

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

8 JULY 2010

ELECTORAL REGISTRATION

Report from: Electoral Registration Officer and Chief Executive,
Neil Davies

Author: Jane Ringham, Head of Elections and Member
Services

Summary

This report seeks to provide information for Members on electoral registration generally and in particular the extent to which data within the Council can be shared in order to improve the accuracy of the Register of Electors. This is as a result of a request by Audit Committee in March 2010.

1. Budget and Policy Framework

1.1 This report is submitted for information and comment by Members only and therefore is outside the Council's policy and budget framework. It is also not covered by any Local Area Agreement targets.

2. Background

2.1 On 11 March 2010, Audit Committee considered a report reviewing the Audit Commission's data matching exercise (National Fraud Initiative – NFI) on the payment of the council tax single person discount. The initiative matched electronic data within and between audited bodies to prevent and detect fraud, including the police authorities, local probation boards and fire and rescue authorities as well as local councils. On this occasion it compared council tax single person discount and electoral registration data. The Committee received an outline of the findings from the NFI exercise.

2.2 Members raised questions concerning the use of data held by the council, such as benefit and electoral registration systems, and sought clarification on the use of matching data to improve the accuracy of the electoral register (as well as validating council tax payments). This was in particular in the light of items in the national press setting out national concerns as to the quality of the electoral register and the level of oversights and some local issues in Medway.

2.3 It was agreed that officers would report to this Committee on electoral registration and in particular the extent to which data matching exercises could be undertaken to improve the accuracy of the Register of Electors.

3. Electoral registration

3.1 Members are no doubt aware that the responsibility of producing the Register of Electors is that of the Electoral Registration Officer (ERO), a post each local authority is required to create and to which they must appoint an officer, but who is not accountable to the local authority for the function. The local authority is required to provide sufficient resources to enable the ERO to carry out their responsibilities. At Medway, Neil Davies is the Electoral Registration Officer.

3.2 The ERO's main responsibility is the production of a Register of Electors each year by 1 December and to undertake an annual audit (or canvass) by which eligible electors are identified for inclusion in that Register. This comprises sending a registration form, the format and content of which is largely prescribed by law, to each household in Medway, seeking information about the eligible people living there.

3.3 The team responsible for carrying out the ERO's functions currently comprises 4 full-time posts, and an annual revenue budget of £474,426 in 2010-2011. A structure chart is attached at Appendix A. A part-time post of Electoral Services Assistant was deleted in 2009. The post of Elections Co-ordinator was vacant for the period August 2007 until March 2010, with the Senior Electoral Services Officer (SESO) taking on the bulk of the responsibilities as well as those of the substantive post. In September 2009, the SESO and the Electoral Services Assistant posts became vacant. The current SESO and Electoral Services Manager (previously called Elections Co-ordinator) did not take up their appointments until January and March 2010 respectively. An internal appointment was made to the Electoral Services Officer post (previously called Electoral Services Assistant) in October 2009. According to the Electoral Commission guidance set out in Designing a new electoral service (June 2008) the team is appropriately staffed to deal with the electorate of Medway.

3.4 As at 1 December 2009, there were 110,000 properties on the Register database, and 184,000 electors registered for local government elections. The area is divided into 22 wards and 88 polling districts.

3.5 Compilation of the Register

3.5.1 To identify those eligible to be included in the Register each year, the ERO will traditionally undertake an annual audit (or canvass). It is for each ERO to decide the most effective and efficient way in which to conduct that audit to reflect the area. The Electoral Commission produce good practice guidelines and these are taken into account when plans are formulated for the annual audit. However, it is common practice in most, if not all, authorities for the audit to start in late August/early September until as late into November as possible to maximise the number of responses and for the inputting of the details onto the Register before it's publication on 1 December. Whilst there are specific requirements for eligibility, the ERO always makes every effort to enfranchise rather than disenfranchise within those requirements.

- 3.5.2 Until 2005 Medway undertook its audit by way of a postal canvass. Royal Mail would deliver a household registration form to each household in Medway. After a couple of weeks, a reminder would be sent to those who had not responded, and then a third form sent to non-responders a few weeks later. Householders could also re-register by telephone or the Internet if the details on the Register were unchanged. They could not register new electors through this method since a signature is required.
- 3.5.3 However, in view of the relatively poor registration rate achieved, in comparison with authorities with similar characteristics and population, it was decided to re-introduce personal canvassers. Thus, for the 2007 Register 50 personal canvassers were recruited and trained to deliver all the forms to certain areas within Medway. Priority was given to the polling districts with the lowest response rates across Medway. The remaining households in Medway continued to have forms delivered by Royal Mail. The personal canvassers delivered the original form to all households, then a reminder to non-responding households. After a few weeks, they then make at least 3 attempts at different times of the day, evening and weekend, to speak to a householder to get them to complete the details on the doorstep. If they make no contact after their three attempts, they deliver a final reminder form. Over the next two years a 6% increase in the registration rate was achieved overall, with the areas being personally canvassed achieving an increase of 3.8%.
- 3.5.4 The exceptions to these audit arrangements are those called multi-occupancy premises, such as residential homes for the elderly and student halls of residence. In these cases, a form is sent in October to a named person (the bursar or Warden) for them to provide the information about the residents. Generally response rates from these properties are not good.
- 3.5.5 The Electoral Administration Act 2006 (EAA) introduced several new measures, including new specific duties for the ERO including the duty to undertake at least one personal visit to each property in the area and the power to inspect other records held by the local authority to verify information. Government funding was made available in the form of a grant and the money has been used to fund the payments to the canvassers and additional support in the team to manage the annual canvass process.
- 3.5.6 During the period from the start of the audit in September to the end of November, the Electoral Services Team receives and processes at least 96,000 forms. Of those 96,000 forms, approximately 25% have no changes required to the existing entry in the Register. That results in the remaining 72,000 requiring some form of changes to the database entry on the system, even if it is only a relatively minor change.
- 3.5.7 The ERO is entitled to retain an elector's entry in the Register if they do not respond to the annual audit for one year. After that period, their details must be removed from the Register unless other information can confirm they are still entitled to be registered. On average, approximately 6000 electors are affected by this provision each year. They each receive a letter advising them that their details have not been included in the new Register and they are sent a new form on which to re-register. This process ensures that the Register does not contain details of electors who have moved and not necessarily registered elsewhere. It also minimises the possibility of someone using a poll card addressed to previous occupiers illegally.

3.6 Use of other data

- 3.6.1 In order to Register, an elector has to provide their name, initial and surname, their nationality, and date of birth if 17 years old and to indicate if they are 70 or will be by the end date of the Register. Members will be aware that only those who are British, Qualifying Commonwealth or European citizens are entitled to register. There are no other datasets within or outside the Council that hold all that information in the format required for electoral registration or that would be available so it is not possible to use other data sets to register electors. However, information is used to verify information provided.
- 3.6.2 If during the processing of the forms, a member of the team has a query they may use the Council Tax database to verify information. This might occur if forms are received back from two properties and the same people are registered at both address, or a form is returned with all the names of existing occupiers crossed through but no new electors details added. On these occasions the Council Tax information may verify whether people have recently moved from one property to another and therefore be responsible for Council Tax at one address rather than the other, or whether the property is void according to the Council Tax records.
- 3.6.3 Similarly, if there are queries about a property, the post code, or where exactly it is, staff will attempt to verify information with the Local Land and Property Gazetteer or Street Naming and Numbering Team.
- 3.6.4 The team also regularly receives information from the Registrar of Births, Deaths and Marriages so that we can update the Register.
- 3.6.5 The Representation of the People Regulations 2001 sets out in some detail who is entitled to copies of, or information from, the Register and for what purposes. Strictly speaking the Council is only entitled to a copy of the Register for the purposes of carrying out a function related to crime prevention, law enforcement or security. Other entities such as political parties, Councillors, MP's etc are entitled to copies from the ERO for electoral purposes. Credit Reference Agencies are given copies in order to minimise fraud. The National Fraud Initiative (NFI) has been taking place for a number of years and a copy of the Register has been provided, although there have been some legal questions asked about which entity can provide the Register to the Audit Commission. The Audit Commission itself is not entitled to a copy of the Register from the ERO and so it is the Council who provides a copy. When the NFI was undertaken in Medway in 2008 the Audit Commission reported back that it had found 4 cases where there were apparent mismatches for the ERO to investigate. These were later identified as children who had been added to the household form by parents by mistake.
- 3.6.6 In recognition of the national position that one of the groups least likely to register are those in private rented property, the team obtained information about the landlords who had registered as licensed Houses of Multiple Occupation. These landlords were written to, advising them of their responsibility to provide information about who was living in their properties or to encourage those who were occupying them to respond to the annual audit. Out of the 90 licensed properties we were advised of, we identified those we had not received a response during the annual audit, and wrote to 55 landlords reminding them of their obligation to assist with the compilation of

the Register. 10 ultimately responded. Although these are relatively low numbers, it is important to recognise that these electors are least likely to register but possibly more likely to need the back-up that being registered can provide (such as obtaining credit or utility accounts). It is also hoped that repeating the process each year may result in a more positive response over time.

- 3.6.7 The Electoral Commission has published performance standards against which EROs are assessed. The first two of these explicitly deal with the completeness and accuracy of the Register and the property database. The actual performance standards are set out in full in the Appendix. Members will see that for the 2009 assessment, the ERO was above the standard in terms of taking a proactive approach to identify and contact potential electors who may have moved into or within the area and maintaining the property database.
- 3.6.8 Compared to other local authorities in the rest of England Medway is in the top 60% of authorities who are above the standard for the accuracy of the Register and in the top 42% of those above the standard in terms of the property database.

4. Rolling registration

- 4.1 Between 1 January and 1 August each year, electors are entitled to register through a process of monthly additions. There is a statutory deadline each month, and those applications received by the deadline are added to the Register with effect from the first working day of the following month, unless an objection is received. This provision was introduced in recognition of the increased amount of movement there now is amongst the population and at Medway there are regularly 1000 changes to the Register each month, including information from other local authorities about people who have become registered there and need to be removed from our Register.
- 4.2 During this period, electors have to submit a form individually rather than a household form, but must still provide their name, initial, surname, nationality, and date of birth if they are 17 years of age or if they are over 70. Electors are asked to indicate if they have moved within the last 12 months so that their previous entry can be updated (either within Medway or elsewhere).
- 4.3 During this period, the property database is also updated for new developments that may be occupied during the year or for changes to properties such as those which are altered into flats for example. In these circumstances registration forms may be sent to the properties to give the occupants the chance to register. It is often difficult to judge whether properties are likely to be occupied during the year of the Register. If such properties are added to the database too soon, they will elicit no response from the householders because it is unoccupied and have a negative effect on the response rate overall. The use of personal canvassers greatly improves the accuracy of the situation as they can report back on the progress of build and are briefed to get information from staff on-site.
- 4.4 Valuers acting on behalf of Council tax also deliver registration forms to those who occupy properties that are in the process of being banded for Council Tax purposes.

5. Accuracy of the Register

- 5.1 The accuracy of the Register is only really tested at election time, although during the year anomalies will be brought to the attention of the team through numerous ways. Whilst errors like spelling mistakes are to be regretted, ultimately that sort of mistake does not disenfranchise an elector because the entry is clearly meant to be the person who has registered.
- 5.2 Clerical errors where an elector may be disenfranchised may now be corrected by the ERO up to 9pm on Polling Day. In the period up to this point for the recent General Election the team corrected 42 clerical errors. Whilst all of them are to be regretted, it is important to note that they represent 0.019% of the total electorate.
- 5.3 Before the Register is published each Year, the team undertakes an extensive process of quality checking the inputting that has been made. This includes physically checking the forms against the record on the computer screen and analysing reports showing where the same electors might be registered at more than one address when they are not entitled to be. Every effort is made to try to contact electors directly by telephone or email and a judgement is made by senior staff as to whether the records should be amended, but always on the basis of erring on the side of inclusion rather than exclusion.

6. Current issues

- 6.1 Members have raised queries about the accuracy of the 2010 Register in terms of double registrations, apparent omissions etc. Whilst there have been some significant challenges for the team during 2009 which have undoubtedly affected the compilation of the Register, taken in the round the Register for 2010 has been sound.
- 6.2 The staffing difficulties facing the team since 2007 have been referred to in paragraph 3.3 above have now been resolved.
- 6.3 It became clear in 2007-2008 that the existing software being used for electoral registration and election purposes was no longer fit for purpose and a procurement process was undertaken to install a new product. This was installed in December 2008. Whilst it is a windows-based product, thus much easier to use than it's predecessor, there has inevitably been a period of adjustment. The new package does not produce data in the same format or same way as previously for example.
- 6.4 In preparation for the introduction of a national, centrally held register database, all ERO's have been required to undertake significant checks on the data held, including verifying it against the Local Land and Property Gazetteer and ensuring the property information is held in a specific data format. The uploading of the LLPG data onto the register database caused significant delays in the production of the Register and appeared to highlight many properties where a change in address was required to a format that would have caused confusion. For example, some properties were due to have their address changed so that it was referred to as "the car park".

6.5 There were also changes to the Parliamentary constituency boundaries as well as some changes to polling districts that had been approved to minimise the distance for electors to their polling station, that had to be implemented before the 2010 Register was published. This inevitably had a knock-on effect.

7. Advice and analysis

7.1 Whilst there have certainly been complications in the completeness of the 2010 Register, these have only been at the margins and do not undermine the fundamental integrity. We have seen a reduction in registration rates which is regrettable but was also been experienced by other authorities elsewhere nationally.

8. Risk Management

8.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community. Using the following table this section should therefore consider any significant risks arising from your report.

Risk	Description	Action to avoid or mitigate risk
Register inaccurate	Electors not registered and therefore disenfranchised	Personal canvass Quality checks of the register

9. Financial and legal implications

9.1 The cost of the Electoral Registration Service is met from existing budget provision as outlined in paragraph 3.3. There are no financial implications arising from this report.

9.2 The ERO has a duty under s9A of the Representation of the People Act 1983 to take necessary steps to maintain the electoral register. The Representation of the People (England and Wales) Regulations 2001 gives the ERO the power, for the purposes of their registration duties, to inspect and take copies of any information held by the Council or the registrar of births and deaths. Much of the information contained in such records will be personal data for the purpose of the Data Protection Act 1998. However, as the Council has a legal duty to allow the ERO to inspect and take copies of such records the provisions of the Data Protection Act 1998 do not prohibit the disclosure of such personal data. Electoral Commission guidance confirms this interpretation of the Representation of the People Act 1983 and the Data Protection Act 1998. In addition the ERO has the power to require any person (i.e. third parties such as private landlords) to provide information for the purposes of the duty to maintain the register of electors.

10. Recommendations

- 10.1 Members are asked to note the issues highlighted following the referral from Audit Committee, to comment on the contents of the report and to endorse the steps being taken by the ERO.

Lead officer contact

Jane Ringham, Head of Elections and Member Services, 01634 332864
jane.ringham@medway.gov.uk.

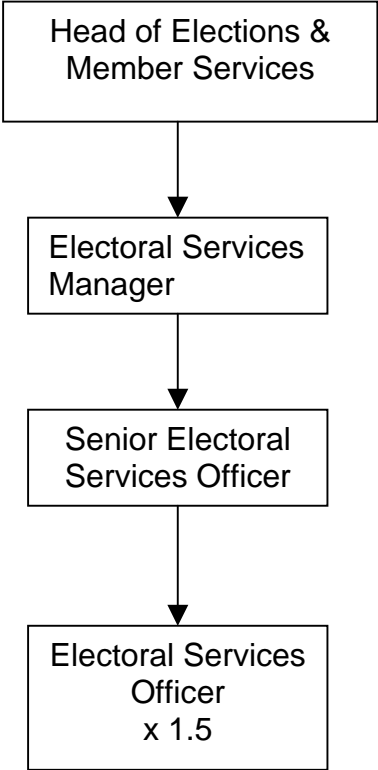
Background papers

All documents held by Jane Ringham, in Electoral Services office, Level 3, Gun Wharf

Designing a new electoral service, Published by the Electoral Commission June 2008

Performance Standards comparison analysis from Electoral Commission web-site

**ELECTORAL SERVICES TEAM
STRUCTURE CHART**



ELECTORAL COMMISSION PERFORMANCE STANDARDS FOR ELECTORAL REGISTRATION OFFICERS

Completeness and accuracy of electoral registration records

Performance standard 1: Using information sources to verify entries on the register of electors and identify potential new electors

The ERO proactively identifies and uses the records they are entitled to inspect, throughout the year, including during the annual canvass period, to verify and validate data held on the electoral register

Performance standard 2: Maintaining the property database

The ERO maintains a property database on a continuous basis throughout the year, using available records including council tax, planning and building control and the authority's Local Land and Property Gazetteer (LLPG)/Corporate Address Gazetteer (CAG).

Performance standard 3: House-to-house enquiries

The ERO has a comprehensive written plan ensuring that properties which have not responded to the annual canvass and, where the ERO is not otherwise satisfied that eligible electors are resident, are subject to house-to-house enquiries on at least one or more occasions. Progress against the plan is monitored including actions such as recording contact with residents made by canvassers.

Integrity

Performance standard 4: Maintaining the integrity of registration and absent vote applications

The ERO has a comprehensive written plan outlining what steps are to be taken to deal with concerns about specific registration or absent vote applications.

Suspicious registration and absent vote applications that meet the criteria identified in the plan are referred to local police/Single Point of Contact (SPOC), with whom the ERO has appropriate links.

The ERO also has in place a threshold number of absent vote applications being directed to any one address.

The ERO retains registration forms for the life of the register and original absent vote applications are kept until the application is cancelled, or replaced by a new form.

Performance standard 5: Supply and security of the register and absent voter lists

The ERO publishes and supplies the electoral register and absent voter lists to those entitled to receive them. The ERO provides training or guidance to those staff who will be supervising access to the register as well as guidance for recipients of the register as to the correct usage of their copy of the register.

Participation

Performance standard 6: Public awareness strategy

The public awareness strategy is documented including:

- Identifying target audiences
- Clearly defined objectives and success measures
- Risks – identification and mitigation
- Resources (financial and staffing)
- Evaluation plan which records the results of the activities undertaken

Performance standard 7: Working with partners

The ERO has consulted other departments of the local authority to promote electoral participation and has evaluated the costs/benefits of a joint working arrangement, and has ensured that duplication of effort and unnecessary expenditure is avoided.

Performance standard 8: Accessibility and communication of information

The ERO takes note of relevant legislation and specific research that has been carried out and/or consultation with appropriate organisations to determine the appropriate languages and formats to communicate with the relevant audiences. The ERO then communicates information in the most accessible way (website/hard-copy/telephony services) in the appropriate languages and formats. The ERO ensures that all outgoing communication provides the contact details of the local office to allow interested parties to respond and find out further information.

Planning and organisation

Performance standard 9: Planning for rolling registration and the annual canvass

. The ERO has put in place formal, written plans for rolling registration and the annual canvass. These should include:

- Clearly defined objectives and success measures
- Risks – identification and mitigation
- Recruitment of temporary/permanent staff where needed
- Financial resources
- Evaluation plan recording the results of the activities undertaken

Performance standard 10: Training

The ERO provides the relevant training to both permanent and temporary staff to ensure awareness and understanding of legislative requirements