

**NORTH LINCOLNSHIRE COUNCIL**

**CABINET**

**PLACES SCRUTINY PANEL REPORT - THE DECLARATION AND  
ADMINISTRATION OF THE COUNT FOLLOWING THE DISTRICT ELECTION  
AND NATIONAL REFERENDUM HELD ON THURSDAY 5 MAY 2011**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider the report of the Places Scrutiny Panel entitled "The Declaration and Administration of the Count following the District Election and National Referendum held on Thursday 5 May 2011."

**2. BACKGROUND INFORMATION**

- 2.1 Under the revised overview and scrutiny procedure rules agreed at the annual meeting of the council on 25 May 2011, scrutiny reports must now be considered by cabinet. The Places Scrutiny Panel have recently completed a review into the declaration and administration of the count following the district election and national referendum held on Thursday 5 May, 2011.
- 2.2 The panel carried out the review with a brief to focus on a number of key issues. These were:-
- To understand the reason for the perceived length of time taken from the close of polls to declaration of results in the district election and national referendum held on 5 May 2011.
  - To ascertain the views of Counting Assistants, Counting Supervisors, Deputy Returning Officers and the Returning Officer.
  - To ascertain the views of the Chief Counting Officer and to understand the interpretation of the instructions to Counting Officers/Returning Officers and how they were applied locally for the election on 5 May 2011.
- 2.3 Following the review the panel have made 19 detailed recommendations. A copy of the panel's report including the recommendations is attached as an appendix to this report.

### **3. OPTIONS FOR CONSIDERATION**

3.1 There are no options associated with this report.

### **4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

4.1 There may be some resource implications associated with the recommendations when they are eventually implemented.

### **5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 There may be other implications associated with the implementation of the recommendations which will be highlighted in any action plan.

### **6. OUTCOME OF CONSULTATIONS**

6.1 The panel consulted widely with other members and officers and with many of the staff involved in the election process.

### **7. RECOMMENDATIONS**

7.1 That the report be received.

7.2 That the Chief Executive/Returning Officer consider the contents of the report and prepare an action plan in response to the recommendations for submission to a future meeting of cabinet.

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27 October 2011

**Background papers used in the preparation of this report** - Report of the Places Scrutiny Panel



# Scrutiny Report

## Places Scrutiny Panel

The declaration & administration of the count following the District Election & National Referendum held on Thursday 5 May 2011

October 2011



The Declaration and Administration of the Count following the District Election and National Referendum held on Thursday 5 May 2011

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# FOREWORD FROM THE CHAIRMAN



**Councillor  
Trevor Foster**  
Chairman of the  
Places Scrutiny  
Panel

To this end, it is essential that regular training updates and count best practices are pursued.

There is no single point of failure, but clearly there are flaws in the current system and methodology which need to be addressed before the next election.

I would like to thank the panel members for their diligent input, and the interviewees for the frank and open discussions in which they participated during the review.

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This review was undertaken due to widespread discontent from elected members about the lack of security and the time taken to declare the district election result at the May 2011 elections and referendum count. The concerns were cross party and consistent. In my 6 years experience of scrutiny, this review has provoked the most uniform interest and support.

It is imperative at the outset to emphasise that there was never any doubt cast on the integrity of the officers involved, or the result of the counts.

This review is constructive and proactive. It is not a finger pointing exercise but is an honest appraisal of the events of that night and the following day. The 19 recommendations are designed to avoid a repeat of the failings encountered, and manage the expectations of candidates, public and media.

The panel recognises the constantly changing procedures and complexities of conducting a count and the necessity to react accordingly.

# BACKGROUND TO THE REVIEW

On Wednesday 16 February 2011, the Parliamentary Voting System and Constituencies Act received Royal Assent and became law. The Act provided for a referendum on the voting system for UK Parliamentary Elections to be held on 5 May 2011. The poll for the referendum would be combined with the polls for a number of scheduled elections including local government elections in England.

In North Lincolnshire there was a combined election including the national referendum, elections to the 17 Wards (43 seats) for North Lincolnshire Council and any Parish/Town Councils where elections were required.

This was the first time North Lincolnshire Council had experienced a combined election.

The Chief Executive informed members of the council in his report of 30 March 2011 that “the whole process will be lengthy and time consuming”.

However, at the first meeting of the Places Scrutiny Panel on 13 June 2011, members expressed their concern over the length of time it took the council to declare the result of its district election, with the final ward result not being declared until approximately 2.30 pm on 6 May 2011, a full sixteen and a half hours after the close of polls.

Members therefore agreed to undertake a review into ‘the Declaration and Administration of the Count following the District Election and National Referendum held on Thursday 5 May 2011’.

## SCOPE OF THE REVIEW

The scrutiny panel agreed to focus on a number of key issues. These were -

- (i) To understand the reason for the perceived length of time taken from close of polls to declaration of results at the district election and national referendum held on May 5 2011.
- (ii) To ascertain the views of Counting Assistants, Counting Supervisors, Deputy Returning Officers and Returning Officer.
- (iii) To ascertain the views of the Chief Counting Officer and to understand their interpretation of the instructions to Counting Officers/Returning Officers and how they were applied locally for the election on 5 May 2011.

# RECOMMENDATIONS

The final recommendations of the scrutiny panel are summarised below: -

## **Polling Station Staff**

### **Recommendation 1**

That despite all Presiding Officers receiving mandatory pre-election training, many Presiding Officers still did not complete their election paperwork as per the Returning Officers instructions. Therefore, members wish to see the training for all election staff reviewed to ensure that a) it is fit for purpose, and b) that Presiding Officers are left in no doubt what is expected of them, both during the day and when handing over their election material at the Count Venue at the close of poll.

## **Count Assistants**

### **Recommendation 2**

That all Counting Assistants receive comprehensive training on their role and responsibilities prior to their arrival at the Count Venue.

### **Recommendation 3**

That the Returning Officer only appoint Counting Assistants to work at the count if they have not been previously employed as a Presiding Officer or Poll Clerk on the day of the election, unless absolutely necessary.

## **Count Venue**

### **Recommendation 4**

That if no single, adequately sized and/or resourced venue is available, the Returning Officer give due consideration to using two Count Venues at the close of polls. The

venues to be located in areas that bi-sect the borough to ensure ease of access for all candidates, agents, Presiding Officers and Count Staff.

### **Recommendation 5**

That when considering the suitability of a Count Venue, the availability of an adjacent room be explored. This room to be used for declaring results and winning candidates victory speeches so that they don't cause disruption to the Counting Assistants who are continuing with the count

### **Recommendation 6**

That as per the Chief Counting Officers' instructions, designated door supervisors be appointed to manage the entrance and egress at the Count Venue.

### **Recommendation 7**

That for all forthcoming elections, Humberside Police be asked, well in advance of the election, to assign a Police Officer to the Count Venue for the entire process. However, if this request is not possible, the Returning Officer explore alternative security arrangements.

### **Recommendation 8**

That the Returning Officer ensures that for any forthcoming elections, Presiding Officers do not queue outside the Count Venue with their ballot boxes and election materials, instead queuing in a secure environment.



## Communication

### Recommendation 9

Whilst the panel applauds the Returning Officer for being so hands-on at the count, they would like to see the role take a more strategic approach to the event. Members would instead like the Returning Officer to focus solely on being that conduit between the count staff and all candidates and agents.

### Recommendation 10

The members would like assurances that in future the public announcement system will be tested thoroughly at the Count Venue and, in case of system malfunction, contingency plans are in place to remedy the situation.

### Recommendation 11

That should the Returning Officer choose to use two Count Venues, consideration be given to the use of innovative and informative communication mediums at the premises, for example, video conferencing or web casting. This would go some way to addressing the many negative comments and observations made in the scrutiny panel's questionnaire about the complete lack of communication and available information at the count on 5 May 2011.

## The Count

### Recommendation 12

That for all forthcoming elections, the Returning Officer considers commencing the count as soon as all the ballot boxes for a particular ward have been safely received. This would avoid count staff sitting around waiting to commence their role whilst all

ballot boxes have been received.

### Recommendation 13

That the Returning Officer give consideration to reducing the size of each count team from ten persons to a maximum of six counters per team. This will allow a greater number of teams to be utilised at the count. Consideration should also be given to appointing standby count teams who would be available to assist with the count should the need arise.

### Recommendation 14

That the Returning Officer explore the feasibility of using professional counting personnel at future elections, for example, canvass if staff employed locally at banks and building societies would be available.

### Recommendation 15

That the Returning Officer seek to manage the expectation of all candidates, agents and count staff by ensuring that there is a designated information point inside the Count Venue, where information posters and boards are displayed, showing the key members of staff and an overview of the procedures to be followed, including a likely timetable of events.

### Recommendation 16

That in future, all persons entitled to attend the count be issued with a letter of authorisation.

### Recommendation 17

That the Returning Officer give detailed

consideration to the capacity, resources and skills required within Democratic and Legal Services to ensure that future elections are conducted effectively and efficiently.

#### **Recommendation 18**

That officers from Democratic and Legal Services be encouraged to accept the offer from the Electoral Commission to participate in 'work shadowing' of other local authorities election processes and procedures to enable them to learn best practice.

#### **Recommendation 19**

It is apparent that there is no backfill arrangements in place for the Electoral Services and Elections Officer. The panel feels that immediate consideration be given to similar graded officers in Democratic Services receiving training which would enable them to assist the postholder if necessary.

## **FINDINGS**

### **1. Referendum and District Election Management Hierarchy**

The Political Parties, Elections and Referendums Act (PPERA) 2000 provided the legislative framework for the administration of referendums. The Act made provisions for the appointment of a Chief Counting Officer. This was designated to the Chair of the Electoral Commission, Jenny Watson. This post was required to certify the total number of ballot papers counted (verification) and the total number of votes cast in favour of each answer to a question asked in the referendum.

In addition, a post of Regional Counting Officer was created to support the management and coordination of the conduct of the referendum. For the Yorkshire and the Humber region, this was Joanne Rooney from Wakefield Council.

The Chief Counting Officer was given a power of direction in relation to the Regional Counting Officer. Similarly the Regional Counting Officers were also given a power of direction in relation to Counting Officers. Simon Driver, the council's Chief Executive was the Counting Officer for North Lincolnshire.

However, for the North Lincolnshire district election, Mr Driver assumed the role of Returning Officer. It was at the discretion of the Counting Officer/Returning Officer to appoint the necessary staff to ensure that the verification and count was conducted as per the PERA.

Figure 1, right, shows the structure implemented to oversee the 5 May count.

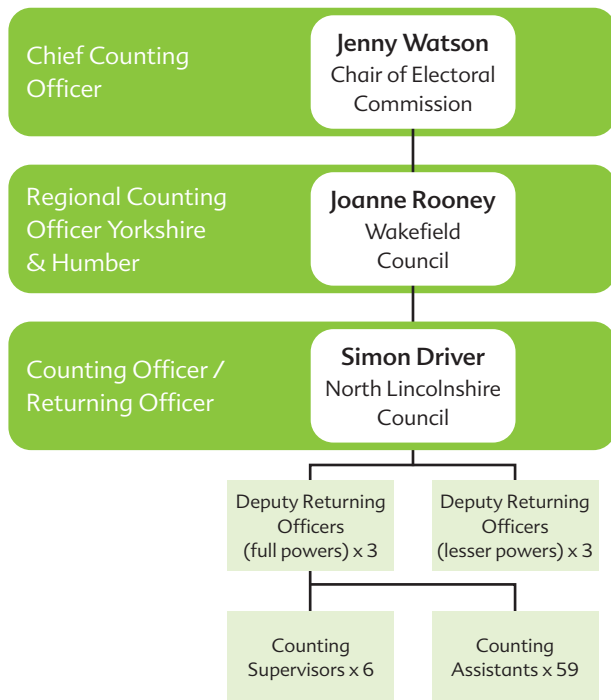


Fig 1: Structure implemented to oversee the 5 May count

## 2. Delivering the Principles for an Effective Verification and Count

Through the project plan and risk register, as well as what members observed on the election day/night, as well as through holding the stakeholder interviews, members believed that:

- The verification produced an accurate result
- The count produced an accurate result
- The secrecy of the vote was maintained at all times

However, the principles that members did not feel able to confirm was that:

- All processes were transparent, with a clear and unambiguous audit trail
- The security of ballot papers and other stationery was maintained at all times
- The verification and count were timely.

Therefore, members sought to understand why the verification and count process took longer than anyone anticipated.

## 3. Preparing for the Verification and Count Resources

Members heard that the volume of work leading up to the election day due to late registration and increased postal vote applications meant that resources were extremely stretched both prior to and on the night of the election.

In addition, the Electoral Registration and Elections Officer indicated that she had at her disposal an inexperienced team and, for two weeks, was understaffed as a result of a staff member suffering a family bereavement. Officers from Democratic and Legal Services assisted the Electoral Registration and Elections Officer throughout the process.

### Electorate

In North Lincolnshire, there were 127,356 residents, of which 123,653 were entitled to vote on the National Referendum on the Alternative Vote System and 126,495 were entitled to vote at the election of 43 members to North Lincolnshire Council.

#### 4. Staffing and Training

##### a) Polling Stations

The council appointed a total of 329 polling station staff to service the 122 stations spread across the electoral area. There was one Presiding Officer per station with a combination of one, two or three Poll Clerks appointed to assist at the station. The Electoral Commission specified the following ratios:

- A polling station must not have more than 2,500 electors allocated to it.
- In addition to a Presiding Officer, there must be one Poll Clerk for polling stations with up to 750 electors.
- One additional Poll Clerk must be appointed for polling stations with up to 1,500 electors.
- One further Poll Clerk must be appointed for polling stations with up to the maximum of 2,500 electors.

This directive from the Electoral Commission meant that the council had to appoint an additional 65 Poll Clerks and two Presiding Officers than for the General Election in 2010.

##### b) Polling Station Staff

Members learnt that all polling station staff were required to attend a detailed training session on their roles and responsibilities with regard to administering the election process. The training for all polling station staff was mandatory and was facilitated by the council's Learning and Development Team within Human Resources, the Head of Democratic Services and the Electoral Registration and Elections Officer. Failure to

attend the training meant that the appointed polling station staff member would not be allowed to undertake their duties during the polling day.

##### c) Verification and Count Staff

Paragraph 3.11 of Module 4 (Verification and Count) of the Chief Counting Officer's instructions stated that all count staff must be briefed prior to the commencement of the relevant proceedings and all staff should be issued with guidance notes in advance.

In addition, consideration should also be given to training supervisory staff a day or two in advance of the verification and count so that they are fully aware of their duties and what will be expected of them.

The briefing of all count staff was the responsibility of the Count Supervisors employed by the council. However, the findings from the scrutiny panel's survey showed that of the 80 Counting Assistants who responded, 26 (38%) had received a briefing, yet 58% of survey respondents stated that they had received no briefing whatsoever. In addition, all Counting Supervisors who responded acknowledged that they had received a briefing on their role. However, all Counting Assistants were issued with guidance notes on their role with their appointment letter.

The statistics from the Counting Assistants in particular would seem to confirm the concern members of the panel had that many of them were not familiar with or aware of their role and responsibility with regard to the

verification and count.

In addition, the Electoral Commission's Chief Counting Officer suggests that 'prior to the start of the verification and count, the Counting Officer should undertake a walk-through of the procedures everyone is expected to follow (paragraph 3.14 refers). Unfortunately this did not happen.

## 5. Verification and Count Venue

### a) Ancholme Leisure Centre

The verification and Count Venue was the Ancholme Leisure Centre in Brigg. It was the same venue that had been used for the General Election held twelve months previously.

The Returning Officer and the Head of Democratic Services explored alternative venues in the run up to the election, for example, Melior Community College (both North and South Site), but none of the venues visited were able to offer all the facilities that the Ancholme Leisure Centre could provide. Namely, an adequately sized room, car parking, café facilities etc. However, members did express their concern that the Count Venue was not in a central location in the borough. This added to the length of time it took Presiding Officers from the west of the borough to transport the ballot boxes to the Count Venue.

The venue met all the criterion stipulated by the Chief Counting Officer, namely:

- A designated receiving area for ballot boxes and election material

- A verification, reconciliation and results table
- A Counting Officer's/Returning Officer's table
- Count tables
- A table whereby postal votes were to be opened
- Tables for counted ballot papers
- An area for candidates, agents, observers and guests
- An area for refreshments, and
- A media area

Comments made in the panel's questionnaire were to be expected. The general consensus from both count staff and candidates and agents was that the venue was adequate and used the space as best as it could. However, many comments were received with regard to the need for a larger counting venue.

### b) Benchmarking

Members were acutely aware that other authorities were able to declare their election results hours before North Lincolnshire was able to.

The first authority in the country to declare its results was Sunderland. Consequently, contact was made with Sunderland to ascertain how they were able to do so. Sunderland has implemented measures which include using lighter ballot papers, instructing voters to only fold their ballot paper from 'north to south' and having spare counters on standby should the turnout be greater than expected. Perhaps the key decision



Sunderland made was that it employs a team of ten counters per ward, employing a total of 220 staff who serviced the verification and count.

Contact was also made with North East Lincolnshire Council. They employed 98 counters on the night of the election, compared to 59 in North Lincolnshire.

What Sunderland and North East Lincolnshire have in common is that they both have access to a venue which can cater for that number of counting staff. Unfortunately, North Lincolnshire did not at the time have access to a sufficiently sized building in which to sufficiently cater for an increased number of count staff. Therefore, only 60 counting assistants were appointed on the evening of 5 May.

## **6. Equipment and set up**

The Chief Counting Officer gave a clear direction that all equipment should be tested in advance of the verification and count and that contingency plans put in place in case of an equipment or power malfunction.

However, as part of the panel's questionnaire, there were many comments made by both count staff and candidates and agents that the quality of the public announcement system was not fit for purpose.

Members acknowledge that the acoustics in a sports hall are not conducive to a public announcement system. However, the public announcement system used on the night of

the election was not fit for purpose.

## **7. Managing Attendance at the Verification and Count**

The Chief Counting Officer's instructions outline who is or isn't entitled by law to attend the verification and count for both the referendum and local government election count.

### **a) Controlling Admission**

The Chief Counting Officer instructed all Returning Officers to issue tickets or entrance passes to everyone who was entitled to attend the count. Consideration should also be given to issuing different-coloured tickets or passes to identify the different categories of attendees. This did not happen.

In addition, a list of those persons entitled to attend the verification and count must be placed at the entrance to the Count Venue, with security staff/door attendants checking the passes of anyone seeking to attend. This did not happen.

The names of everyone attending the verification and count must be recorded for health and safety reasons also. This did not happen.

However, the Returning Officer indicated that entrance tickets were not issued to everyone who was entitled to attend the count and verification. Furthermore, most attendees were not asked to sign in upon arrival at the Count Venue. This was confirmed by the findings of the panel's questionnaire whereby

of the 46 respondents, 30 stated that they were not asked to sign in or provide identification upon arrival at the Count Venue. However, the Returning Officer, had instructed a member of the count staff to check that all candidates, agents, family members etc were entitled to be at the verification and count. Although members of the panel did dispute that this actually happened.

The panel was extremely concerned that prior written authorisation letters were not issued as per the Chief Counting Officer's instructions nor was admission to the Count Venue controlled. Not one member of the panel was asked to sign in at the Count Venue or confirm their identity.

#### **b) Security Personnel**

The Chief Counting Officer's directions for the verification and count frequently refers to security staff/door personnel. However, it does not provide a definition of what constitutes security staff/door personnel.

The Returning Officer had appointed members of staff to oversee the entrance and egress to the Count Venue. However, due to the number of people arriving at the Count Venue for the start of the proceedings, the door personnel were over whelmed and there was no checking in or out of persons in the venue. Clearly this gave members cause for concern.

In addition, the Returning Officer informed members that contact and agreement had been made with Humberside Police with

regard to a visit from police officers during the verification and count. This had been done through the Police Single Point of Contact (SPOC).

However, no police officers attended the verification or count on either the Thursday evening or Friday. Further exploration of this issue saw the SPOC confirm that a visit would only have been made dependent on 'other demands made on the night'. The SPOC further admitted that 'there was no plan in place for a police presence throughout the process'.

The issue of security, or the lack of it at the Count Venue was of great concern to the members of the panel.

#### **8. Communicating During the Verification and Count**

One of the overarching comments made by both count staff and candidates and agents centred around the lack of communication from the Returning Officer and his staff, especially on the evening of the count.

The findings from the panel's own questionnaire demonstrated that even prior to the verification and count, candidates and agents were not informed as to what processes and procedures would be followed on the evening of 5 May. Of the 46 replies to the panel's questionnaire, 65% of respondents stated that they received no instructions from the Returning Officer as to how the count would proceed, with only eight respondents stating that they had received

information. Of the 46 who replied, 31 stated that the receipt of these instructions prior to the count would be very useful.

The Green Party indicated that they were not even informed as to the Count Venue.

Members would have liked to see a designated information point inside the Count Venue, where information posters and boards could have been displayed, showing the key members of staff and an overview of the procedures to be followed.

The Counting Officer did use the public address system to communicate messages, but this appeared to be on an ad hoc basis. As mentioned previously, the acoustics arising from the public address system were poor.

The Chief Counting Officer also states that a hand-out listing all ballot box numbers and the names of the polling station they relate to should be provided to all attendees at the verification and count. This was not done.

Consideration should also have been given to distributing an information pack to everyone attending the count. The Chief Counting Officer had a checklist of what these information packs should include. This was not done. A detailed briefing note was prepared and was handed out to some candidates and agents. However, the scrutiny panel's survey showed that of the 46 respondents, only nine confirmed they received the instructions, whilst 72 % of respondents said that they did not receive the

instructions, with four respondents not being sure.

Members received correspondence from the Green Party which listed their thoughts and opinions on how the verification and count went from their point of view. As a minority party, they stated that they would have liked to have had a designated point of contact who could respond to their queries or act as a liaison between candidates, agents, observers and key staff.

The Green Party also stated that whilst they applauded the Counting Officer for 'mucking in' with the count staff in receiving and storing the ballot boxes, they did not feel this was an appropriate use of such a valuable resource.

The Chief Counting Officers guidance would seem to reinforce this view when it states that 'if candidates, agents or observers are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be available for them to make direct representation to the Counting Officer at the earliest opportunity so that any concerns may be considered, explanations and reassurances given, and any corrective action taken if necessary'. The members did not believe this happened.

Candidates and agents were also disappointed that before the verification and count began, the Counting Officer did not address all candidates, agents and others in attendance to explain the different processes



that were going to be followed. Members believe that providing information on the process would help to lower the number of queries raised by candidates and agents, thus reducing the pressure on staff.

### **9. Receipt of Polling Station Materials and Sealed Boxes of Postal Ballot Papers**

#### **i) Presiding Officers**

Polling Stations closed at 10.00 p.m. on 5 May and Presiding Officers were instructed to make their way to the Count Venue with their ballot boxes, ballot paper accounts, postal votes and other election material. Members learnt that it was anticipated that all ballot boxes should have been returned to the counting centre by around 11.00 p.m.

Many Presiding Officers commented that they were left outside the counting centre for upwards of an hour waiting to hand over their ballot box and election material, with no security in place for Presiding Officers or the ballot boxes and election materials.

This was principally down to two reasons. Firstly, there was only one entrance at the counting venue assigned to the receipt of ballot boxes etc.

Secondly, despite all Presiding Officers and Poll Clerks receiving training on their roles and responsibilities, many Presiding Officers still did not do as they were instructed to separate the ballot paper account and all unused ballot papers from the clear sacks containing all the other election materials.

This considerably added to the length of time taken to receive all the ballot boxes at the Count Venue.

### **10. Verification**

Verification has two main purposes – to ensure and demonstrate that all ballot papers issued at polling stations and all returned postal ballot papers have been brought to the count, and to provide the figure with which the count outcome must reconcile.

The totals given on the ballot paper account were compared against the number of ballot papers counted and recorded as being present inside the ballot box. The total number of ballot papers in the ballot box should agree with the total on the ballot paper account and reconcile with the total number of unused ballot papers.

This process was carried out for each Ward. The order of counting wards was determined by the Returning Officer drawing lots.

Members were disappointed that no announcements were made over the public address system about which Wards were being verified and where. However, large signs were displayed next to the relevant counting tables to indicate which Wards were being verified.

Throughout the review, and after reading the comments made by both candidates and agents, it became clear that there was confusion about the verification process. Even through members' discussions, it

became clear that there was still some confusion about this process.

### **Postal Votes**

A number of postal vote opening sessions had already taken place during the days leading up to the election day at Pittwood House, Scunthorpe. However, one of the counting teams at the Count Venue was assigned to deal with the postal votes received on election day up to the close of poll and those delivered by Royal Mail as part of a final sweep.

When this was completed, all the postal votes which had previously been opened during the previous two weeks at Pittwood House were then verified at the Count Venue. Members believed that this decision was contrary to the Chief Counting Officers instructions as listed in paragraphs 4.8 and 4.9 of Module 4 (verification and count) document. However, the Electoral Commission did confirm that the Counting Officer was indeed correct in his interpretation of the guidance that all the postal votes opened previously at Pittwood House, had to be verified at the Count Venue. Once all the postal votes had been fully verified and reconciled, they were prepared to be counted along with the other votes for the North Lincolnshire election, the referendum and the Town/Parish elections.

## **11. The referendum and election counts**

### **i) The count process**

The Count was led by the Counting Officer/Returning Officer, Simon Driver who was assisted by a number of Deputy Returning Officers and other staff. The actual

count was carried out by the 59 appointed counting staff who worked in teams of approximately 10 people.

The Count covered three main areas as follows:

- The National Referendum on the Alternative Vote System
- The Election of 43 members to North Lincolnshire Council
- 8 Town/Parish Council elections.

The arrangements for the count timings were as follows:

- Evening of 5/6 May - Verification of the National Referendum, the North Lincolnshire Council Election and the Town/Parish Elections
- The counting of the North Lincolnshire Council Election
- Friday 6 May - 12.00 p.m. - the counting of votes for the Town/Parish Council elections
- Friday 6 May - 4.00 p.m. - the counting of votes for the National Referendum on the Alternative Vote System.

However, as members are acutely aware, whilst these start timings were adhered to, there was no management of candidates, agents nor Counting Assistants' expectations as to how long each stage of the process would take to complete, reasons for which have been covered previously.

### **ii) The counting of votes**

Members heard that the counting of votes started prior to the completion of the

verification process ie once there were less than six wards votes left to verify, counting teams started to count the votes of individual wards following the drawing of lots.

For multi-member vacancies at the North Lincolnshire Council Elections counting sheets were used. Initially Counting Assistants started by extracting the ballot papers where a voter has used all their votes for candidates of a particular political party - this is known as "block voting". Once this has been done the Counting Assistants worked in pairs, one calling out the name or number of the candidate and the other transferring each vote to the counting sheet(s) until all the votes had been counted.

Members expressed their concern in the strongest possible way to the Counting Officer that many Counting Assistants did not understand how to record the block vote. All members were able to quote examples of errors that had occurred on the evening of 5 May, which, if undetected, could potentially have had far reaching consequences.

Any doubtful ballot papers were then set aside for immediate adjudication as to whether they were to be allowed or rejected.

Again the count was conducted by Ward until each Ward was completed.

What added to North Lincolnshire's problem was that of the six counting teams employed on the evening, two were occupied for the entire evening with one ward due to

numerous recounts being requested (Burton-upon-Stather and Winterton and Burringham and Gunness respectively). This left the four remaining teams to tackle the outstanding wards. Members were aware that other authorities had 'reserve' counting teams on standby to assist with the count should they be needed. Members were therefore concerned that election staff had not forward planned for this scenario occurring.

However, added to the problem was that as the count continued into the early hours, a handful of counting staff left to go home as they were at work or had childcare problems to manage. Therefore, there were less staff counting the longer the evening progressed, slowing the process down further. Similarly, members believe this scenario should have been anticipated so that remedial measures could have been put in place so that it would not affect the operation of the count.

At the Town/Parish Council Elections on 6 May a similar process was followed for the counting of votes which again involved the use of counting sheets.

At the referendum count on Friday afternoon Counting Assistants sorted the ballot papers according to whether they are marked "yes" or "no" and they were counted accordingly.

It should be noted that on the evening of 5/6 May, the North Lincolnshire Council Count commenced once there were less than six wards left to verify. However, no results could be announced until the Regional Counting

Officer in Wakefield was satisfied with the verification figure for the referendum. This figure was submitted to the Regional Counting Officer in Wakefield on completion of the verification process undertaken earlier in the night.

### **Announcement of Results**

When confirmation had been received from the Regional Counting Officer that the verification figure for the referendum had been agreed the results of the North Lincolnshire Council Election was announced as the counting of votes for each Ward was completed.

Comments made during the review and on the panel's questionnaire indicated that candidates and agents were unaware that it was not possible to declare any local results until the Regional Counting Officer had accepted the verification figures for the referendum in North Lincolnshire.

### **Meeting with the Electoral Commission**

Members met with Barbara Lines, Electoral Commission Regional Manager for Yorkshire and the Humber to discuss the findings from the members report.

Mrs Lines was able to clarify and expand on points made in the report, as well as provide a definitive explanation as to the interpretation and application of the Chief Counting Officers instructions for the combined election on 5 May 2011. In particular, clarification was received on the verification process and the need to verify postal votes. Mrs Lines informed members that the Electoral Commission made representation to the council to assist them in the completion of its project plan and risk register, as well as to provide support and advice on the forthcoming election. However, this offer of assistance was not taken up.

The Commission also stated that they would be happy to share with the council their knowledge and expertise on a range of issues, including advice on legislation and good practice, liaison with authorities who have faced similar issues to the ones this council experienced on 5 May, council's who have developed methods to deal with particular issues and also act as a sounding board for any issues or ideas that the council wished to discuss.

Members strongly believed that this offer of assistance should be accepted and embraced.

# CONCLUSION

The 5 May 2011 should be remembered for the dramatic political outcomes from the polls that took place on that day, but unfortunately it will be remembered for a plethora of issues connected with the administration of those polls here in North Lincolnshire. That is not how it should be.

Members believe that the length of time taken to declare the North Lincolnshire Council district election was unacceptable. Members were confident though that the verification and count produced an accurate result which ultimately is the most important aspect of the process.

## REFERENCES

Referendum On The Voting System For UK Parliamentary Elections And Local Elections 2011 – Report of the Chief Executive to North Lincolnshire Council, 30 March 2011.

# APPENDIX 1

## **Membership of the Places Scrutiny Panel**

### **Councillor -**

- T Foster (chairman)
- A Davison (vice-chair)
- S Armitage
- P Clark
- J Collinson
- J England
- R Ogg

The panel conducted a number of evidence gathering sessions, speaking to a range of key officers from the council and its partners.

The panel would like to thank them for their valued input and attendance. They also received and considered a range of written evidence, including local and national research, guidance and legislation.



## APPENDIX 2

Stakeholders interviewed as part of the review -

- Simon Driver, Returning Officer / Counting Officer for the district election and national referendum.
- Mel Holmes, Head of Democratic Services, North Lincolnshire Council
- Anthia Taylor, Electoral Services and Elections Officer, North Lincolnshire Council
- Barbara Lines, Electoral Commission Regional Manager





