done correctly.

The broader point though, that was being made by our Chair on election night, in the absence of any other capacity for comment on behalf of electoral administrators and Returning Officers, was that the framework that we use to run elections in this country has been in place for almost 150 years. What has worked in previous elections is starting to work less well, the framework that we have for managing elections is not coping as well as it used to do, and we need to look again at those structures.

What we had for the London elections - the Mayoral and Assembly elections - is a very different framework with a single point of accountability and financing and management. That is very different from all the other types of elections, including General Elections.

**Andrew Boff (Chair):** Can I ask if the boroughs broadly agree?

**James Cleverly (AM):** The mood that I was picking up from the Returning Officers, perhaps was more aligned with some of those earlier comments which were that there are some systemic issues which are making it difficult to deliver and that reinforces some of the earlier comments and, if anything, counter the tone of the later reports that have come through. Any comments on that?

**Nick Walkey (Chief Executive, London Borough of Barnet):** I would agree. The system feels cranky. It feels very, very traditional; it feels out of step with the modern world. Some of the more recent additions, particularly increases in the postal vote, make that system really, really difficult to administer. Any system where the Chief Executive has to be sat in his office, so a bloke he has never met before from the Post Office comes along to deliver a piece of paper to him, he accepts it, then he get another role and then, as a result, it is an offence not to do certain things, is from another era really and from another system of accountability. Maybe that is an indicator that demonstrates we may be reaching a system that is in danger of falling over, when some pretty basic management might improve the system very quickly.

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** I would like to give a practical example of where legislation and our system does not keep pace with changes in society, which may have had a direct bearing on what happened in May 2010. One of the things the Commission highlighted was unsuitable buildings used as polling stations. It might be true to say that many of us were using community halls, small halls, in the shadow of large schools, for instance. Over the last few years schools have increasingly become unavailable to us. There is more pressure on the school year and there are different types of exams over longer periods than when this system was designed; even relatively small increases in turnout, if you have very small buildings, will have a knock on effect.

The legislation says that the Returning Officer can use buildings that are funded from the public purse - if I can paraphrase it - but the reality is that many schools are unwilling to give us access to their buildings, which tend to be the best buildings in the areas because schools are, by their

nature, designed to serve a community. The problem is the Returning Officers are reluctant to force schools. It is unclear whether we have the right to force schools because the legislation is not specific about what our rights are.

The way people work these days is different from the 1970s and the 1980s when we had higher turnouts. There are no longer parents at home to look after kids when schools are closed, so local politicians are reluctant to force the issues. This is a practical example of how lifestyle has moved on, how society has moved on, but the way we run our elections has not. We are still running them on a Thursday. We have inadequate buildings.

Tom is right about the timescales that people have to vote. Many people, like myself, who commute off to work early in the morning and come home quite late in the evening probably have a two hour window between 8pm and 10pm to vote. We saw that in May 2010; we need to be prepared to think of everything. We need to think about early voting, we need to think about weekend voting and we need to think about providing voting for the people that we are serving, not the people we were serving in 1970, because society has changed.

**John Biggs (AM):** I had a couple of questions: the first is just a matter of fact hopefully. There is a distinction between polling stations and polling places in my mind. If you go into one building it may have several polling stations within it. There are, presumably, regulations about how many voters there should be, or good practice for how many voters should be allocated to each polling station within a polling place. Is that the case? I see everyone is nodding. We can dig that information out later on I am sure. We do not want to delay ourselves with it particularly now, unless anyone thinks there is a particular problem with that and we have departed from it or been stretched to the boundaries to a point where it does not work any more?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** There is some information in our May 2010 report about what the guidelines are for the number of electors per polling station and what the staffing ratios ought to, probably, have been. Those were based, though, on funding guidelines established by the MoJ for the 2005 General Election and, without going into a lot of the complicated detail, it changed the methodology and the framework for calculating funding for the 2010 General Election, which meant that those staffing guidelines were not explicitly included in the funding given to Returning Officers. It is probably also fair to point out that probably by the time those guidelines were received by Returning Officers, planning had long been done and dusted.

**John Biggs (AM):** Would I be right in thinking that, because of various incidents in the past, particularly in my mind the GLA elections, where we had electronic counting, people have run away from new technology - when the evidence is hinting that we should perhaps be looking again, in a very careful way, at whether technological innovations might help the voting process - is that too open a question?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We have only had electronic input at the count. It does not make the slightest bit of difference at the moment on polling day.

**John Biggs (AM):** We did have innovations in some boroughs where you could vote --

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We had pilots; we had pilots but we have not ever used it across the board for an election.

**John Biggs (AM):** I know little about this subject; I suppose I know more than most people because I get elected from time to time, or not! I always have so far anyway. I respect the voters, but let us not get sidetracked by that. In my mind there was such an outcry about the delays, the wrong types of dust and stuff at the counts, and people ran away a little scared after the touch pad voting in Newham. I think there was a pilot of touch pad voting some time ago. Is it the case that people have stopped considering such options?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** There is a legal framework that allows for small scale pilot schemes to take place on a borough by borough basis. That has been in place since 2000. There have been isolated schemes in 2002, 2003 and then, most recently, in 2007. Those schemes have been managed under the auspices of the MoJ who has responsibility for the law and the funding for those pilot schemes.

The Electoral Commission has been responsible for evaluating those pilot schemes, and all of our evaluation reports are available on our website. The conclusions that we have broadly drawn from that programme of pilot schemes is: that there needs to be a more focused approach to identifying, developing and testing any new technologies that takes account of the needs of electoral administrators, takes account of the needs and preferences of voters, specifically, and are properly planned, implemented and tested so that we can all have confidence, and voters in particular can have confidence, that they are an adequate replacement for polling stations and for postal voting. We do not think that the pilot schemes that have been run to date have demonstrated that, so there are still some barriers that would need to be overcome, not least the need to look at funding and the law for any future changes.

**John Biggs (AM):** OK. It does seem, on the face of it, absurd that in a world where even five year olds can handle with total confidence very sophisticated technology, we cannot find ways in which we might use it. I have asked that question and we have had an answer.

The other one I wanted to ask was about behaviour from our witness from Newham, Mr Libreri. The question in my mind is: whether it is simply a blip that on that Thursday in May this year everyone spontaneously got up at 9pm and decided they wanted to vote, or whether it represents a more fundamental change in the way people behave? In the same way as people never used to go shopping on Sundays. It is about behavioural change, and we need to respond to that; we have had evidence on that'; I want to punch the bruise on that. There have been various answers about late voting, early voting, more postal voting, less postal voting and we could talk all day about it. Are you confident that there is enough thought going into how we grapple with these challenges? Presumably you will look at the Electoral Commission and ask it what it is doing about it? Are you confident that it has a process which you can submit evidence to, providing Parliament - or whoever it is with evidence? Are you confident enough

that it will lead to changes that will make voters lives easier, democracy more transparent and problems like we had less likely to occur?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** I will give you an example, if I may. The Gould Report, following the problems in Scotland, recommended that voters' needs be placed first. At this election many local authorities proposed - because we had a combination of polls, because we were pretty certain there would be a Parliamentary Election - that we would issue a poll card that would cover all eventualities. As far as I am concerned a poll card has one function; it is to get the elector to the polling station. It does not really matter if it lists absolutely correctly what elections are taking place; of course this does help. We wanted to word it in such a way that it would almost be a generic poll card to get electors to the polling station and then our staff could guide the elector as to how to vote etc. We were stopped from doing that.

I am not criticising the Commission or anybody else. There is a great deal of thought about how we can make things more efficient and easier. The Commission is very good at responding to that when it can. There are lots of different interest groups here and sometimes the legislation overrides everything, and something like a combined poll card is blown out of the water. However it is a small example of how we wanted to make the process easier for the elector and not to confuse them. I personally think that we are the best judges of that; we are the people who live in those areas and we know our electorate. There is a good dialogue. The Commission is very helpful and responsive but, at times, it takes a long time to get these things through.

**Caroline Pidgeon (AM):** I have got a small question. How well do you think your staff at polling stations are aware and understand the voting rights of Commonwealth citizens and European citizens, particularly when you have got two elections on the same day, where they may be entitled to vote in one and not the other? I certainly had complaints from people going to vote and being told, "No, you are not entitled to vote in that" when they were. We said, "No, you need to go back. You have an absolute right to vote in that." Were there issues around that that could, with further training, be picked up in the future?

**Andrew Boff (Chair):** Can I add on to that, Caroline, if I may? You must be fed up with all the anecdotes from politicians about Election day. I have got a similar thing with regard to where the register had been split and voters had gone into a polling station and been told they were not entitled to vote. After insistence, they went back and the polling staff had not been informed that there was another register that they had to look into.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** The registers have marks on them so we know European Union citizens are 'Gs' in there, and we know which elections they are entitled to vote at. If good training had taken place that should not have happen at all. Each station knows, from their register, which ballot papers can be issued. I do not really understand why people were turned away for that. Again, they could call the office.

**Caroline Pidgeon (AM):** Training of staff.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** It is definitely a training issue. Yes.

**Nick Walkey (Chief Executive, London Borough of Barnet):** We should not be too defensive about this. Training in Barnet is 160 polling stations, so you are looking at over 500 staff to be trained. You are probably looking at that number plus 50% to then do the count, and various other administrative duties. Getting 1,000 people all to work in exactly the way you would want them to, for 24 hours - I like to think I am quite a good manager and I have got good trainers, but that is an enormous ask. We certainly found that we need to do even more training over a longer period of time than we have done previously to ensure that the sorts of issues that you are referring to, do not occur. I could not make a hand on heart promise that they will not at some point occur again, just because of the numbers required at the moment.

**Jennette Arnold (AM):** It should not occur again. This was a one off event. Do you know that there is going to be a General and local Mayor election again?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** In 20 years' time.

**Jennette Arnold (AM):** Is that when we are going to do it? We need to get this thing in to context. This was a one off event! We are moving away from the parameters here.

**Darren Johnson (AM):** 2030.

**James Cleverly (AM):** One of the points to consider is: as we move towards a potentially greater number of directly elected Mayors and Police Commissioners etc, we may be in a situation where multiple elections on the same day become the norm, rather than the exception.

**Jennette Arnold (AM):** Yes, but my point is: we have heard you have got your staff, you have got over your staff - Louise has mentioned that there is a need for adequate training. This is something we do and normally it runs well. I have seen some fabulous innovations and I have seen staff really think creatively even bring out specially made booths to people with a disability who cannot access the new stations. I have seen some fabulous work. On this occasion, we are not quite sure; it seems to me it is about John's question. Does anybody know what was on television or why there was this surge at 9pm? Was it the end of some mega soap drama?

**John Biggs (AM):** No.

**Jennette Arnold (AM):** If it was not, then let us try to find out what it was for you then.

**Andrew Boff (Chair):** Are there any answers to that? Was the surge unusually large at 9pm? In my experience you always used to get a surge at 9pm. Was this unusually higher than any other?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** If I could repeat what I said. The window to vote is shorter. On this occasion we had a combination of elections; three ballot papers. We would have got away with it - if I can

put it that way - at a referendum or a straightforward General Election. The people would have moved through the station much more quickly, but because of the situation we had in May 2010, it was a very particular situation and the weaknesses showed up.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** The time taken to explain each ballot paper; we had a referendum as well. Explaining what the referendum was was an enormous pressure for the staff, because nobody knew what the yes vote was for. Again, that is what we are going to face next year; explaining the referendum properly. We know the issues that we faced in May 2010 and it is not going to be any easier next year.

**Jennette Arnold (AM):** We were all being very opportunistic and we took gambles. In some cases they worked; I did not hear the horror stories coming out of Newham as I heard in some places. There was nothing going on; they did not have a Mayoral thing there. It was just the surge there. Nobody expected there to be a surge at Andrew's polling station. Nobody can give an explanation as to why that happened?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** It is a combination of things. It took particular circumstances at a particular station. Depending on who the staff are depending on the layout of the building, They could cause that; it is a very local thing.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** It is systemic that people vote, in London, either on their way to work or on their way home. Like I said, there are always a lot of people who come out after Eastenders; it is as easy as that. We have got that number; this time it just made it that much worse.

**John Biggs (AM):** In the absence of firm evidence we are living on the evidence of the election in May 2010 - which is firm I suppose - but it does not, necessarily, point to a long term trend. My hunch is it is a behavioural change and people do a lot more in the evenings than they used to do. People are nodding. I do not have firm evidence on that.

We talked about 2020 but it may be in 2014 - depending on what the Government does that we will have the European elections and local elections on the same day. If the local elections are delayed by a month I think that will be required.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** Just a little bit different from the evidence you have heard, I am not aware that there was a significant problem, or any problem, with queuing in Waltham Forest on Election day. It certainly was a busier day. We had reports from staff that there were lots of questions to staff. We were probably fortunate that we only had the Local and UK election; we did not have Mayoral election so there were not three ballot papers.

I would endorse what my colleagues have said about the issue of accommodation because it is difficult to find suitable accommodation, and we are using more unsuitable premises and

sometimes smaller premises. Certainly, in Waltham Forest, we have had to insist at times on using schools at the opposition of the governing bodies.

I think staffing does continue to be a problem: we are, at each election, devoting time to staff training, and there are always more complications, it seems, at each election. You try to deal with issues that arose from the previous election as well, where you get a note that you must train more on this. We do try to have reserve staff there, and we are always using our reserve Presiding Officers. As my colleagues said earlier in the day, we do not always get funding for staff who are on standby. There is always a big drop out, I must admit, at the very last minute; we are also looking for staff to cover the polling stations on election day.

The other thing I would comment on, which I do not think has been mentioned so far is: the thing that surprised us was how many postal votes were handed in at polling stations --

**Jennette Arnold (AM):** Yes, I saw that.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** -- which is surprising. We certainly did have a lot of those - not an amazing number but certainly a lot - in the last hour as well.

**Andrew Boff (Chair):** Can I sum up this part of the inquiry on the queues by asking Leo Boland or John Bennett to explain what you have learned from your experience of the 2010 Elections and the lessons for 2012 in regard to the day itself?

**Leo Boland (Chief Executive, GLA):** Thank you, Chair. Listening very closely to my colleagues who have the duty of running the poll in 2012 as well as Constituency and Borough Returning Officers, I think getting very clear messages out ahead, about what awaits you in the polling station in terms of the ballot papers is important - we have put a lot of effort in the past into that and we need to continue that.

Also, the point that Mr Walkey made about encouraging people to come throughout the day, and alerting them to the problems of voting late, -

What we need to do is, in conversation with the Constituency and Borough Returning Officers, is ensure that, where people were successful, that the lessons learned from those polling stations and those boroughs are standardised across London in our planning for 2012 and in our training. Probably the area that I would think we need to concentrate on in a way that we possibly have not in the past is the management of the polling stations, and what you do; I have heard that that has happened. Whether that has happened across London in a standardised way needs to be investigated.

The big lesson I would learn is: that these people are the experts at running their polling day locally and we can do everything that we can to help them. We are not dealing with a system that is broken; we are dealing with a system that needs constant tweaking and support.

**John Bennett (Head of Special Projects and Elections, GLA):** Just to add to that, Chair. Electoral practices are built on legislation that has been changed hugely over the last 150 years - or whatever Tom was talking about - particularly over the last decade and the resourcing has not, necessarily, gone with that to reflect the needs of the new processes.

Given that combination of elections seems to be more and more popular. Looking to next May, outside of London at least, we will see combinations with Scottish Parliament, Welsh Assembly, Northern Ireland Assembly, district councils, local authority Mayors and parish councils. Other colleagues outside of London will have a much bigger challenge than the London boroughs, thankfully, will have for next year. That issue of combination with different rules for each type of election does not help. Hence the call from the Electoral Commission, the Association of Electoral Administrators and so forth for a rationalisation of legislation, has a lot of traction.

Beyond that, the training of polling station staff. If one is employing, as colleagues have said, across London, 13,000/14,000 polling station staff, poll clerks being paid something less than £11 an hour for a 16 hour day, Presiding Officers perhaps £17 or £18 for a similar length day, even with training, one is not necessarily going to get the very best staff in each and every polling station; that is inevitable. That perhaps is why the human factor comes in and things sometimes slip up.

Mention has been made of voter education. The opportunity to apprise voters of what they will be faced with before they get to the polling station has to be taken. Just as at the GLA elections, we did experiment last time with these;- Members may remember them - totem polls, the pop ups, with some visual explanation of what to do with each ballot paper in the polling station. Perhaps that too - although an added expense - may have some merit. It would detract the voters from having to engage at length with the polling station staff and could, potentially, speed the processing of the voters through from entrance door to ballot box.

**Jennette Arnold (AM):** My question is to Leo. There was some learning from 2008 that was similar; we did run out of ballot papers and there were problems with staff being tired and exhausted. You will be able to pick those up.

What I am not clear about is: what role you can play in terms of what we have heard this morning about the locations, because some of the locations that are being used now are just not satisfactory. Have you not got a role - and you have got time - to bring together the educational authorities saying, "We really will need better and bigger buildings" and be working, not towards a surge, but to be anticipating a good 70%/80% turnout? Why should we not be optimistic? If that is the case, it is some of the locations. In 2008 there was the problem of people having to wait outside because the locations were so small, certainly in my constituency.

The point that John made; about the information giving - there must be some way that we can improve that. As I understand it today, the Deputy Prime Minister has turned his face against the Electoral Commission's call for any legislative change. If we stay with the guillotine at 10pm then we have got to find a way of informing people so that, when they get in, they can be moved through the stations as quickly as possible.

**Leo Boland (Chief Executive, GLA):** To take that latter point first, that point will be made very clear in the training material for Presiding Officers: how they should manage that and, perhaps, how they should manage the hours beforehand.

I do not have any powers whatsoever around location --

**Jennette Arnold (AM):** Not powers, persuasion. Inviting people and negotiating with them.

**Leo Boland (Chief Executive, GLA):** What I think I can do is talk to my colleagues, see if this is a general problem or if it is in particular places and coordinate discussions across London about locations. Of course it remains the Returning Officers' powers to requisition them if necessary.

**Jennette Arnold (AM):** You are missing the point. I am not saying it is about powers; normally things happen without powers. You have a very key influential position. I am sure - if you invited people and took on the views that you have heard and that you will receive from this scrutiny report - you are in a position to influence and to move the thing forward.

**Leo Boland (Chief Executive, GLA):** I can certainly hold the ring for a debate across London about the matter.

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** I am sure this is the case in other boroughs. Some of our polling districts simply do not have a suitable permanent building to use as a polling station. Much against our better judgement we are forced to use portacabins in some cases.

**Darren Johnson (AM):** Reflecting on that very point, it is not the case that in so many boroughs we just have too many polling districts per ward and we end up with these tiny little polling districts with completely inadequate buildings or portacabins, rather than a smaller number of polling stations, polling districts, in each ward and a more fit for purpose approach? It is not like some rural areas where a ward is spread over villages miles and miles apart. In most wards in London, it is fairly easy to get from one part to another. Is it simply the problem that we have got too many polling districts in each ward and that we need to cut the number of polling districts for better buildings?

**Andrew Boff (Chair):** That is quite variable across London, if I am not mistaken.

**Darren Johnson (AM):** In Lewisham, for example, we have got six polling districts in every ward.

**Andrew Boff (Chair):** That is what I am saying. Other authorities have a different approach.

**Nick Walkey (Chief Executive, London Borough of Barnet):** If I could respond by saying that Barnet observed a lot of portacabins which appeared to be specifically designed to make it as difficult as possible for anybody to get in them. They are just awful!

**Jennette Arnold (AM):** Dreadful.

**Nick Walkey (Chief Executive, London Borough of Barnet):** Dreadful; we used one of our new primary schools which was not yet open - so it was its first day of use - to house a very large polling station with a number of polling places within it. It worked extremely well because you were able to put more staff in there, you were able to target resources and there were people on hand to help. I would certainly be in favour of combination as a way of dealing with the issue. People also got to see the new school, which they were quite pleased about.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We use very few portacabins, about four or six across the piece; generally it works quite well. We do not use secondary schools because it is exam time generally. We do push the primary schools. However, even with pushing the primary schools, we still only have 50% of our polling stations in our schools because they are not in the right place. Louise will remember when she was at Lewisham she and I walked the Borough looking to try to find where else we could put the polling stations. We have no choice but to go to the community centres and the independent play groups and try to persuade them very gently to let us have those premises. We have no power to requisition those so it is about smiling sweetly and paying the rent. I do not think our polling districts are way out; I think ours are OK. We are not going to get more use of schools, even if we could push it a little bit we are still going to have a very large proportion which are from the voluntary and independent sector. We have no powers at all except being nice to them.

**Andrew Boff (Chair):** Thank you very much. Can we now move on to voter registration?

**James Cleverly (AM):** To start with, can I zip across the various Returning Officers and Deputy Returning Officers to solicit from you whether you found the shift from 2 months to 11 days problematic or unproblematic?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** Everyone will say problematic. It has been horrendous! Absolutely horrendous!

**James Cleverly (AM):** OK. What problem was the shift from 2 months to 11 days trying to address?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** In terms of the deadline for registration?

**James Cleverly (AM):** Yes. What was not working that needed to be fixed?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** There is a very obvious practical example about General Elections. This is the first General Election at which it was still possible for people to register to vote after the Prime Minister had called the General Election. Up until this year - so from 2005 going backwards - we were in a position where, once the Prime Minister had called a General Election, the timetable was such that there was no way for anybody to say, "I do not think I am on the register, I would like to take part in this General Election and I would like to vote" because the deadlines were so far back. The point was to increase access so that people who are not on the register can take part in the General Election.

**James Cleverly (AM):** You would need to really have been living under a rock not to know that a General Election was on the offing, surely?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** That is a fair point. Yes.

**James Cleverly (AM):** We talk about the concerns about making sure that people are able to register to vote once the election has been called. Looking at the written submissions and from the initial reaction from Returning Officers, there may have been a balance of problems so, in attempting to address one potential problem, we have created another very practical problem. Do you or Returning Officers want to comment on that? Nick ?

**Nick Walkey (Chief Executive, London Borough of Barnet):** One thing that has gone under the radar is that 11 day deadlines makes verification, checking for fraud, doing all the things that we have been concerned about for the rest of the period, really, really difficult. You are in the real full pelt at this point of organising an election.

Secondly, you end up with these super deadline days - super Tuesday - where registration, declaration of candidates and confirmations all happen on the same day. Coming new to this, I thought there was a typo in the timetable when I was handed it by my Deputy Returning Officer, because it did not appear that any sane system would have everything happening on one day.

**James Cleverly (AM):** That was in Kath's submission from Lewisham; you were saying you had many thousands of people --

**Kath Nicholson (Head of Law, London Borough of Lewisham):** In Lewisham in the last few days before 20 April 2010, which was the 11 day date, we had 660 postal vote applications, nearly 3,200 voter registrations, nearly 1,100 register amendments and 300 register deletions, when you would normally have a handful.

**James Cleverly (AM):** Is that unusual? Is that borne out by other boroughs?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** This is the first time we have really experienced it in the heat of battle, as it were. In the European we had it but there is not so much interest.

I am personally in favour of the 11 day deadline. We have to remember that, prior to that, for a May election we would have used an April register. Effectively we would have been saying to people, "If you have not submitted your application by 10 March, you cannot vote". People found that very hard to understand. I think quite rightly. The problem is --

**James Cleverly (AM):** Can I just pull you up on that? Why? Why did they find that difficult to understand and why is that a problem?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** We publish a register every year in December. In an area like London there is such a churn of population that the amount of movement by the end of December means that that register is out of date. If you are saying to people they have only up until March, although an election is on our radar from very early on, it is not on most people's radar; personally, I think we have to recognise that fact.

There is an issue about the integrity of the process, particularly in ward elections. Anybody can download a form and bring it in on the very last day. In Newham we had queues out the door of people wanting to register on the last day. It is very, very difficult to run adequate checks with that timescale that you have got to work with. It is also very difficult to say to people, "I'm not satisfied that this is correct and I'm going to take some time to check it and the consequence of that is that you won't have a vote at this General Election." We are between a rock and a hard place. We have a duty to maximise participation, but we have a duty to ensure that people who are registering have a right to register.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** I think we all agree that the 11 day registration is good for the electors and we are there to provide a service for each elector. However it is the sheer volumes. For the GLA and for the referendum next year, it is going to be about giving information about how to register and the deadlines that everyone has to follow. Just like Paul for the six week period we had 9,000 applications come in. To physically process them was difficult. We had a lot of allegations of fraud in Tower Hamlets. We were sending our housing environmental health officers out to properties over eight to make sure the registrations were valid. In that short period before the last registrations close and the 11 day registration it would help if we could ask for identification to follow with those registrations that would help us enormously as the law does not allow us to.

**James Cleverly (AM):** We are talking about many thousands of registrations in the last few days before the deadline for the election. That strikes me as being statistically very significant when, even in a General Election, the margin of victory is often significantly smaller than that. Certainly in council elections the margin of victory is often measured in tens or, sometimes, just hundreds of votes. That balance between the logistical pressure and the ability for integrity checking, how do you think that stacks up against the desire to give people an opportunity to get that last minute registration in?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** It is clearly a difficult balance; Louise put it very well. The numbers that colleagues from the boroughs have highlighted as applications coming in represent a success in terms of encouraging people to

register, encouraging them to vote and enabling them to vote, but it does put an additional strain and pressure. Some authorities are able to manage those and to deal with those and some authorities, perhaps, had even more than they expected and were less able to manage those.

The point about the coincidence of the registration deadline and the postal voting deadline and the candidate nomination deadline is a very useful point to reiterate. Again, responsibility for setting that timetable rests clearly with the UK Government and with Parliament. We want, particularly, the Government to take the opportunity of its Bill currently going through Parliament to establish a fixed term for General Elections and to look again at the administrative timetable so we get that balance right. Perhaps that is about decoupling absent vote and postal vote application deadlines from registration deadlines or perhaps that is about bringing them slightly further away from polling day, so we do not lose all of the benefits of a later registration but we do ensure there is enough time for all those checks to be carried out.

**Andrew Boff (Chair):** Ms Stamp was saying about the ability to ask for identification (ID). It has been said that you need more proof of identity to sign up to a library than you do to register to vote.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** That is true.

**Andrew Boff (Chair):** Is that something that you, administratively, could support and would support in terms of going forward?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** Yes. We would love to support it; people bringing in ID. Anyone who comes into our office we ask them to bring in a utility bill or something like that. Sending out applications to peoples' homes there is no evidence coming back that that person lives there. We do loads and loads of checks on the last day of registration, through our council tax records, but they are not always up to date.

Paul is right; the amount of change in London. Some people can register during the annual count in August and they are gone again by the end of September; that is how the change happens. Within the canvas period we get two, three or maybe four applications for one property with different people.

**John Biggs (AM):** This is, on the one hand, a very simple issue and, on the other hand, a very complicated issue when we start burrowing into it. Certainly my party is anxious that, with the boundary review taking place, issues of under registration in urban areas will be a big, big problem. Similarly, local authorities' funding depends on accurate measures of population so there is a self-interest in local authorities being tip top and up to date in knowing how many people live within their boundaries, whether they are voters or not. It seems to me, when you put those two factors - and there are other factors - together as well, you could see a situation

where it is in the enlightened self-interest of local authorities to sharpen up their act on registration. Is that a fair comment or are your hands tied behind your backs?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** Tower Hamlets are hoping to be a pilot for the individual electoral registration next year. I have got loads of ideas for people of what needs to be done, however the comment I got back from the Cabinet Office was, "It's going to cost a lot of money isn't it?" That is not a factor for a pilot. You need to know the pitfalls and how it is going to work properly, and funding should not be an issue for it.

We have just had a borough election during the annual canvas period. We had to get six people in to help us deal with the registrations because it threw the canvas forms. The legislation allows you to add people on; we added just over 20,000 people for the election, however it does not allow you to delete them. Two issues there: the turnout is incorrect and fraud is paramount. I had 20,000 poll cards out there with people who should have been deleted. Anyone could have picked them up and used them to vote. The law just does not listen to what we say and does not tighten up the belt.

**Andrew Boff (Chair):** When I asked earlier about that I saw lots of nodding heads. Is anybody dissenting from that idea that there should be some kind of ID going with voter registration?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** I would not dissent, but what is coming by way of personal identifiers with national insurance numbers is going to mean - because that is being introduced for individual registration. The identification that is going to have to be given includes date of birth and national insurance number. I suspect what that means is, as happened in Northern Ireland, the numbers on the electoral rolls will just plummet, because of what has got to be provided. Not just because some people do not have national insurance numbers but some people will object to the prospect of their national insurance (NI) and the rest of their personal details being available on the electoral register; it is a caveat. In principle, yes, but there is an issue with that.

**John Biggs (AM):** There has been a big argument for years in the United States of America about people using driver licences as identification documents. Going back to my question, I would emphasise it is not a party political question, it has been a bigger problem for Westminster and Kensington, where there is under registration as an under recording, as there has been with Newham and so on. You are here as electoral experts, but is there a more corporate piece of work? Maybe Mr Boland might be able to help us with this: looking at under recording of populations or people's feeling that they are under recorded. Maybe our other Chief Executive could help us on this electoral registration issue?

**Nick Walkey (Chief Executive, London Borough of Barnet):** Yes. Full stop. We want to get our numbers up. It is really clear, in my role as Returning Officer, what my responsibilities are. We have had a massive effort, both to get a more accurate census count, and to ensure that our voter registration reflects those numbers. We had the highest voter registration we have ever had this year; well over 97%. We are out, again, with bigger teams doing that process all over again. It is not so much enlightened self-interest; I just regard it as the job.

**John Biggs (AM):** It does not seem to be working though?

**Nick Walkey (Chief Executive, London Borough of Barnet):** It is working in --

**John Biggs (AM):** Presumably everyone will say it is working in their borough, although there are challenges, but there are clearly boroughs where it does not appear to be working if you have late surges and so on.

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** Chair, very briefly. In London, because we work closely as administrators in London, we have a fairly good idea of the picture across London. Local authorities make great efforts to maximise registration. We are administering a system of household registration in areas where there is huge churn of population and there is not, necessarily, a head of household who will take responsibility for that. We are getting a lot more sophisticated in terms of using other databases and other sources of information that the council might have.

I am not suggesting that there is no problem whatsoever but I think, particularly in London, we are getting better and better at it. I am not aware of any authority in London that is not maximising its efforts to get the most people as possible on to the register.

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** The point was made earlier in another context about behavioural change and there is behavioural change in terms of electoral registration as well.

Certainly, as far as our Authority is concerned, although, as Nick has said, we achieved our best ever registration performance last year, it took an enormous effort. I would say we are now in a position where roughly a third of households simply will not respond unless we have canvassers knocking at the door. We can send out as many reminder forms as we choose but we will not get a response. Clearly there is a different level of engagement that is required. As my colleague over there was saying, in some of our areas, there is quite a high level of churn and also quite high levels of households whose engagement with the locality is quite transient.

**John Biggs (AM):** You need significantly more budget to achieve the same result as, say, five years ago?

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** Yes.

**John Biggs (AM):** I suppose you would say that wouldn't you?!

**Nick Walkey (Chief Executive, London Borough of Barnet):** That is a matter for discussion later, Mr Lustig!

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** The Electoral Commission would support absolutely the comments made by both Paul and Jeff. We published, in March this year, a comprehensive review of the research literature around electoral

registration in Great Britain. One of the key points is looking at broader demographic and social changes for the current day compared with, even, ten years ago. A significant degree more population movement and that particularly affects London and lots of other metropolitan areas.

Without being too blunt, I hope, there is much less engagement politically than there was 10 years, and certainly 20 or 30 years, ago. People are much less interested in elections and in registering to vote. One of the key tactics that Registration Officers have had to resort to is emphasising the benefits for electors in terms of their credit reference scoring, rather than that you need to be on the register so that you can exercise your democratic rights; it is the other way round.

The other point that is really important to make is that electoral Registration Officers have a much harder job and they have to work much harder than ever before. We should definitely not lose sight of that.

**Leo Boland (Chief Executive, GLA):** Chair, on a related matter. London is, I believe, this time working better together to prepare for the 27 March 2011 census which is upon us. GLA intelligence is at the centre of that effort. I believe what we need to do is look at what worked well in preparing for the census and learn lessons from that for the registration push for 2012. Clearly, we need also to use our marketing budget to get across, not just how to vote, but the importance of registering and registering early. The more people that register early, the less these pressures come upon in the battle time just before the election.

**Andrew Boff (Chair):** Thank you very much. John Biggs?

**John Biggs (AM):** We move on, for light relief, to the question of postal voting. The submission from Brent notes that it had 18,000 postal votes and dealing with these has become a major project. That is not dissimilar from many other boroughs. Can our guests comment on this? What challenges are raised and how do they staff that aspect of the count? Who shall we pick on first? Tower Hamlets! I am sure you can say a bit about postal voting.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** We have got 24,000 postal voters about 14% of Tower Hamlet's electorate. I have to appoint a project manager to look after the postal votes in their entirety. Because of our issues with postal votes we hand deliver our postal votes to the properties. Issuing them, getting canvassers and recruiting 142 people to go and deliver them is a big challenge in itself. Then, when it comes to the opening sessions - every day we do opening sessions - we use two or three scanners to open them. When it gets to the count, again, you have all those coming back from that day's post plus those from the polling stations. The numbers from polling stations are growing into the hundreds. Where it was in the tens initially they are now growing into the hundreds. Postal votes are another separate project to run in the election, in my opinion.

**John Biggs (AM):** OK.

**Nick Walkey (Chief Executive, London Borough of Barnet):** In Barnet, across the three constituencies, we issued 42,000 to 45,000 postal votes for the elections, so 85,000 for the combined. We got 61,000 back. In effect, that is returning a Member of Parliament somewhere in Wales, by itself, in postal votes. It is an enormous logistical challenge; it is a stretch for the technology. We are running a large project team who are working flat out in the run up to the election and then, on polling day, an expanded team dealing with the issue that my colleague has already referred to of the number of postal votes coming in at the last minute through the polling stations. If there was one part of the system that causes me biggest concern it is actually not polling stations; it is postal votes. It is a system that has evolved and continues to evolve and does not feel like it works any more as a whole system; it feels quite scratchy.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** A registration form can come in at the same time because the cut off for a postal vote application is 5pm and a registration form is 12am; there is no consistency there. They can come in at the same time and you have no checks available to do; you have to register and appoint and process their postal vote at the same time.

**James Cleverly (AM):** Again, to the Electoral Commission for want of anyone else to ask. With regard to the massive expansion of postal vote on demand, I go back to the question I had about the registration deadline, what problem existed that this was designed to address?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** The change in 2000 is not something that the Commission can comment on – as to the reasons why it was introduced at the time – as the Commission was not in existence. The change we understood has been made to increase access to the voting process. For people who would not have been able to get to the polling station --

**James Cleverly (AM):** A polling booth in Lewisham is about 120 yards apart! I am not blaming you but in Lewisham we have the classic example of two polling stations about 120 yards apart.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** One of the things I would point out I suppose is that among the electorate as a whole it is very popular. We are up to, for the General Election, about 15% of the electorate across the UK, and that rings with some of the figures from the boroughs. I should just mention, in some areas of the country, that is much higher, particularly in the north east; there are some constituencies where 40% of the electorate have registered for a postal vote.

**John Biggs (AM):** Turn out?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** Among postal voters, absolutely, there is a much higher turn out than at polling stations. It is between 75% and 80% generally for postal voters. That is relatively consistent regardless of the type of election. For other elections, borough elections, where there might normally have been a much lower turn out at polling stations among postal voters, there is generally a much higher turn out. Among

postal voters themselves there is a good deal of confidence that it is a secure and convenient way of voting.

**John Biggs (AM):** A bit like everyone assumes that very few people pay fares on bendy buses, there is a widespread assumption with postal voting there is a massive rampant fraud going on in some places. What evidence do you have on that?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** We can only look at the evidence for previous elections and the evidence that we have at the moment relates to the 2009 European Elections. I have not got the figures directly to hand but we published a report in January this year which showed that there were very, very few compared with the number of voters and the numbers of candidates. For example there were very few allegations and certainly very few cases that went through to any evidence approaching a prosecution.

I know that there have been lots of speculation around the May 2010 elections and lots of reports of police investigations or reports of allegations. The Electoral Commission is working with the Association of Chief Police Officers nationally to collate all of the police reports and investigations relating to electoral malpractice for the whole of 2010. We have got a system that records all of the allegations in cases that relate to elections and we will be publishing our analysis in January next year.

**John Biggs (AM):** Some of the borough representatives nodded with agreement that, although there have been lots of stories, there was not massive evidence of fraud. Does anyone want to comment on that?

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** I would certainly agree with that particular comment.

I have a concern which is in the other direction on signature verification and the number of votes that we have to not allow because the electors have failed to put a signature in the requisite box. This happens quite a lot with elderly voters, and you know that from the date of birth, where they may have used a script signature on the registration form but, when it comes to submitting their postal vote, they print their signature and it is absolutely impossible to accept that because of --

I will just sum up by saying I do have a worry that quite a high number of perfectly legitimate voters are being disqualified simply because they forget to put the signature in the right box, or because they have used a different form of signature. That does, perhaps, affect more elderly voters more than other voters.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** A point on the integrity of the postal vote. That is it is a fairly widespread practice in London that we generally all check 100% of the postal votes coming in, whereas the law only requires us to check 20% and we are only funded for 20%.

The other issue is that the postal votes are 15% of the vote and 50% of the effort.

**Andrew Boff (Chair):** Any other points specifically on postal votes?

**John Biggs (AM):** You may consider this is not a question you can answer but, again, this is out there as an issue. Postal voting can, in some ways, compromise the secrecy of the ballot or could be susceptible to the harvesting, if you like, of votes and this is particularly the case with close knit communities, whatever that might mean. Is that an issue that any of you feel competent or able to comment on, or is it simply one of those urban myths, provable or unprovable?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** We had that allegation amongst our Bengali population definitely.

**John Biggs (AM):** I know it is very recurrent.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** In the country we have probably got the highest rejection rate. Our postal vote stands at between 9% and 10%. Maybe because the electorate sign differently, which is exactly right, especially the Bengali population, also, because a lot of the late registrations have been rejected as well, because we do a quality check on all of them.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** There certainly have been allegations since the most conspicuous case of electoral malpractice relating to postal voting in Birmingham in 2004. The key point that we would make as an observation since 2004 is that everybody involved in the administration and policing of elections – so electoral administrators, Returning Officers, Registration Officers and, specifically, the police – have really put an immense effort into both monitoring in terms of detecting potential fraudulent postal vote applications and fraudulent postal vote returns – preventing them where possible. The police and the prosecution services have put a very significant emphasis on ensuring that cases and allegations are very thoroughly investigated.

Huge numbers of police hours have been involved in investigations over the last couple of years and, where those investigations have provided evidence that crimes may have taken place, prosecution services have taken those through to prosecution. The courts have been very, very clear in imposing significant deterrent sentences that these crimes are not acceptable and will be very seriously punished. That is a very significant change really in the last six or seven years in attitude and approach and awareness.

**Caroline Pidgeon (AM):** Thinking ahead in terms of postal votes, we have got these concerns of huge numbers of people using them, and quite rightly. Then there is the issue of how they are counted because you start counting them – not quite as they come in – but quite a few days in advance. How is that going to work for the London 2012 Elections?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We do not count them.

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** We do not count them.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** We verify just to check that the details we need to admit the ballot to the count are in order, but we do not go anywhere near the ballot papers.

**Caroline Pidgeon (AM):** Right. You check that they are in order and the ballot papers just go into a box or something?

**Kath Nicholson (Head of Law, London Borough of Lewisham):** That is right, to then be admitted to the count in due course.

**Caroline Pidgeon (AM):** To be admitted to the count.

**John Biggs (AM):** I do know that all the political parties – this is potentially a breach of electoral law – they all do little straw polls as they see the postal votes being opened, to get a sense of which way the wind is blowing; that is an issue.

**Caroline Pidgeon (AM):** That is what I was thinking. I was thinking the London election and so on.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** It certainly is a breach of the secrecy provisions. I believe that a candidate and an election agent were cautioned after having done something similar at the May 2010 elections – one to look out for.

**Leo Boland (Chief Executive, GLA):** We have the benefit – which our colleagues did not have in May 2010 – of starting the count on the Friday morning. We will be looking very carefully at the logistics between the postal ballots coming into the constituencies and getting to the count centres so that they are in as good an order to be counted when the whistle blows at 9am on the Friday. At that point there should be no difference from all the other ballots. We need, working with the contractor, the likely bulk of the postal ballots but we should, with good planning, not be tripped up by them at the count.

**Caroline Pidgeon (AM):** OK. Good.

**James Cleverly (AM):** A very quick one, again, perhaps slightly conceptual. With regard to postal votes, some of the fundamentals of British democracy are secrecy and that there is no hindrance or pressure that has been brought to bear. How is that squared away with postal votes where the ballot is cast in the home with the possibility of someone looking over your shoulder? How do we square that circle?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** Where we have got to – and this is not about where the Commission has got to but where we, as a society, have got to – in terms of allowing postal voting on demand in Great Britain, is that we have accepted that the increased convenience provided by postal voting outweighs the potential impact on the secrecy

of the ballot. We need to very carefully monitor both of those sides of the equation. If there was substantiated evidence that there were problems with people being pressurised in the home – and it is not an easy thing to measure I accept – then we would have to look again at that balance; that is a trade off. What people will always have is the option of choosing to cast their vote in a polling station. Part of the trade off for them, individually, if they want to vote by post, is that they do not have that guarantee of a polling station that they can go to.

**Andrew Boff (Chair):** Some Returning Officers make it extremely easy to apply to be a postal voter, to the point where some postal voters did not know that they were postal voters, because they are trying to make it so easy. – almost to the point where a postal vote becomes unsolicited. Mr Libreri?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** Where I have come across people being unaware that they have applied for a postal vote is: when partners on the doorstep have thrust a form in front of people and they have signed it. Then we have sent out a letter saying, “We have received your application. You are a postal voter.” They have contacted us to say, “I signed something on the doorstep. I do not know what it was”. I do not think it is the Returning Officers who are making things easy. I think we treat everybody pretty much the same; it is the political groups on the doorstep that are causing that problem.

**Andrew Boff (Chair):** Anything else on this? Postal votes? Are we covered on postal votes?

**Nick Walkey (Chief Executive, London Borough of Barnet):** Chair, could I make one point about postal votes? It is part of the difficulty, I feel, with postal votes. The Parliamentary elections: The 11 day candidate nomination deadline means that you have, effectively, only got 11 days, then to get the postal ballots together, get them printed, get them sent out and then get them returned, which is feasible, but if anything goes wrong, absolutely anything whatsoever, there is then a very, very significant difficulty. Up and down the country there were some real horror stories about printers transposing candidate names and then having to reissue. Our feeling, very strongly, is that that timetable is too risky and you would not, sensibly, use a timetable like that to issue 80,000 pieces of paper.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** I endorse that. We did not have, certainly, the number that Barnet have had but we had about 21,500 postal votes to send out. Had it been a local authority election we would normally have sent it out on a Thursday two weeks before the election. The UK election nomination process meant that the Parliamentary ballot papers would not be ready by then. We took the decision that we would send all the ballot papers out in a single issue. Some authorities decided to do it in two issues. We postponed our sending out to the Friday, the following day.

We had discussions with our printers that they would have the ballot papers ready for that morning, but they were not. We had staff turn up at 9am and we were not able to start work. We sent a lorry to our printers – I am not criticising our printers; they did a very good job and they worked very well with us. We sent a lorry so that we got as much as we could as early as possible, but we were not able to start the sending out process until the Friday afternoon and

only managed to achieve it that Friday with great difficulty and getting as many staff in as we could to complete the sending off, which we eventually completed about 7pm on the Friday.

The other thing on postal votes was that, as my colleagues have said, it is an enormous effort and we felt that it is important to keep on top of it and not let a backlog build up. One of the problems of this election - and a lot of elections in May - is that you have a Bank Holiday in the week of the election. We asked the Post Office if it would, nevertheless, continue to empty post boxes over the Bank Holiday weekend on the Monday. It declined to do so, which meant that we had a very heavy income of mail, post-wise, on the Wednesday morning. They collected them on the Tuesday. We had a very large number on the Wednesday which added to our processing problems. As I mentioned earlier, we also got a lot from the polling stations on Election day, including the very late deliveries. As soon as the polling stations had closed, which was a factor in the counts taking a lot longer than people generally had expected.

One more issue on postal votes was that, in Waltham Forest, we do have two Parliamentary constituencies where we include some Redbridge wards. We have to work very closely with our neighbouring authority. The arrangement we came to was that it would send out and receive back the postal votes for their areas which meant that it then had to get the ballot papers to us. It had to separate the local from the Parliamentary and get the Parliamentary to us, including on Election day as well. The postal ballot papers had to go to Redbridge and then come back to Waltham Forest as well.

**Andrew Boff (Chair):** That is a good point to merge into the count itself because the number of postal voters did affect the count. Before I ask Caroline] to come in, this was an issue that was identified in the 2008 election; the unanticipated large amount of postal votes slowed down the count in 2008. I wondered if there were mechanisms you were looking at then in order to address that problem in the future? Then I will go straight on to you, Caroline.

**Leo Boland (Chief Executive, GLA):** The critical factor, at the count, that delayed things last time was incorrect ballot paper accounts. The number of votes that are in the box is different from the account that goes with that box. Now, for the vast majority of postal votes, that should not happen. They are not being done late at night in a polling station after a long day. They are being done as we go along. What we are concentrating on in the training is getting the ballot paper accounts right. If you get the ballot paper accounts right for the postal votes and coming out of the polling stations, you will save many recounts at verification stage and, also, increased integrity of the count.

We are endeavouring to ensure that everybody who is filling in a ballot paper account is capable of doing it. I do not think, in the past, that Presiding Officers, in particular, they have been tested for whether they can manage people, they have not been tested, necessarily, to ensure that they have the basic arithmetical skill to do the count, which sounds trivial but, actually, can waste hours in the count. We have identified that as the bottleneck that we must get right.

**Caroline Pidgeon (AM):** Continuing to look at the issue of the count: some of the submissions we had talked about mentioned staff being absolutely exhausted, as well as, I am sure, candidates and others too, during the counts. With the high turn out, did you therefore

need more staff to be on in order to carry out the counts? Is that a fair comment; basically you had staff who were exhausted trying to count through the night? Were you using the same staff the next day? Was that an issue as well with further counts? Is that a fair comment of what, perhaps, went wrong? The count seemed to go on. My count in Lambeth; I think we got the result at 8.30am which seemed, to me, absolutely ridiculous from 10pm the night before. Any comments?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** I have to say I think that is a fair comment. In Newham, as part of our planning, we knew we were going to have a long night ahead of us. We used the ExCeL [Exhibition and conference centre in London Docklands] centre because we wanted to accommodate as many staff as we could. We decided to go with three separate ballot boxes because we hoped that would, in some way, speed up the process.

There are a couple of things: One is we used about 250 staff. We would have liked to have used about 400. The difficulty is we are sourcing that amount of staff because we have people out of polling stations and we have people doing a lot of tasks in the election. The other is to have a sufficient number of supervisors to run a camp properly with that amount of staff. We did not have a sufficient amount of supervisors so we took the decision that we would only staff it to the level that we could properly manage.

The verification was the problem, because we had three elections we had three ballot boxes. There is always a danger of the papers crossing into ballot boxes. Everything had to be verified before we began. By the time we finished the verification, frankly, some of the staff had lost interest. They wanted to go home; they were tired. It was not what they were used to. They were used to doing a quick Parliamentary which finished at 2am and they were gone. We had the prospect of staff who were expecting a three or four hour break and being asked to work through the Mayoral and then stay and work through the Local.

Essentially, my own count experience, apart from everything else that was going on that day, was arriving at the count about 8.30pm on the Thursday, and I left the count at 10am on the Friday. No break throughout that; I was not the only person. We had tried to have a shift system; we placed our Parliamentary Thursday night staff with a new batch but we did not have sufficient people to do that. Again, we did not have sufficient supervisors.

I agree; what you said is correct. Again, it will not be an issue for the GLA election in 2012. It was a very unique type of election; I do think that Parliament's insistence that we count on a Thursday night did not help. We were promised a situation where we would not have legislation - I think it is - within six months of an election. We had this Act rushed through that said we had to begin counting - not just verifying - within four hours of polls closing. We did not finish the postal votes until 4am. It would really have been much better if Returning Officers could have made sensible decisions about when counts are ready to proceed, rather than --

**Caroline Pidgeon (AM):** You are basically saying counts should start the next day with a fresh team coming in to start counting?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):**

It would enable us to use staff that were at polling stations, for instance. We were talking about postal voting earlier. The last GLA election I worked in Harrow. We finished our postal vote opening at 3am and we drove over to our count centre with the GLA boxes. Had we had to do the count that night it would have been a terrible strain upon us. The saving grace with the GLA is we can manage things better because we know we can count on the Friday. We can say to people, "Go home. Have a rest. We will see you at 9am."

**Andrew Boff (Chair):** Is everyone nodding to that?

**Nick Walkey (Chief Executive, London Borough of Barnet):** I can absolutely agree. We did manage to get enough staff to run a shift system, so our intention was always to count the Parliamentary through the night, as required by law, and to have a second shift that would begin at 11.30am, consisting primarily of people who had worked the previous day as polling clerks but also people who would find it difficult with childcare arrangements and those sorts of things.

The problem is that the key actors - the candidates, the agents and all of those people who are really, really important in making the process work - were there for the entire period. Our experience was, even when the fresh gang of staff turned up, the key people, including me, were already like zombies when we were about to begin the second count. Things got very fraught, as you can imagine, there was lots of contesting and edginess. Two lots of staff helped, but actually, did not take away from some of the tensions that everybody else experienced because everybody else was already absolutely exhausted, strained and confused. It did not move things on as quickly as we had hoped it would.

Our problem was verification. We had a number of ballot paper accounts - as Leo has identified - that were not accurate. Those people who had really worked very hard between 9am and 10pm to get those numbers through then took their eye off the ball at the last moment. Just a couple of ballot paper accounts out means that you have got - as Paul said - large numbers of people sat around - in our case in a pretty cold marquee - really looking at a small number of people scratching their heads and they are getting pretty bored by this time and are thinking, "Why am I doing this for £11 an hour when I could be at home in bed?" We had all the same problems even though we had twice as many staff.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** I do not think we had terrible problems with ballot paper accounts but we still were later than we were supposed to be at the verification because it was just impossible to do it by 2am with three elections, especially when you had had queues at the polling stations and not disenfranchised anyone that you were going to stop back late from the polling stations.

Then there is the very simple practical issue that the biggest venue we have takes 150 counters. We would love to have 300 counters or 400 counters but, actually, we do not have it. We have a place where we can get 150 counters. People were exhausted. People were up for 55 hours without any sleep. Whatever you do with the counters who are counting one, two, three, four, five, six - you cannot split your Returning Officer and your Electoral Services Manager. You

need those people with that expertise - unless you are going to have two or three available and that is not how councils are set up to organise counts.

**Caroline Pidgeon (AM):** Can I get a feel of who you used to do the counting? A lot of it sounded like it was done by your own staff but I know from when I lived outside London they often used people who work in banks, bank clerks coming in at night who are very used to counting things quickly and accurately. Who do people tend to use? Louise ?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** We approached Canary Wharf because that is in our borough. Canary Wharf laughed at me, they said, "We do not have people who count now. We don't have tellers at the front desks." I was made to feel really stupid. I said, "We are trying to do that so we get an accurate account and it works a lot quicker." We resolved the problem by having four count sessions where staff were made to count ballot papers. Probably 20/30 people could not count papers. It is unbelievable that they cannot do it; they were not included in the process.

Again, like Kath, our problem was venue: we did not have a big enough venue to have more staff; we had 150.

**Caroline Pidgeon (AM):** I was thinking high street banks rather than the investment banks at Canary Wharf.

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** They are really not interested.

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** We tried the banks as well. They do not have as many staff as they used to do, the staff they have do not count things to the same extent and, for what we are paying, they are not particularly interested.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** Would you work through the night for £11 an hour? They are not prepared to work through the night for £11 an hour and that they have to stay until the count is finished, so they do not know when they are going home.

**Caroline Pidgeon (AM):** I can understand that.

**Nick Walkey (Chief Executive, London Borough of Barnet):** There is also the matter of training. If it is your own staff you can get them in two or three times and really drum into them what is going on. It is quite a big ask with external staff.

**Caroline Pidgeon (AM):** I can see that.

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** The experiences that colleagues from London have articulated very much chime with things that we heard and saw across the rest of the country. Certainly, by no means, a unique London issue.

The problem of staffing though for Returning Officers is only going to get harder. Everybody from the boroughs is going to be finding themselves with fewer staff, both at the management level and at the count operator level. That pressure is only going to increase. It is a significant risk for future elections and we should be absolutely clear about that.

**Andrew Boff (Chair):** Can I ask John Biggs to come in here?

**Caroline Pidgeon (AM):** Yes. Then I want to carry on to something else.

**John Biggs (AM):** Mine was a slightly curved ball. I am happy to ask it. It is a question I asked earlier. What we want – by which I mean politicians and the public – is 21st century elections and we still have Victorian procedures. Everyone is nodding, for the record. So the holy grail would be some sort of technological intervention or interventions that people had confidence in the integrity of. It might just be smarter counters – whatever. I do not think that is the answer. We seem to have reached a blockage in whether we are going to achieve that. Is that a general view?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** One of the risks we should guard against is throwing away all the very excellent aspects of the existing process. It is an extremely transparent process, it is extremely easy to understand, with clear audit trails and everybody knows exactly what is going on for a well managed count. That is not necessarily the same in a poorly managed count. We have to be absolutely clear that we protect those aspects of the existing system.

There are increasing pressures; it is becoming harder to run those well managed counts because of lots of different factors that affect boroughs in different ways. The points that Kath and others were making about the lack of available venues within the boroughs is one. If you want to employ more staff, first of all, you have got to try to find them from somewhere and convince them that it is worth their while coming and then you have got to put them somewhere. If you do not put them anywhere in the borough you have got to persuade politicians who rightly would say, “Why can’t we count in the borough?” They might have to go somewhere else. These are all complex factors that are making it much, much harder to do. It is not impossible, but it is easy either.

**Nick Walkey (Chief Executive, London Borough of Barnet):** Can I contest that? We did have the experience. We had the space, fortunately in Barnet, to run three parallel counts with gargantuan space so that you can get nearly 300 counters, if you so need, into each of those areas – absolutely cavernous spaces. What you then find is, actually, that transparency becomes a question of, “Can the parties really supply enough people to support a genuinely open and transparent count and observe it through the night?” In most cases no, unfortunately – lots of interest where the count is close. Is that particularly transparent at that point where you are recounting or verifying margins? Probably not, actually, because what you get is a gargantuan scrum of absolutely everybody who is interested around one table on one very particular issue.

We need to ask questions about where the important points of transparency actually are. It is possible to imagine something that is rather more effective than a bunch of people sat round a trestle table with a tablecloth on it, turning over votes. Much of that is not being observed; it is just happening. I feel that some electronic system that then focuses where there are tight contests and does allow greater transparency ought to be eminently achievable.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** How about something that says, "Count sessions should not last more than 12 hours and then they should be adjourned for at least 6, or something, and then resumed?"

**Caroline Pidgeon (AM):** I wanted to pick up some particular things around Waltham Forest, if I may. Just for the record, there was an issue there where the supervisor for a ward added up the figures wrongly and they allocated 1,000 extra votes to one candidate who was then elected. Someone looked at the data afterwards and showed there was a discrepancy in terms of the number of votes cast. Through an election court we have ended up with that person not being elected and the correct person being elected, that is really a very unusual situation. Peter, can you clarify - it was in High Street Ward in Waltham Forest - why was there this error? Was it administrative? Was it a counting error? What is the intelligence you have picked up?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** It was a paperwork error actually; what happened was that we were sorting the votes into block party votes, where there were three votes for the candidates all for the same party, we used counting sheets for the split votes or ballot papers with less than three votes on them. What happened was that the number of party votes, block votes, for the Labour candidates were wrongly recorded. I think it may have been the careless writing of the numbers on the papers, rather than a counting error. Procedures did provide for the number of votes to be checked against the number of ballot papers we received. Unfortunately, again, that check was not done sufficiently well on this occasion in this ward. It resulted in all the three Labour candidates having 1,000 more votes recorded against them than they had actually received.

**Caroline Pidgeon (AM):** It sounds like an administrative error. Did staff tiredness, which we have been hearing generally about regarding the counts, play a part in that? Was it inexperienced staff?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** I am certain that it was tiredness. This was in the late afternoon, perhaps early evening, of the Friday towards the end of the election process. We had tried to get a different team of staff on to the Friday count but, as my colleagues have stated, the senior staff worked on both days. It was generally a very long day on Friday as well. I am certain it was tiredness and a couple of careless errors had this very unfortunate effect.

**Caroline Pidgeon (AM):** Costly in terms of the borough. Did you have some audit trail to track the number of ballot papers issued so they would tally with the number of votes cast? Is that basic practice?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** Yes.

**Caroline Pidgeon (AM):** Will you be making any improvements to that to ensure something like this does not happen again?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** We use forms which, if they are completed correctly, does provide for a check against the number of ballot papers. When we do our counting of the split ballot papers we divide them into those with one vote, those with two votes and those with three votes so that we can do that check, so we should be able to reconcile the total number of ballot papers. Not the votes but the number of ballot papers that we have counted with the number that we verified.

On this occasion the verification was done separately to when it would normally have been done; we verified on the Thursday night, put the ballot papers for the local election count into a ballot box, stored them overnight and brought them out. The team sorting and counting the votes were not involved in verifying. The supervisors did not have the feeling of how many ballot papers they were expecting.

Under our procedures, on that night, it was not the two supervisors supervising the counters who were expected to do that verification. It was the more senior staff - we call them the Count Superintendents - who were looking after a group of ward counters.

**Caroline Pidgeon (AM):** The other issue that strikes me is that, when you are at a count and you have got the ballot papers, they are very visible, they are piling up and you get a feel. If a figure came through that suggested something you would be able to say, "Hang on a minute. You are saying that person has won but look, there appears to be more votes there." My understanding from Waltham Forest is that ballot papers were put in crates, rather than being visibly on show, so none of the people observing could see, physically, who had got more votes. Is that the case and will you be changing that for future elections?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** They were put in crates - but they were like in the bread delivery vans that you see - on tables in the centre of the counting area. They were totally visible to the observers.

**Caroline Pidgeon (AM):** It is not like seeing a pile of votes is it? It is a box or whatever it is.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** They were piles of votes stacked up in crates. They were visible. It is surprising that no one did query that there were an extra 1,000 votes for candidates, because it was a very close election in that ward.

The ballot papers were visible to the observers.

**Caroline Pidgeon (AM):** I wonder whether you might want to review that. I have had questions raised with me that they were not, necessarily.

In terms of counting, when people want to query a figure - I know sometimes you do bundle counts - what is your general policy on recounting? Were you absolutely refusing, which is what I had understood happened?

**Andrew Boff (Chair):** Caroline, this is in danger of just being about Waltham Forest.

**Caroline Pidgeon (AM):** I wanted to ask these questions because we had an election count on a ward, but then I want to widen it out about how recounts and stuff work.

**Andrew Boff (Chair):** I would appreciate it if you could widen it out.

**Caroline Pidgeon (AM):** I want to ask Peter on that and I want to widen it out to other boroughs.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** If we are asked to recount the ballot papers, or they are queried, then we will do, as I think most boroughs do, offer a bundle check. Check the number of bundles, if it is very close we will do a full recount. I do not believe that we were asked to on this occasion. I do not think when the Returning Officer gave the provisional results to the agents, that there was any request.

**Caroline Pidgeon (AM):** OK. I am wondering about other boroughs in terms of the votes stacking up so you can clearly see?

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** To take the pressure off Peter really, what we do is we have our trays in the middle, exactly the same, but we put 500 cards every 500, so it will say 500, 1,000, so they are clearly visible. Then that is a really good check to see, "Something has gone wrong here because that only looks about 12,900. Why have we got 12,900?" That is our visible check; having these little count cards. That was at the request of councillors to do that.

**Caroline Pidgeon (AM):** Do other boroughs do that kind of thing? Putting count cards or something, so it is quite clear how many votes there are?

**Nick Walkey (Chief Executive, London Borough of Barnet):** Yes. We do do that. I am not entirely convinced that that is any more safe than a bread bin because it completely depends on every 500 cards remaining completely untouched, and nobody bumping into the table knocking bundles over and the cards falling down; it is not a foolproof system at all. I did consider whether we should have trays where it was much clearer how many bundles of votes you could get into a tray because that seemed, to me, to be a far more sensible solution than just leaving them loose, lying with bits of paper stuck in.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** We have used that system and would normally do so, but on this occasion there were 13 candidates in the ward and that is why we used bigger trays. It was not easy to stack the ballot papers.

**Caroline Pidgeon (AM):** It was quite complex in that ward but you would normally use markers so it is quite clear, when people are looking, how many votes each party has got, so if there is something like this - 1,000 votes wrongly allocated - you should normally observe that?

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** We have used them but they were not used on this occasion.

**Caroline Pidgeon (AM):** OK.

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** I do not know whether this was the case in Waltham Forest although I suspect it was that, one of the changes that we have noticed in Barnet over the last two sets of local elections is the increase in the proportion of split votes. That was really very noticeable in 2006. Whilst I understand the point you are making about greater visibility for block voting, that is not the entire answer because there is a much higher proportion of split votes.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** That was the point I was going to make; you cannot see the split ones.

**Caroline Pidgeon (AM):** No. That is true. I know you cannot.

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** I am not commenting on Waltham Forest; I know nothing about it. Tiredness was certainly a factor. Any reasonable person would agree that somebody who has been working flat out for 24 hours, their judgement is not good.

Depending on the type of election - it does not apply with the local election - there is an increasing move for General Elections and Mayoral to have mini counts. In these instances you would divide your election into mini counts. The reason being that, if there is a discrepancy within a smaller area, you can isolate it and recount, without having to recount the whole election again. There are lots of good points for mini counts and it is increasingly becoming popular. I think I am right in saying it does take away from your ability to run a racetrack thing where you can lay out all your votes. Because you are keeping all your votes in smaller units, including the ones that the Returning Officers deal with, it is harder to see that whole constituency laid out for each candidate. In some ways, in trying to increase transparency and accuracy and getting things right, we are taking away as well. It is a little bit of a balance.

**Caroline Pidgeon (AM):** That is helpful. Thank you.

**Jennette Arnold (AM):** Can we come in on the lessons for the GLA?

**Andrew Boff (Chair):** Yes, please.

**Jennette Arnold (AM):** Good. The submissions to the Working Group highlight a number of lessons for the GLA including ensuring a comprehensive training strategy for all count staff, which we have heard today and a communications strategy that deals with the complexity of the

ballot paper and the need for adequate staffing levels per polling station. In addition to that, we touched on the polling stations themselves. Going around, starting with Paul, are there any other learning points that you would like to pass on to London Elects?

**Paul Libreri (Head of Electoral Services and Registration, London Borough of Newham):** There are a couple of things. The GLA has been a lead in lots of ways in terms of improving our training. I would plead that we would keep the 30 day timetable. We had an extra five days last time and it was very useful. I am assuming we are going to count on a Friday; that is something I would like to retain. I know it is a big additional expense but if it could be funded, so that we have the capacity, where necessary, to have three poll clerks in a polling station, that would help us in certain local areas. We may not be able to fix all these problem districts in the time we have available - I would plead for pictorial guidance for electors. I know the GLA has done that in the past.

Mr Boland was correct; the best thing we can do for the GLA count is to improve our ballot paper counts. As administrators, some people got it spot on. I have to say I was not one of them. If we can give back ballot paper counts to the electronic count things would be much smoother. In order to do that you have to have a team available to check everything when it comes back from stations and there is a cost to that, which has not always been recognised. Money spent there would save later on.

**Jennette Arnold (AM):** Thank you very much, Paul.

**Peter Bailey (Head of Democratic Services, London Borough of Waltham Forest):** The thing I would wish to add to that is the provision for staff at the count itself; it is a very long day. They are required to be there very early in the morning and some of them would have worked the day before. It did go on a long time last time.

**Jennette Arnold (AM):** I would add candidates as well to that!

**Louise Stamp (Electoral Services Manager, London Borough of Tower Hamlets):** My one thing would be, because we have just had a Mayoral election, to make sure people are aware of how to vote. Lots and lots of advertising would help. I think there were 1,700 rejections because people put two votes in the first column. That is going to be a major issue and will always be for two votes on a ballot paper.

**Jennette Arnold (AM):** Yes, definitely.

**Jeff Lustig (Director of Corporate Governance, London Borough of Barnet):** I would support everything that has been said. I would also add, particularly in terms of the electronic count, that there is very full training of the staff who are responsible for operating the electronic counting machines.

**Nick Walkey (Chief Executive, London Borough of Barnet):** I have nothing to add to that.

**Kath Nicholson (Head of Law, London Borough of Lewisham):** Mine would be about voter education so people know what they are voting for and how they vote. It takes away the pressure from the polling station. I agree with Louise about the spoils. It is everywhere where you have got some supplementary vote; it happens all the time. It happens at Mayorals, locally, it happened in Scotland, it happens everywhere. Also, can you please keep the Blackwall Tunnel open so we can get to ExCeL!

**Jennette Arnold (AM):** Yes, the number of spoils was disappointing, wasn't it, in 2008. Adrian?

**Adrian Green (London and South West), Electoral Commission):** All valid points have been made so far. Reflecting on problems across the country I would like to mention it is important to ensure that there is a corporate responsibility and support for election staff as well, so that councils are aware that they must support this process and make proper resources available for the electoral administrators.

**Jennette Arnold (AM):** Tom, given that I do not think you are going to get any legislation and so it will be a 10pm guillotine, do you think any messages need to go out or any statements made like, "10pm. Sorry. Go home?"

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** I do think, regardless of whether the law changes or not, it would be well worth trying to encourage people to go to the polling station as early as they can, but that is not going to solve the problem. I would not like to think that we were going to be giving up on trying to persuade the Government to change the law. Certainly, in respect of the 2012 elections here in London, there is perhaps more time to make sure that that gets addressed.

The point that I was going to make was that certainly John [Bennett] as Deputy Greater London Returning Officer (GLRO), has had a good working relationship with the UK Government, the MoJ as it was then, Cabinet Office now in terms of ensuring that the rules for the Mayoral elections and Assembly elections incorporate the policy issues that they want to see addressed. There is an issue for all of us from the Commission and the boroughs but also for the Assembly in giving support to the GLRO in his engagement with the Government in ensuring that the legal framework is properly reflecting the policy issues and some of the points that we have talked about today.

**Jennette Arnold (AM):** Going back to the basics: the card that you get. Could there not be a highlighted notice on that that says, "Open from 7am until 10pm." We know, because we are outside the ballot stations, there are particular times; mums after school, earlies. There is loads of expertise but just a little bit of practical help like a line saying, "The station will close at. The last vote will take place at 10pm." Is there not a need for something like that on that card in terms of communication, from your experience?

**Tom Hawthorn (Head of Electoral Policy, Electoral Commission):** It is certainly possible for that to happen for next year's elections and the referendum and would, I am sure, be possible for the 2012 elections.

**Jennette Arnold (AM):** That is basic information giving. If you look at that card it is just a little bit loose. You go along and think, "10pm. If I am outside they'll let me in". If you know your people.

Leo, you have heard what the experts have to say and they are fabulous. You also have sight of the Assembly's review of the GLA elections; that was chaired by Brian Coleman; I sat on it. I think, John, you were on it. It was interesting; training for count staff came up and the dreaded ballot paper design. All that you have heard, have you got them in boxes that are pencilled in, and are you ready to go into hard print on all of these actions?

**Leo Boland (Chief Executive, GLA):** We clearly studied very carefully the Assembly's review of the last election. We have already made quite a lot of changes in how the count is run. For example, as a Constituency Returning Officer I was particularly worried about the welfare of staff last time so we will make sure that they are properly fed and watered in a way that I do not think they were last time. We have made the change that the Constituency Returning Officer will be employing the count staff, not the contractor, so they will be able to identify people that they can trust and that they can, importantly, train until they are very good at their job. Last time there were a number of people who had to be walked off the job because they were not up to it; we should avoid all of that.

We will be looking very carefully at the staffing within the budget that we have got and we will be taking both your report and the submissions to this Committee to the Steering Group which oversees the running of the election, which has the Electoral Commission on it and, indeed, the Cabinet Office, so that we are very well networked.

We will learn as many lessons as we can from this; I think we already have. I will be able to work with the Committee in order to, in detail, respond to the points made from our colleagues in the boroughs.

**Jennette Arnold (AM):** Yes. In terms of information giving at the polling stations: There were some issues about that and that could be improved. Have you picked up any actions around that?

**Leo Boland (Chief Executive, GLA):** We have looked at that and we will be coming forward with proposals to improve the visual information.

**Jennette Arnold (AM):** OK. What can you say about the ballot paper design? Is that your remit? Where is that at the moment?

**Leo Boland (Chief Executive, GLA):** We are in close negotiations with the contractors to make sure that what we design is capable of being counted by their machines. It is quite a technical, detailed process. It is very high on the agenda because, if you get that wrong, then all sorts of evils follow.

**Jennette Arnold (AM):** From your experience now, you know the testing period that you need and then you will be extending that?

**Leo Boland (Chief Executive, GLA):** We have significantly increased the time. We have got the contractor on board much, much earlier than we did last time. We have significantly increased the testing time that it has and we have brought forward the lockdown period so that we have a target for all of the systems to be tried, tested and running well ahead of what we did last time. We are building time in at each stage to give us more chance to get it absolutely right.

**Jennette Arnold (AM):** OK. One last question: this time round there will be a greater number of people eligible to vote from the new Eastern European countries. Whose job is it to inform these communities about the process? Does it go back to borough, so it is for boroughs to pick up their own changing profile and produce the appropriate information?

**Leo Boland (Chief Executive, GLA):** That is what I was saying. In the census run up we are looking at different and new ways of getting to smaller communities. We will look at what works there and try to replicate that in the run up to 2012, centrally. Clearly, the boroughs are the people that know their own people and will be better able to get to them.

**Jennette Arnold (AM):** Can I finish by adding a plea? That is a really important area because those are new communities with a whole different set of sensitivities about their relationship with polling and the openness of our system.

**Andrew Boff (Chair):** Thank you very much for attending, even though it has been a long session. I certainly do hope that we are going to learn some lessons.