

MEETING	COUNCIL
DATE	6 October 2017
SUBJECT	Consultation Document - Electoral Reform in Local Government in Wales
CABINET MEMEBR	Councillor Mair Rowlands
AUTHORS	Iwan Evans – Head of Legal Services Geraint Owen – Head of Corporate Support
PURPOSE	To present a draft response to the consultation document.

1. The Welsh Government have published a consultation document relating to the electoral arrangements for Local Government. It seeks feedback on a number of ideas for reforming electoral and electoral registration arrangements in Wales. This follows from the consultation undertaken some 8 months ago on proposals in the White Paper “Local Government – Resilience and Renewal”, which included a range of proposals in relation to future organization of local government but also touched on electoral matters.
2. The time table for responding sets a closing date of 10 October
3. As part of the consideration given to this document it was circulated to all Council members seeking feedback. Although no direct response was received, the draft has been considered by Cabinet members and incorporates their suggestions. You will also note that some key matters were considered as part of the response to the White Paper, which was submitted in March of this year.

RECOMMENDATION

That the Council the Council approves the draft response in Appendix 1 to be submitted to the Welsh Government in response to the consultation.

Background Document

Welsh Government – Consultation Document Electoral Reform in Local Government in Wales –
18 July 2017

<https://consultations.gov.wales/consultations/electoral-reform-local-government-wales>

APPENDIX 1

GENERAL OBSERVATIONS:

Gwynedd Council welcomes the opportunity to offer observations on the consultation. It is fair to note that the Council agrees with a number of the principles contained in the paper to try to promote inclusion and participation in elections and democracy generally. The concepts about reducing the voting age and seeking arrangements to make it easier for people to vote in various ways and from various locations, particularly electronically, are concepts which can only be agreed with.

However, whilst agreeing with these commendable principles, there are several factors, which require further attention before we can be confident to support them. We will elaborate in the answers provided for each question, but, in general, the developments are subject to ensuring that any changes (particularly in relation to electronic registering and voting arrangements) are genuinely accessible for electors, ensuring security and public confidence in the vote. It must also be noted that the consultation introduces a number of various ideas in a separate way but which, in reality, overlap or co-depend on other concepts to be evaluated in full.

Q1 - Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it is in favour of this.

Q2 – Should EU citizens who move to Wales once the UK has left the EU continue to acquire the right to vote?

Q3 – Should voting rights be extended to all legal residents in Wales, irrespective of their nationality or citizenry?

Q4 – EU and Commonwealth citizens can stand for election to local government in Wales. Should this continue and be extended to all nationalities made eligible to vote?

Clearly, the nature of an individual's residency within an area is relevant to the right to vote. However, as a general principle, the Council supports the concept that individuals who reside within an area should have the opportunity to contribute to democratic processes which relate to the services that are used and received and contributed to.

Q5 – Should Electoral Registration Officers have a greater range of sources available to them to assist citizens to be added to the register?

Q6 – Which data sources do you think should be used by Electoral Registration Officers?

Data sources such as the Department for Work and Pensions are currently used to verify individual Registration applications. Additional sources would clearly be a way of facilitating the work. However, these are required to be relevant and reliable to be able to place an individual on a statutory electoral register ensuring that the nature and boundaries of responsibilities to improve and amend an application are clear. Access to reliable sources, given the duty to register, opens the door to a discussion on automatic registration and the Council would welcome this dialogue.

Q7 – Should a wider range of local authority staff be empowered to assist citizens to obtain registration through access to the local government register and have the ability to amend it?

Q8 – What controls should be put in place to ensure the Electoral Registration Officer maintains overall control of the register?

It is already possible to use alternative staff resources subject to ensuring that the arrangements are robust and under the supervision of the Electoral Registration Officer ("ERO") who has ultimate responsibility for the register. Any control measures should be suitable to satisfy the ERO that he or she meets his/her personal statutory duties. It is not considered that this needs to be the subject of legislation.

Q9 – Should the individual registration rules be relaxed to allow for block registrations in certain circumstances, protecting the right to vote for populations otherwise at risk of exclusion?

This would of course be a move from a pure individual registration system and assurances would be needed that the individuals who are part of the "block" intend to register in the area in question and that the information is complete and accurate. Consideration also needs to be given to what is meant by "block", the criteria for forming it and where exactly the responsibility for administering it would lie. This ties in to the discussion on automatic registration in Q6 above.

Q10 – Should we place a duty on Electoral Registration Officers to consider whether any individual groups within their electoral area should be specifically targeted in registration campaigns?

This is already part of the work of the ERO. It cannot be seen how placing a specific duty would add to this.

Q11 – Should we introduce arrangements so that agencies who are aware of people moving have a duty to inform the Electoral Registration Officers?

There is a risk in these processes that the ERO will receive data of various relevance from many sources and will be duty-bound to respond to and verify each one. The principle is fundamentally acceptable but detailed consideration needs to be given to the relevance and value of the source. For example, issues such as Council tax and benefits could be relevant as changes are likely to be long-term. On the contrary, in the context of other agencies, changes could be short-term and unstable producing unnecessary requirements to evaluate information.

Q12 – What are your views on the development of a single electronic register for Wales?

It is difficult to evaluate the advantages and disadvantages of providing such a system without reaching a conclusion regarding matters such as electronic voting which would be a relevant consideration and also the nature of the system's administration. Generally, the advantages are not immediately apparent neither is the role and value of local knowledge in the administration of the register.

Q13 – Do you agree that individual principal councils should be able to choose their voting system?

Q14 – Do you agree that a constitutional change such as this should be subject to a two-thirds majority?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it is of the opinion that there should be a single voting system for Local Government in Wales. The discussion on what electoral system would be most suitable to address Local Government needs is welcomed. Given its viewpoint on the concept of optional systems, it is of the opinion that it is a matter for the Government to legislate rather than by local referendum.

Q15 – Do you agree that the term of local government in Wales should be set at five years?

Agree

Q16 – Do you agree in principle with the desirability of reforming the voting system to encourage greater participation?

Q17 – Are there other initiatives not covered below which might be taken to enable greater participation in elections in Wales?

Naturally, any reforms which encourage more people to participate are welcomed. It is acknowledged that any changes need to bring clear benefits, be genuinely accessible to electors and ensure security and public confidence in the vote.

Q18 – Should councils be able to choose to use all-postal voting at council elections?

Q19 – Should it be subject to pilot exercises first?

Q20 – Should councils be able to operate all-postal voting in an individual ward or a number of wards within a council area?

Trials on such a system are currently underway and it would be appropriate to give consideration to the results of this work. The range of voting methods available to individuals must also be evaluated. The significant resource implications involved with holding a postal vote only in any election larger than an individual ward alone cannot be ignored. In addition, it is noted that a postal vote only will reduce the choice for electors of and a decision to participate (contrary to the following proposals) and to move to this direction would need to address this.

Q21 – Should electronic voting be enabled at local elections?

Q22 – Should remote voting be enabled at local elections?

The public's faith in an electronic voting system would need to be ensured. The postal and proxy voting systems currently offer flexibility to electors. It must also be ensured that any developments of new systems tie in and align with any other alternative systems which would continue to ensure the robustness of the process.

Q23 – Should electronic counting be introduced for local elections in Wales?

Subject to the system being transparent and that it provides assurances of the accuracy of the counting from the beginning and that the public's confidence in the system remains, there is no objection to such a direction. The resource implications of moving to this system would need to be addressed.

Q24 – Should mobile polling stations be enabled at local elections?

It is difficult to see what the value of such a system, as the one outlined would be as it would involve substantial use of resources and could possibly have the effect of reducing the voting window due to its mobile nature.

Q25 – Should we enable returning officers to make use of polling places in addition to fixed polling stations?

This would need to be considered in the context of voting arrangements which allow voting in ad-hoc locations. The existing system is based on a register within the voting area and specific station and we would have to move away from this system or to a comprehensive electronic system.

Q26 – Should we enable local elections to be held on more than one day and on days other than a Thursday?

There are substantial resource implications of holding elections on more than one day as stations would need to be staffed for each period. A voting period beyond 07:00 - 22:00 on a particular day could only be held practicably within an electronic voting system. However, the Council is the view that consideration should be given to the practicality of holding elections on alternative days such as Saturdays or Sundays.

Q27 – Should consideration be given to simplifying postal voting procedures and literature?

Q28 - How do you think the process could be simplified?

There is still room to give consideration to simplifying the information submitted. However, experience of processing postal votes has not highlighted that there is evidence that the basic requirement of providing a date of birth and signature in itself is being misunderstood. Again, there is a need to strike a balance to ensure that assurances and propriety are not lost through over-simplifying.

Q29 – Should electors attending a polling station be required to produce ID before they are allowed to vote? If so, what types of identification should be accepted?

Q30 – Do the advantages of requiring ID outweigh the risk of deterring voters?

The ID method would need to be clear to electors, easy to check and adequate to identify an individual. Several questions arise in terms of checking, refusing and more basic issues around individuals who do not have ID documents e.g. drivers' licence, passport or utility bill in their names. There is a risk that it would cause an obstacle which could have a more marked impact on some groups of individuals than others also. Therefore, in the opinion of the Council, a clear case in favour of creating such a requirement would be needed and ensuring that it does not create an unacceptable obstacle to the right to cast a vote.

Q31 – Do you agree that it should no longer be necessary to publish a candidate’s home address in election literature, including anything published electronically?

Accept that individuals could be given a choice.

Q32 – Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?

This is a matter for the individual candidate. It also places a requirement on the Returning Officer to ensure that inappropriate or illegal matters are not placed on such a statement.

Q33 – Do you agree that it should not be permissible to serve both as an Assembly Member and councillor?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it agrees with this.

Q34 – Do you agree that candidates should be required to disclose a party affiliation if they have one?

The Council has already stated in its response to the White Paper "Local Government - Resilience and Renewal" that it agrees with this.

Q35 – What sort of evidence should be required to suggest there is an undisclosed party affiliation?

Evidence of membership of a political party would be needed on the relevant date or dates.

Q36 – Should any council staff below senior level be able to stand for election to their own authority?

The Council would support the right for members of staff who are not subject to political restrictions to stand for election. However, the nature of a councillor's function and role e.g. as an employer, leads to the conclusion that a successful candidate should resign from that employment in accordance with the Scottish system.

Q37– Is there still justification for councils to keep a list of those other than senior officers who should be politically restricted?

The nature of some posts which are not "Senior Officers" but which work in public and politically contentious forums means that the line should reflect the nature of the duties of the post.

Q38 – Do you agree that the statutory chief executive role should include that of returning officer?

Q39 – Do you agree that any addition to salary in recognition of returning officer duties should be a matter for the local authority to determine?

The role of the Executive Returning Officer is of course a personal, statutory, independent responsibility which falls to the individual rather than the Local Authority. By moving to a system as suggested, it appears that this independence and the perception of independence would be superseded and would significantly affect the nature of the role and this accountability in the context of Welsh elections.

Q40 – Should Welsh Government move to a system of calculating Assembly election costs on an agreed formula, based on the size of electorate?

The existing system works on a similar principle. The election is administered on the principle that it is held appropriately with the necessary resources for achieving this. The only resource available to the Returning Officer for national elections and referenda is that provided via this system. Of course, it is entirely appropriate to ensure that any expenditure is reasonable and in accordance with the requirements. It is suggested that this procedure needs to permit paying a total which is within the formula immediately and only an audit for applications for additional payments.

Q41 – Should Welsh prisoners be allowed to register to vote and participate in Welsh local government elections? If so, should it be limited to those sentenced to less than twelve months, four years, or any sentence length?

Q42 – By what method should prisoners cast a vote?

Q43 – At what address should prisoners be registered to vote?

Any system needs to address the decision of the European Court of Justice on the rights of prisoners to vote. The Council does not have a particular opinion on this matter. However, any voting rights should be for the voting area where the individual had been registered which would maintain the link with the area.

Q44 - We would like to know your views on the effects that electoral reform would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q45 - Please also explain how you believe the proposed options could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

It is an expectation that the system treats the Welsh language entirely equally in accordance with the requirements of the law. The Welsh language should not be an option to be chosen on any document or front page but entirely equal with English until the need to choose a language arises. This should mean that it would be possible to receive a seamless service in Welsh including in Polling Stations.

Q46 - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please note your observations here:

Responses to consultations may be made public, on the internet or in a report. To keep your response anonymous (including email addresses) tick the box.