



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Parish Polls Consultation on the Government's Intentions to Modernise Parish Poll Regulations

1. Introduction

1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,846 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

1.2. This paper sets out the AEA's views in relation to the questions raised in the consultation document published in December 2014.

1.3. The AEA's primary concern is about the effect of any proposed changes to the law which would impact on electoral registration and the administration of elections and which might arise as a result of the issues identified in the consultation paper. Any such changes would need to be carefully considered in terms of the practical implications and the way in which the changes would be introduced and administered.

2. Answers to specific questions

Q1. What are your views on the proposed trigger?

**The proposal is to provide in regulations that:
No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than –**

- 1) 10% of local government electors for the community, or**
- 2) 60 electors (if 10% of electors exceeds 60)**

The AEA supports this proposed change for the reasons outlined in the consultation paper. The AEA also suggests that the method of counting hands/verification also be reviewed as a result of this proposed change (paragraph 1.6). With a higher trigger threshold, it may be difficult in some cases, for example when the trigger is 60 electors, to be satisfied that the trigger has been reached by a show of hands at a meeting. With this larger

number, the clerk at the meeting will not be able to easily verify against the register of local government electors for the parish that the trigger of eligible electors has been reached, by just a show of hands. The Government may therefore wish to consider that those voting at a meeting for and against a parish poll to be held be asked to provide their name and address in writing to enable the clerk to ensure that they are electors of the parish by checking the information provided against the electoral register. This would also provide a written record of who supported the parish poll at the meeting and, as a result, would be more open and transparent to the parish. To facilitate such an arrangement, it would be helpful to have a provision allowing the meeting to be adjourned whilst the clerk checks the electoral register.

Q2. What are your views on the Government's proposal to modernise voting arrangements?

The proposal is to provide in regulations:

- **That a poll must be open from 7 a.m. to 10 p.m.;**

The AEA supports this proposed change following the need for the modernisation of parish polls. On that basis, the hours of poll need to be in line with other polls so that there is a consistent approach which is easily understood by electors.

- **That the same facilities for disabled people as used in other polls/referendums must be provided (e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters);**

The AEA fully supports this proposed change.

- **That the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council;**

The AEA supports the proposal that a parish poll should be conducted along the basis of other polls in relation to rules and timetables and suggests adopting the local election rules which allows for a 25 day timetable. This approach would allow time for the late registration of electors, postal and proxy voting along with the planning and conduct of the parish poll. It would also ensure a consistent timetable approach for all parish polls (whether with or without postal and proxy voting, the position as presently proposed given the discretion available to the parish council). The AEA has a concern that, for areas where there is no parish council, the same discretion is not available to

the parish meeting. We believe that consideration should be given to this point to again provide consistency of approach.

In line with a consistent approach to that of other polls and to avoid confusion to the elector, the AEA suggests that postal and proxy voting be included as standard for parish polls as it is for parish elections, and not subject to the agreement of the parish council as proposed. However, if the proposal regarding postal and proxy voting stays as suggested in the consultation paper, the AEA would wish to see a deadline by which the parish is able to request postal and proxy voting, similar to that of a parish council by-election when there is a formal deadline in the timetable for the parish council to request poll cards.

- **That at the discretion of the principal council's Returning Officer, a parish poll may be combined, if timing permits, with another poll. In this situation a parish poll must be conducted according to the rules of the other poll.**

The AEA accepts that it is better for the electorate if polls are combined if timing permits. However the combination of polls can be extremely complex to administer resulting in various challenges such as differing voter franchises; cross boundaries; more than one ballot box; more than one ballot paper for the elector with different ways of voting and several ballot papers in a postal vote pack, all leading to voter confusion followed by a combined count.

The AEA is concerned with the proposal to combine polls being at the discretion of the principal council's Returning Officer who may, for financial reasons, be under extreme pressure from the parish and others to combine the poll, if the timing allows, no matter how many polls are already scheduled to take place on that day. Along with scheduled polls, there could also be parish or principal area by-elections taking place on the same day of the other polls scheduled. As a result, the AEA would wish to see the proposed change to be at the discretion of the Returning Officer but with an upper limit on the number of polls being allowed to take place on any one day. On such a basis, if that limit had already been met or exceeded in relation to other polls taking place on a particular day, the parish poll would have to be held on a separate day at a date to be fixed by the Returning Officer.

Q3. Do you consider that the proposed criteria sufficiently tighten the subject matter so that a poll can only be held on a parish issue?

**The proposal is to provide in regulations that:
A poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/meetings functions and meets the following criteria:**

- 1. The subject matter was discussed at the parish meeting.**

- 2. The subject matter directly affects those who live and/or work in the parish; and**
- 3. The parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.**

The AEA fully supports the above criteria which should tighten the subject matter more than at present, however in addition the AEA would ask the Government to consider a fourth criteria as follows:

- The subject matter cannot relate to an individual licensing or planning application

With the initial criteria proposed, a parish poll could be called on an individual licensing or planning application as it meets the criteria laid out in 1 and 2 and under section 3 " the parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee". As a result, a parish poll could be requested in relation to a specific application within the parish even though there is already a consultation process in place regarding such applications with views/responses being invited from neighbouring residents, community, and parish/town council. Following the decision of the local authority, there are appeal processes in place. It is our view that a parish poll being held on a specific application would not be the appropriate route and could be an abuse of the parish poll procedure when there are formal consultation processes already in place.

Q4. What are your views on the proposals to:

A: Change the calculation date for the number of electors on the electoral register to 1 December – bringing calculation time in line with other legislation.

The AEA fully supports this proposed change.

B: Provide that only one poll can be called on the same subject in a 12 month period.

The AEA fully supports this proposal.

C: Provide that principal councils should place the results on their website and also on parish and town council websites, where these are available.

The AEA fully supports this proposed change and also recommends that the results should be placed on parish and town council notice boards, where these are available, for those people who do not have access to the internet.

D: Issue guidance and encourage Returning Officers to provide a parish with an estimate of costs once a poll has been called and election arrangements agreed.

The AEA fully supports this proposal and, in addition, also recommends that Returning Officers issue parish and town councils details of the estimated costs annually following publication of the revised register so that the parish council or parish meeting is aware of the likely costs before a poll has been called. Once the poll has been called, the parish is already committed to the costs of running that poll.

E: Provide that after a poll has been called, the parish council should be able to publish a short, factual, balanced and objective statement about the question of the poll.

The AEA supports this proposal but would wish to see clearer guidelines in relation to the statement, content and the definition of "short".

In paragraph 4.6, reference is made to the principal council's Monitoring Officer approving such a statement when at other referendums/elections these have to be approved by the Returning Officer and submitted for approval by a set deadline. The Government may therefore wish to review this proposal so that it is in line with current procedures at other referendums/elections.

In addition, the Government may wish to give consideration to limiting campaigns and expenses at parish polls.

John Turner
Chief Executive

January 2015