

Licensing & Regulatory Committee

Monday 8 August 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Monday 8 August 2016 at 4.00 pm.

Membership:

	Councillor Illingworth (Chairman)	
	Councillor Mrs Falp	
Councillor Ashford		Councillor Mann
Councillor Mrs Cain		Councillor Murphy
Councillor Davies		Councillor Quinney
Councillor Gallagher		Councillor Mrs Redford
Councillor Gifford		Councillor Mrs Stevens
Councillor Gill		Councillor Weed
Councillor Miss Grainger		

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. Apologies & Substitutes

- (a) To receive apologies for absence from any Councillor who is unable to attend; and
- (b) To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter. If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To receive the minutes of the Licensing & Regulatory Committee meeting held on 11 April 2016 **(Item 3/Page 1)**

4. **Revised wording for Licensing & Regulatory Panels**

To consider a report from Democratic Services **(Item 4/Page 1)**

5. **Post PCC and EU Referendum Review**

To consider a report from Health and Community Protection **(Item 5/Page 1)**

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Enquiries about specific reports: Please contact the officers named in the reports.

**You can e-mail the members of this Committee at
landrcommittee@warwickdc.gov.uk**

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Licensing & Regulatory Committee

Minutes of the meeting held on Monday 11 April 2016, at the Town Hall, Royal Leamington Spa at 2.30pm.

Present: Councillor Illingworth (Chairman); Councillors Ashford, Cain, Mrs Cain, Davies, Mrs Falp, Gifford, Miss Grainger, Mrs Knight, Naimo, Mrs Redford, Mrs Stevens and Weed.

30. **Apologies and Substitutes**

Councillor Mrs Naimo substituted for Councillor Gill.

31. **Declarations of Interest**

There were no declarations of interest.

32. **Minutes**

The minutes of the meeting held on 17 February 2016 were agreed and signed by the Chairman as a correct record.

33. **Request to permit the showing of an unclassified film**

The Committee received a report from Health & Community Protection which advised that a request had been received to permit the showing of an unclassified film.

Under the Licensing Act 2003, any film which had not been given a classification by the British Board of Film Classification (BBFC), must receive permission from the Local Authority before it may be shown in that Local Authority.

A film which was locally made or had been submitted for approval by students or art groups, may not have been classified by the BBFC due to the cost of applying for the film to be classified or because the film may have limited release.

On 24 February 2016 the Licensing Department received a request from filmmaker, Mr Charlie Lyne to permit the showing of his film, Fear Itself, at Vue Cinema, Royal Leamington Spa. Officers had spoken with Mr Lyne who confirmed that Carlisle City Council, Hinckley and Bosworth Council and Merton Council, had given permission for the film to be shown in their local authority, however, other Councils were considering the request. Mr Lyne also confirmed to officers that he would recommend the age classification of 18 for the film.

The film was made available for members to view prior to making this decision and the viewings took place on 30 March 2016 and 8 April 2016.

Councillor Ashford proposed that the application be agreed as per the officers' recommendation. This was seconded by Councillor Quinney.

Councillor Mrs Redford raised a concern that the film could be detrimental to some vulnerable people but supported the 18 certificate rating.

The Committee also suggested that when officers bring forward a policy to deal with requests of this nature in the future, the Council should consider charging the applicant. Members felt strongly that the amount of officer time spent preparing the report and Member and officer time taken to view the film should be noted.

It was therefore

Resolved that

- (1) permission be given for the showing of the film, Fear Itself, in Warwick District and that the classification of 18 is given; and
- (2) the film is classified in accordance with the BBFC guidelines.

34. Presentations from Interested Parties

Representatives from Interested Parties attended the meeting and gave short presentations in relation to the representations their organisations were likely to make at Licensing Panel hearings.

The presentations covered what each responsible authority looked for in an application, why they would be likely to object and the evidence they would consider in reaching their decision.

The aim of the presentations was to enable Members to better understand the information provided in representations and to ask any questions in relation to this at hearings.

Public Health England did not currently submit representations, however, this was something that could increase in the future as Public Health could become a fifth licensing objective.

The following organisations addressed the Committee; Warwickshire Police; Warwick District Council's Health & Community Protection Service Area; Trading Standards at Warwickshire County Council; and the Commissioning and Performance Lead from Public Health Warwickshire.

The Chairman thanked all the representatives for attending the meeting, delivering their presentations and for answering questions from the Committee. In addition, Councillor Illingworth suggested that Members may wish to contact the presenters if they had any further questions.

(Councillor Ashford left during this item and Councillors Cain and Mrs Cain left at the conclusion of this item)

35. Review of the Management of the Elections held in 2015

The Committee received a report from the Chief Executive which provided details of the 2015 elections administered by Warwick District Council, the issues that occurred and how they were resolved. It contained feedback from a variety of sources and set out an action plan for improvement in the delivery of future elections in the District.

The 2015 elections brought a unique number of circumstances together for Warwick District Council and its electors which meant it was the biggest set of elections ever administered by this Council. These circumstances were in summary, administering two parliamentary constituencies (over three District/Borough areas), new Ward boundaries for District Council elections, new Parish & Town Council boundaries combined with the effect of Individual Electoral Registration (IER). These particular circumstances were not matched anywhere else in the country.

The Chief Executive presented the report and answered a number of questions from the Committee. Councillors noted that the department had done a good job ensuring people were registered to vote wherever possible and were encouraged that a report had been submitted to Employment Committee to address the understaffing issues within the team.

In response to a question about the length of time it had taken to declare results in May 2015, the Chief Executive reminded Members that the majority of staff involved had already been working over twenty hours by the time the decision was taken to halt proceedings and the District Council did not have the resources to provide a second wave of staff to take over.

The audit report into the 2015 elections had raised an issue regarding the approval of fees. The fees were approved by the Licensing and Regulatory Committee in April 2015. The audit highlighted that there was an unauthorised increase in the fees payable to staff for the elections after the approval of the fees by the Committee. The Committee were informed that the fees had increased twice, firstly in line with the national pay award for staff as set out in the decision of the Committee. The second increase was for presiding officers only, of a £25 Parliamentary election supplement, because of the combined elections, this was agreed by Warwickshire Elections Officers and confirmed by the relevant Acting Returning Officers as it was their decision to take.

Members welcomed the report and thanked officers for the honest feedback about lessons learned. Members were also reminded to contact officers if they were aware of any other venues within their Wards that could be used as potential polling stations.

Resolved that

- (1) the unique circumstances of the 2015 elections for Warwick District, as set out in the report are noted;
- (2) the Returning Officer met all the performance objectives for the Electoral Commission for the 2015 elections, as set out at Appendix 11 to the report;
- (3) the Internal Audit report into the 2015 elections, as set out at Appendix 1 to the report, is noted;
- (4) the outcome of the Association of Electoral Administrators (AEA) Peer Review of Electoral Services at Warwick District Council, as set out at Appendix 12 to the report, is noted;

- (5) the planned changes for 2016 and subsequent elections, as set out at Appendix 15 to the report, are supported; and
- (6) Warwick District Council has been selected, by the Electoral Commission, as an example of best practice for the work it undertakes with Nursing Homes and Students.

36. **Urgent Item – Private Hire/Hackney Carriage Drivers Handbook**

The Committee received an urgent report from Health and Community Protection which was presented due to complications with the legal process and the time constraints involved.

The Head of Health & Community Protection introduced the report and explained that all Private Hire drivers were due to renew their licences in June this year. A new policy had been drafted and was due to be sent out for public consultation. It had been agreed, in consultation with the Chairman, that the whole committee should be permitted to see the draft policy before agreeing to it being sent out.

The Head of Health and Community Protection explained that the policy had been worked on by legal representatives and in conjunction with the Drivers’ Forum. Members were advised that there were three missing procedures – Hackney carriage fleet colour, Rank review and an unmet demand survey. This policy contained one new section entitled the Licence Holders Conduct Scheme whereby points could be issued for poor conduct.

The Head of Health & Community protection confirmed that the consultation would be conducted by letter to drivers, private hire operators, the Police, voluntary groups working with the disabled and individuals with specific needs, Councillors, automotive garages, student unions and the town councils. Officers intended to start the consultation as soon as possible for a four to six week period.

The Committee noted the policy and looked forward to receiving the feedback from the consultation.

Resolved that the draft policy be noted.

(Councillor Quinney left during this item)

37. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
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38 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The full minute for the following item would be set out in the confidential minutes of the meeting.

38. **Minutes**

The confidential minutes of the meeting held on 17 February 2016 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 5:24 pm)

	Licensing & Regulatory Committee 8 August 2016	Agenda Item No. 4
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Title	Revised wording for Licensing & Regulatory Panels
For further information about this report please contact	Graham Leach 01926 456114, graham.leach@warwickdc.gov.uk
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	
Background Papers	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	28 July 2016	Chris Elliott
Head of Service		
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer	28 July 2016	Graham Leach (Deputy)
Finance		Mike Snow
Portfolio Holder(s)	28 July 2016	Andrew Mobbs
Consultation & Community Engagement		
John Gregory – Solicitor Acting for the Council - 28 July 2016		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report provides the revised notes for the legal officer at Licensing Panel Hearings for information

2. **Recommendation**

- 2.1 The Committee notes the contents of the revised legal officers notes for Licensing Panels as set out at Appendix 1.

3. **Reasons for the Recommendation**

- 3.1 The introduction of the Licensing Act 2003 brought with it the need for Licensing Panels and associated procedures for these. The Panels started in 2005 and the current guidance used by Solicitors at each Panel has, although tailored for each meeting, been in place since this time.
- 3.2 The guidance offered by the Solicitor supporting the Panel is the responsibility of the Solicitor for the Panel, but it was considered appropriate for the Committee as a whole to be aware of the revised wording before it was introduced.
- 3.3 The purpose of the revised wording is proposed to make it clearer and not as cumbersome to read. The revision are based on experience of panels over a number of years has seen the removal of parts that no longer necessary to spell out at every meeting, e.g. there has never been a need to remove somebody for behaving in an "*unruly or disruptive manner*", and there is no need to be explicitly remind everyone that they can be represented or withdraw their representation.
- 3.4 The only substantive change to procedure relates to the closing speech given to applicants. The Hearings Regulations state that all parties should be allocated equal time to make representations. Affording only one party the chance to close may give the impression that one party is being given more time others. Therefore, this has been replaced with an opportunity for all parties to make further comments in light of the evidence presented. It has been observed that the applicants often don't quite know what to do with a closing summary, particularly if they are unrepresented, and those who are represented often only use it as an opportunity to repeat what they have said during the meeting.

4. **Policy Framework**

- 4.1 Policy Framework – The report does not impact on the Policy Framework of the Council.
- 4.2 Fit for the Future –The report does not directly contribute to Fit for the Future aims but provides an example of the continued approach by officers to improve service and reduce waste.
- 4.3 Impact Assessments – No impact assessment is required.

5. **Budgetary Framework**

5.1 The report does not impact on the budgetary framework or budgets of the Council.

6. **Risks**

6.1 The primary risk associated with the report is continuing to use the current legal officers notes because this would not reflect the Council's practical experience of how the panels operate and the most up to date legal advice.

7. **Alternative Option(s) considered**

7.1 No alternatives are proposed because the report is for information only.

Notes for Legal Officer at Licensing Panel Hearings

I will now set out the procedure for today's meeting.

The order in which evidence is to given to the Panel is as follows:

- (1) The Licensing Officer will present their report.*
- (2) The Applicant will present the application and may comment on any representations which have been made.*
- (3) The Responsible Authorities will make their representations in respect of the application.*
- (4) Anybody else who has made a representation and registered to speak will then be allowed to make their representations.*
- (5) After each party has made its representations, there will be an opportunity for the panel, the Applicant and the other parties registered to speak to ask questions of that party in relation to the representations they have made*
- (6) Finally, all parties will be asked whether they have anything further to add in light of the evidence that has been presented, and the Panel will retire to consider its decision.*

Evidence will not be given under oath, but I should remind all parties that the deliberate telling of untrue statements at this hearing is a criminal offence. All representations and questions should be addressed through the Chair and direct cross examination will not be permitted.

The Panel will only consider matters that are relevant to the four Licensing Objectives, which are;


- § *The prevention of Crime and Disorder.*
- § *Public Safety.*
- § *The prevention of public nuisance.*
- § *The protection of children from harm.*

Although there is no fixed period of time given to each party, I ask that everybody keeps to relevant points and avoid unduly lengthy or repetitive statements.

At the end of the hearing the Panel will consider its decision, during which time all parties will be asked to leave the room with the exception of myself and the Committee Services officer. My role is only to provide legal advice, and not to make any recommendation as to the determination to be given.

The Panel will endeavour to make a final determination today, which will be read out at the end of the meeting. Written copies of the decision will subsequently be posted to all those who have made representations in relation to the application.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

 Licensing & Regulatory Committee 8 August 2016		Agenda Item No. 5
Title	Post PCC and EU referendum Review	
For further information about this report please contact	Chris Elliott, Chief Executive, chris.elliott@warwickdc.gov.uk 01926 456000	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Licensing & Regulatory Committee 11 April 2016.	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	1/8/2016	Author
Head of Service		
CMT		
Section 151 Officer	1/8/2016	Mike Snow
Monitoring Officer	2/8/2016	Graham Leach (Deputy)
Finance	1/8/2016	Mike Snow
Portfolio Holder(s)	2/8/2016	Andrew Mobbs
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report provides a review of the 2016 Police and Crime Commissioner (PCC) Election and EU Referendum administered by Warwick District Council, the issues that occurred and how they were resolved. It also provides an update on the implementation of the action plan brought to this Committee following the May 2015 election.

2. **Recommendation**

- 2.1 The Committee notes the contents of the report, including the overview of the implemented Action Plan (Appendix 1) along with the summary of issues of the PCC Election (Appendix 2) and EU referendum (Appendix 3).
- 2.2 The Committee supports the planned changes for subsequent elections and referendums, as set out at Appendix 4 to the report.

3. **Reasons for the Recommendation**

- 3.1 This report follows on from the review of the 2015 elections administered by Warwick District Council. It provides an update on the agreed action plan following these elections but also provides an overview of the aspects of the PCC Election and EU referendum administered by this Council.
- 3.2 The previous action plan (Appendix 1) is included providing an update of what has been achieved to date.
- 3.3 The summaries of the PCC Election (Appendix 2) and EU referendum (Appendix 3) are included for information and provide an overview of the impact of these on the Council and the challenges that were addressed.
- 3.4 The action plan for changes to delivery of future elections and referendums, Appendix 4, provides a list of those actions to be carried forward and who is responsible for them. This includes some more challenging areas to address.

4. **Policy Framework**

- 4.1 Policy Framework – The report does not impact on the Policy Framework of the Council.
- 4.2 Fit for the Future –The report sets out how the PCC election and referendum were delivered and reviewed in line with Fit for the Future’s 3 strands:
- Service – to maintain or improve services
The action plan will help the Council to improve its election services.
- Money – to achieve a sustainable balanced budget
The report demonstrates how the Council will continue to deliver value for money and balance its budget.
- People – to support through change
The report shows the efforts that staff made and how they can be supported in the future in delivering the election service.
- 4.3 Impact Assessments – No impact assessment is required.

5. Budgetary Framework

- 5.1 Accounts for elections/national referendum have to be submitted to the Electoral Claims unit within 6 months of the poll taking place. On this basis the accounts for the PCC Election and EU referendum are in the process of collation but it is anticipated that they will be less than the grant provision for administering these elections meaning there will not be any financial liability for the District Council.

6. Risks

- 6.1 There are few risks associated with the report because it is a statement of what has occurred and sets out an action plan for future developments for delivery of elections. Therefore, the main risks are associated with the failure to deliver the proposed actions specifically those in required in three or four years' time. To mitigate against these risks the Elections Team will hold this action plan and review it both prior to each election, to see what action needs to be implemented, as part of the project planning process, and after each election, to see if any new actions need to be included.

7. Alternative Option(s) considered

- 7.1 The Committee could propose other actions for the Returning Officer to consider and could also provide further feedback on the operation of the PCC Referendum and EU Referendum. The delivery of the actions and decision on what actions should be taken is then the responsibility of the Returning Officer.

Lessons Learned from the 2015 and Improvements for the 2016 Elections

No.	Action	By when
1	The Council will establish an office base at Stoneleigh Park, from 6.00pm on election day, with a phone line to enable queries to be answered easily	This was used for the PCC Election & EU Referendum in 2016. It enabled the core team to staff the office and yet all be on site at Stoneleigh park by 6.00pm. It enabled an improved level of customer service and provided direct contact for polling staff with the team.
2	Myton Fields will be the location for the Myton Road polling station where two porta cabins will be available.	This arrangement will continue to be used until further notice.
3	The process to hand out ballot boxes will be simplified. Presiding Officers will have already completed their training on-line so any discussion will be limited to last minute issues and questions.	This was introduced and proved very popular with Presiding Officers. It was amended again to allow a longer briefing (25 minutes) for the referendum but without online training.
4	For significant elections the Deputy Returning Officers will have an additional support resource to assist with questions from their verification table and / or count clerks	May 2019 election or any UK Parliamentary election which may be called. – Action to be carried forward.
5	Training will take place for all Verification and Count Clerks prior to the count at each election. This is likely to be on the evening of the count and the staff will be required to arrive 30 minutes earlier.	This was implemented for the PCC election and revised again for the referendum in June. The revision in June provided a clearly marked designated area to meet for the training.
6	The Elections Manager and Democratic Services Manager will be in a fixed location for the duration of the count to enable easy access to them	This was implemented for the PCC election and retained for the EU referendum.
7	Candidate appointments for checking nomination forms will be operated via an electronic calendar	March 2017 – Action to be carried forward
8	Weekly and then daily progress meetings will take place in the run up to election day	This was implemented for the PCC election and retained for the EU referendum. This was well received by the team and the project board also attended when available.

9	The team are looking at the potential to produce an on line video to demonstrate how to complete and return a postal vote for electors.	This was not realised and it was noted the number of enquiries of this nature were significantly less this year. This will be looked at again as part of the tender process for postal vote printing.
10	A simple 'how to' guide for the elections system will be developed. Should additional resource be called upon, staff will have an easy to use reference guide.	This was introduced and used for the core team and front line team. This will be repeated for future elections.
11	For 2020 Parliamentary election candidates' deposits will only be accepted if full payment / candidate details are received so that should the deposit have to be returned it will be easy to do so.	March 2020 – Action carried to be forward.
12	Improved estimating for Parish/Town Council election costs	An officer has been nominated from Finance to work on this project which will see improved estimates to Council's for inclusion in their 2017/18 budget process.
13	Issue Parish & Town Council election invoices in a timelier manner. (NB: this cannot be completed until the accounts are closed for the election. The Election Accounts have to be closed within 6 months of the election)	An officer has been nominated from Finance to work on this project in future years.
14	A report has been considered and approved by Employment Committee to increase the permanent resource for the Electoral Services Team	The new structure of Electoral Service is now in place and personal development programmes are produced for the new team members.
15	The central verification did not work as effectively as anticipated. This process is being reviewed by the Head of Finance with a view to improving the process and ensuring appropriate staffing for this vital role	A new process was introduced, with smaller teams verifying ballot box content and retaining ballot boxes and ballot paper accounts in the order they arrived to the count venue. The use of the Express system in "live" mode was successfully piloted.
16	Proof reading of ballot papers and poll cards will be carried out away from the office by two officers verifying the documents.	Completed and for reference this time it took place in the normal office and when the rest of team where away from their desks.

17	The tender specification for the new elections print contract will include the requirement that the data files will not be rebuilt into a new format.	Tender specification is in draft form. This requirement will be discussed with the Elections System Supplier to ensure this occurs. Work will start in earnest during September on this project.
18	The tender specification for the new print contract will state sub-contracting work is not allowed and the printers will need to show, transparency of where data is in terms of printing and despatch.	Tender specification is in draft form. Work will start in earnest during September on this project.
19	Ensure written confirmation of postal vote despatch and figures from the Council's supplier.	Agreed and was in place for 2016. Details arrived through either day of despatch or day after. In both cases verbal confirmation was received on the day of despatch.
20	In future, increased resources will be allocated to making up ballot boxes, with each set of boxes being checked to ensure the correct seals are included within them and the correct set of paperwork and equipment.	The new lead officer for this delivered this action, with a small team, within the agreed project timescales. This enabled two working days for a majority* of the content to be checked prior to despatch to presiding officers. (*see EU Referendum issues)
21	For Ward based elections the Council will use the Electoral Commission guidance for ratio of counters to electors and increase this as appropriate if there is more than one election being held at the same time.	March 2017 – Action to be carried forward.
22	Overseas voters –A member of staff will focus on this and the continual addition of people onto the register during the election. The revised team plan will detail individual responsibilities approved, which will be communicated to the team	The team plan and responsibilities are now in place and appropriate training programmes in place for new team members.
23	Overseas postal voters not receiving their postal vote. This was a national issue with vast numbers of postal votes not arriving on time. The electoral commission and cabinet office have advised that anyone overseas should have a proxy vote rather than a vote by post. The Council is also now required to have an Overseas Mail Business account for these and that overseas postal votes are issued first as a priority.	An Overseas Mail Business account is now in place. For reference 535 postal votes were sent overseas, of which 278 were returned. This is a return percentage of 51.96%, but was known to cover, the USA, Canada, Germany, Belgium, France, Spain, Italy, Switzerland, Sweden, Turkey, Thailand, Hong Kong, Singapore, New Zealand and Australia.

24	Handling increased telephone call volumes. Request for additional resources on a temporary basis is being considered by CMT. In tandem, web pages will be promoted as the first point of contact for customers.	No additional support from outside the Council was used during 2016. However the pressure was reduced by the team being fully staffed (including the new Committee Services Officer) and the part time members of the team significantly increasing their working hours.
25	A simple step by step procedure for verifying ballot box content, which will be introduced for May 2016	Completed and feedback from Presiding Officers has been very positive.
26	Facilities Management at the verification & count	An officer is now allocated to ensure issues like this are picked up. Also included in their brief is reviewing working practices of the team to pick up any Health and Safety risks or training requirements.
27	Polling station changes in Kenilworth. Two additional polling stations will be at the Kenilworth Centre and Heath of England Revival Church & Training Centre in Farmer Ward Road.	Overall this worked well with minor issues in May largely resolved for Referendum.
28	Chase Meadow Community Hall was not big enough for parliamentary election. The larger meeting room will be used in future.	Completed.
29	Brunswick Healthy Living Centre cannot be used as Chris White MP has moved his office into the building. The Council will be using three Porta cabins in the locality to provide these polling stations.	A new permanent location has been found for these and will be confirmed in the Autumn of 2016.
30	Count layout plans will be confirmed no later than two weeks before election day. They will be printed and deposited with all Deputy Returning Officers, central verification lead, postal vote lead and project team.	This was completed in time for May and June and will be included in future elections project plans.
31	When planning an election with neighbouring Council's, agreements that they will confirm to WDC when and what data is uploaded to WDC printers.	January prior to an election where WDC manages the election for neighbouring councils'. Action to be carried forward.
32	Review storage of elections equipment with a view to splitting over two sites as well as review of resilience of IT system and backups if Council HQ was lost. Part of risk management process.	2018 - Action to be carried forward.

33	A fundamental review of the project plan and the process flow will be undertaken before the County Council elections in 2017, to allow for any lessons to be learned from the forthcoming PCC and EU Referendum elections.	October 2016 Action to be carried forward.
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Warwickshire Police and Crime Commissioner Election May 2016

The administration of this election was led by the Police Area Returning Officer (PARO) for Warwickshire. For the 2016 election the PARO was an officer from Stratford on Avon District Council.

This meant cross boundary work between all five District/Borough authorities in Warwickshire which was managed through the Warwickshire Elections Officers meetings.

The PARO was originally designated as Paul Lancaster but this changed late on following his retirement from Stratford District Council. His replacement, as PARO, was confirmed in early April as being David Dalby. In addition to this, the Elections Manager at Stratford District Council had left the authority in December 2015 and his replacement, David Dalby, did not take office until late March 2016. Following his appointment as PARO, a temporary Elections Manager was brought in at Stratford to cover both the PCC Election and EU Referendum.

The majority of cross boundary planning had been completed prior to the departure of the Elections Manager for Stratford in December 2015. An Example of this included the count planning along with the count venue. The count venue would be in the Warwick Complex at Stoneleigh Park. Therefore Warwick District would hold its verification of ballot papers at Stoneleigh Park on the Thursday night, then at 7.00am on Friday morning the contract for the Hall would hand over to Stratford District Council who would manage the Count, as the PARO, for the Police and Crime Commissioner Election.

Because of the greater geographical complexity of the PCC election this report cannot consider the overall operation of the Count for the Police and Crime Commissioner, it only addresses those aspects in which Warwick District Council. Comments on the wider Count would need to be directed to Stratford District Council.

Pre-Election Day

The run up to the election was smooth and went according to plan. Demands from customers were low in volume (a peak of 68 telephone calls was reached on election day). There was a small but not significant increase in both the number of people registering to vote and requesting postal votes.

A trend continued on from the May 2015 election with an increasing number of applications for overseas electors and more specifically from the introduction of registering to vote on line.

The delivery of the action plan from 2015 was achieved with the only major difficulty being the contract for the hire of temporary buildings for use as polling stations. This was caused by being unable to verify the framework previously used for the procurement of the temporary building in 2015. As this framework could not be found it was therefore unable to be used again for hiring 5 temporary buildings for an election and a referendum in 2016. However, the supplier used from the previous year was used again under an exemption to the Code of Procurement Practice. This was because they provided better value for money than the providers found via framework agreements.

There was also a difficulty in delivering the polling screens, which appears to be cyclical (one election good, the next election not so good). In this instance it appears

to be primarily down to communication and liaising with the contractors and more specifically the team from the contractor who will be delivering the screens each year. The current arrangement has now ended and a revised approach to this is being considered to improve this piece of work.

Election Day

A number of small issues arose on election day itself and all these were resolved by 7.00am.

The first was at Myton Fields, where the presiding officer was unable to gain access to the site because the key he was provided would not open the lock on the gate. Indeed the key held by another officer for the site also did not work and neither did the key held by the Park Ranger. However entry was gained (via bolt cutters) and the polling station was able to operate as usual. On review it was considered the lock had been tampered with between the gates being closed the night before and 6.15am on election day.

The second, third and fourth incidents all related to the failure of polling screens to be delivered, however what transpired was as follows. In one polling station three booths were delivered but one had been stored in a locked cupboard that polling staff were unable to access. In the second, the polling booth was there, just not in the place it is usually stored, so polling staff looked in the wrong place. In the third, the building owner had stored the booth elsewhere and forgot to put it in the room the night before election day and did not arrive on site until 9.00am on election day. In this case a spare had been delivered by the elections team before 7.00am.

In addition to this there was a polling station where the polling booth was reported faulty but on subsequent inspection it was identified it had been assembled incorrectly by the polling staff.

Postal voting

Postal vote opening and handling their secure delivery to Stoneleigh Park worked as planned.

Verification

The verification ran exceptionally smoothly and with a minor change to its operation on the night resulted in the verification being completed 45 minutes earlier than planned. This approach for verification will now continue to be used for in future.

The changes in process for the central verification, following the review with the Head of Finance earlier in the year, also worked exceptionally well and will be rolled forward for future elections

Count

From this Council's perspective the Count operated as expected and the delays in declaring lay with other Councils.

Post-election day

A review was held to discuss any changes which were required for the referendum and also any further changes that could be made to improve further. This included reviewing all the presiding officers' logs and polling station inspectors' logs.

There were some minor points but no significant changes were made.

EU Referendum 23 June 2016

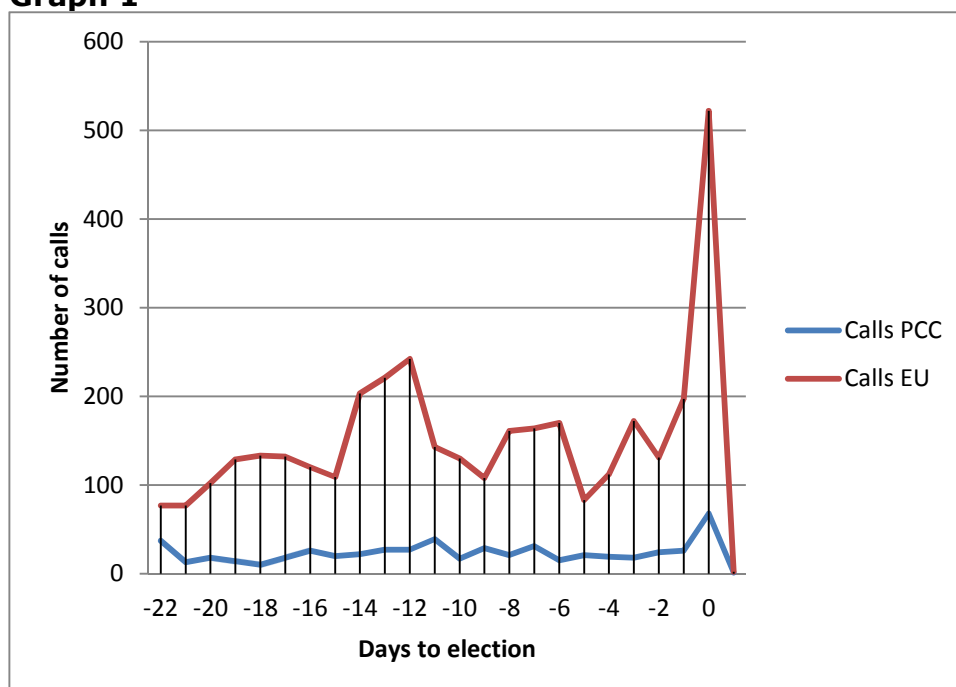
Pre-election

As expected demand was significantly higher than for the PCC election and was almost as high as that experienced in May 2015. For the two elections between 22 days prior to polling day and the day after polling the elections team answered 560 calls for the PCC and 3568 for the EU referendum.

For the 2015 elections the call register covered a 60 day period totalling 6600 calls answered. For the same period in 2016 4423 calls were answered by the team. This excludes telephone calls made and also does not look at the general change in demand to make e-mail enquiries rather than make phone calls.

Graph 1 below provides an illustration of the levels of calls answered for the each election.

Graph 1



These high demand volumes saw a number of decisions being taken, including moving the Civic & Committee Services Team responsibility for responding to elections enquiries at an earlier point than planned and the change of Council meeting dates to increase capacity within the elections team.

The primary concern was the significant hours that three of the elections team were working. On average these were 15 hours a day, five days a week, in a repeated pattern for 8 weeks. For that reason decisions were taken that no work would be undertaken at weekends to provide them a break but also building in a lunch break and late afternoon break for the team. To complement this a team planning meeting was held regularly (to start with twice weekly, then daily) to take decisions on what had to be completed and what would wait, both in terms of elections and other work. Some of the team did work on two Saturdays during this time but only in the morning and this was to ensure that staff who worked on the PCC election were paid correctly and on time.

The significant impact on the pre-election planning was, following the national register to vote website failure, the decision by the Government to extend the deadline for registering to vote. While this deadline change alone was manageable there was a resulting extension which had a greater impact and was perhaps unseen by the Government and wider public.

Firstly the failure of the website led to a number of enquiries, from 10.45pm onwards, from people trying to confirm if their application had come through. In the majority of cases this had been the case but to some we had to explain they had not been registered. Interestingly some people had stopped trying to use the government's website, on deadline day, and emailed the details to the Council directly.

Secondly, communication to Councils about the website failure and what was planned was poor. The Council only becoming aware of what was happening through the media, WDC found itself having to follow various media outlets and twitter accounts, while responding to angry members of the public, to ensure it knew what was happening. Indeed one aspect was not confirmed about what would happen until the revised legislation was submitted to Parliament. This has been fed back to the Electoral Commission and Cabinet office.

The extension of the deadline did see an increase in the electoral register, of 800 electors.

The main issue that arose as a result of the deadline day extension was that the determination day was delayed as well. (Determination Day is once an elector registers to vote, their details are sent for verification by the Department of Works and Pensions. Their registration then becomes live on the electoral register after a 5-day objection period, this being their determination date. This was the part that impacted on Councils most greatly and was not clarified until the legislation was laid before Parliament. This is the day in which people officially go live on the register or have until then for the Council to confirm their status, when they do not match with DWP data. This delay resulted in the elections management software needing to be reconfigured and the supplier was only able to provide a fix for this on the Monday before polling day. Only once this was completed were the Electoral Registers, for use in the polling stations, able to be printed. It was for this reason that the ballot boxes for the referendum were not completed two working days before they were despatched.

These changes in deadlines also meant lost time for the team as each day was planned on what would be delivered. The days lost were those used for producing paperwork and final verification of the count plan. This did impact on the team but in response they recognised what needed to be achieved and instead of having two quieter days with earlier finishes (i.e. 6.00pm instead of 9.00pm) they continued to work long hours.

The presiding officers training/hand out of ballot boxes was amended to include feedback from May and how the team had changed matters and would be looking at further issues. This included such things as the volume and quality of the stationery used in polling stations.

There was also a significant issue in recruiting the number of polling station staff required to meet electoral commission requirements. This was because of holiday season i.e. a lot of our usual staff take holidays in June prior to schools breaking up. There was also difficulty recruiting some count staff because for those who work or who have commitments the next day they do not want to be working all day, then through the night then work the next day. We are equally informed that the low level

of pay for potentially long and unsociable hours is putting people off helping. These increasing challenges will be reviewed over the next year because we are aware it is at least a regional issue, if not nationally.

The timing and subject of the referendum was always likely to see an increase in requests for postal votes. Indeed the number of postal votes despatched by this Council increase from 14,500 to 18,500. This level is comparable to the 2015 parliament election of 22,000 (which included 6,000 postal votes for electors in Rugby & Stratford Areas).

There was a total of 95 electors voting by Proxy during the PCC election, increasing to 1277 for the referendum.

As a comparison, in 2014 the Council had circa 60 overseas electors. Since then the figure rose to just over 600 in 2015 and now sits at 1135. This has been reflected nationally as people find it easier to register online than via the previous paper based process. Each of these applications takes approximately 30 minutes to process and the continued increase in numbers has impacted on the elections team. This has been mitigated with the extra resources within the team but needs to be monitored especially as each application, at present, has to be renewed every 12 months. It should be noted that the renewal process usually takes significantly less time, depending on the individual case.

Postal voting

Postal vote opening and handling their secure delivery to Stoneleigh Park worked as planned. Despite the 89% turnout some postal vote opening sessions were not held because the team were processing them so efficiently and effectively.

Election day

Despite the level in demand the day itself passed without any issues. The verification worked as planned and was completed much earlier than planned. However, the time it took to get the Regional Co-ordinator to sign off the verification numbers as acceptable took up most of the time that had been gained.

The Count took longer than expected and this has been reviewed post-election and can be summarised as follows:

Staffing – There is a need to review this because the skill base for and age profile is changing. The core counters used to have cashiering or counting jobs, which have now, by and large, been replaced with electronic processes. The age profile of the count is increasing and this has been observed to affect the count with reduced dexterity and general speed. It was also possible to identify that fatigue set in to some of the counters who had worked all day and were due to be in work the next day.

Count or mini count – Following the count the figures provided did not balance with the verification figure and had to be re-counted more than once more. The use of a large count meant this was difficult to identify where the individual problems were or were more likely to be. Therefore for future similar elections/referendum mini counts will be used.

As a consequence of all of the above the count concluding at 4.00am instead of 3.00am.

Combined with the need to be back at work to complete paperwork and break down the count the next day, the majority of the core elections team worked 30 hours out

of a possible 48 hours with some not sleeping between going home at 4.30am Friday and arriving back at work by 8.00am Friday. There is a significant risk associated with this on health and wellbeing of staff and increased likelihood of mistakes or accidents occurring particularly during travel to and from work. This is an issue that will need to be considered and acted upon.

Post-election review

Around 50% of all applications to the electoral register are duplicate requests. During the referendum the level of applications received each day was over 3000. Each duplicate application has to be duly considered and acted upon which takes a significant amount of time. While nothing can be done to reduce this level it is worth noting. However, during the referendum a cause of duplication appeared to national media communication about registering to vote.

The media campaigns encouraging people to register to vote lead to public confusion. This was because; based on the contact at WDC, people thought that they had to register separately from the usual register of electors to vote on the referendum. Indeed some electors called to say that they had received their poll card and asked if it meant they were registered for the referendum.

The referendum also brought a lot of new electors. While nationally this was believed to be younger people, the feedback and contact with electors in Warwick District was that actually a very broad age range of first time electors, including an elector in their 80's voting for the first time.

Members should be mindful that while turn-out was high in Warwick District and nationally, both the local result and national result could have been changed if those people who did not vote, had voted. Therefore, there is still significant work to do to encouraging people to vote. This Council is unable to do this in a run into an election or referendum due to legislative restrictions. Therefore this is a matter to be considered and acted on by all, including Government nationally, local schools, this Council and political parties.

Lessons Learned and Improvements for the 2017 Elections

No.	Action	By who	By when
1	For significant elections the Deputy Returning Officers will have an additional support resource to assist with questions from their verification table and / or count clerks	Returning Officer	May 2019 election or any UK Parliamentary election which may be called.
2	Candidate appointments for checking nomination forms will be operated via an electronic calendar	Electoral Services Manager	March 2017
4	The team are looking at the potential to produce an on line video to demonstrate how to complete and return a postal vote for electors.	Electoral Services Manager	This was not realised and it was noted the number of enquiries of this nature were significantly less this year. This will be looked at again as part of the tender process for postal vote printing.
4	For 2020 Parliamentary election candidates' deposits will only be accepted if full payment / candidate details are received so that should the deposit have to be returned it will be easy to do so.	Electoral Services Manager	March 2020
5	Improved estimating for Parish/Town Council election costs	Electoral Services Manager	An officer has been nominated from Finance to work on this project which will see improved estimates to Council's for inclusion in their 2017/18 budget process.
6	Issue Parish & Town Council election invoices in a timelier manner. (It should be noted that this cannot be completed until the accounts are closed for the election. The Election Accounts have to be closed within 6 months of the election)	Electoral Services Manager	An officer has been nominated from Finance to work on this project in future years.

7	The tender specification for the new elections print contract will include the requirement that the data files will not rebuilt into a new format.	Democratic Services Manager & Deputy Monitoring Officer & Electoral Services Manager	Tender specification is in draft form. This requirement will be discussed with the Elections System Supplier to ensure this occurs.
8	The tender specification for the new print contract will state sub-contracting work is not allowed and the printers will need to show, transparency of where data is in terms of printing and despatch.	Democratic Services Manager & Deputy Monitoring Officer & Electoral Services Manager	Tender specification is in draft form.
9	For Ward based elections the Council will use the Electoral Commission guidance for ratio of counters to electors and increase this as appropriate if there is more than one election being held at the same time.	Electoral Services Manager	March 2017
10	Brunswick Healthy living centre cannot be used as Chris White MP has moved his office into the building. The Council will be using a new building in the locality to provide these polling stations.	Electoral Services Manger	Contact made for the premises and this will be formally confirmed in the Autumn of 2016.
11	When planning an election with neighbouring Council's, agreements that they will confirm to WDC when and what data is uploaded to WDC printers.	Electoral Services Manger	January prior to an election where WDC manages the election for neighbouring councils'
12	Review storage of elections equipment with view to splitting over two sites as well as review of resilience of IT system and backups if Council HQ was lost. As part of risk management process.	Democratic Services Manager & Deputy Monitoring Officer	2018
13	A fundamental review of the project plan and the process flow will be undertaken before the County Council elections in 2017 to allow for any lessons to be learned from the forthcoming PCC and EU Referendum elections.	Returning Officer	October 2016
14	Review of elections staffing, to provide job descriptions for roles and competencies required to enable individuals to be assed against these.	Elections Project Board	October 2016

15	To review of elections fees paid to staff members.	Elections Project Board	October 2016
16	Review recruitment of elections staffing to find if there is a way of increasing the numbers of elections staff available.	Elections Project Board	October 2016
17	Review of provision of payslips to elections staff to move to secure electronic delivery of these.	Electoral Services Manager	Investigation as part of Barford Neighbourhood Plan Referendum in October 2016
18	Review of procurement for temporary buildings to ensure best value for the Council, while retaining ease of delivery and removal	Electoral Service Manager in liaison with Procurement Team and Housing & Property Services	September 2016
19	Procurement of a delivery service for polling screens and standing polling station signs. With a view to providing a specific contract for this	Electoral Services Manager in liaison with procurement.	Initial discussions September 2016
20	Provide realistic time estimates for count staff on when it would be concluded and advise they may want to consider taking the next day as leave.	Electoral Services Manager	February 2017
21	Review what mitigation can be put in place to reduce the need for core elections team to work in excess of 20 hour days	Electoral Services Manager	December 2016
22	Count venue – To procure a medium term contract for securing the provision of the count venue up to 2020.	Democratic Services Manager	December 2016