

Agenda Item	<b>14</b>
Report No	<b>HC/38/21</b>

## **The Highland Council**

**Committee:** The Highland Council

**Date:** 9 December 2021

**Report Title:** Highland Council Local Government Elections on Thursday 5 May 2022

**Report By:** Report by the Chief Executive/Returning Officer

### **1. Purpose/Executive Summary**

1.1 The purpose of this Report is to advise the Council of the impact that the forthcoming Highland Council Elections will have on the work of the Council, and to explain the statutory framework that governs the conduct of this election. The report also outlines the resource requirements to ensure the successful delivery and administration of the forthcoming Highland Council Election.

### **2. Recommendations**

2.1 It is recommended that the Council agrees the resources required by the Returning Officer to run the Local Government Election 2022 for Highland Council.

2.2 It is recommended that the Council agrees to budget for the local government elections in 2027 on an annual recurring basis and to hold this in earmarked reserves, as has been the case in previous years.

2.3 It is recommended that the Returning Officer continues to be entitled to make amendments to polling places of the Council approved Polling Scheme of 2019, outside the compulsory review period.

### **3. Implications**

3.1 *Resources* - The total cost of running the 2022 Council election is estimated to be £550,000. This is based on all ordinary expenses to run the election but excludes any potential Covid costs. For this election, the Scottish Government has put a National Framework Agreement in place to deliver the printing of the ballots and the electronic counting of the votes. All other costs such as the poll cards, postage and mail sweep require to be covered by the local authority.

The Council has budgeted for this expenditure in order to meet the Council's share of election costs by setting aside a sum on an annual basis and holding this in Earmarked Reserves.

The Scottish Elections (Dates) Act 2016 provides that the next Local Government Election after 2022 will take place in 2027. The Council will need to budget for a similar sum in that year plus an allowance for inflation. This also includes any required expenditure for by-elections to manage any vacancies between 2022 and 2027.

As per Council policy, the Council staff working at the Election Count and Poll will be granted 1 day special leave. Besides the poll staff who will be paid the standard fee, any count or postal vote council staff who work within working hours will not receive an election fee on top of their normal wages.

3.2 *Legal* – elections are a statutory obligation of the Council. The primary legislation governing the conduct of an election is the Representation of the People Act 1983, which has been amended from time to time by new legislation coming into force, with most recently the Scottish Elections (Reform) Act 2020 and most importantly the Scottish Elections (Franchise and Representation) Act 2020. This latter Bill introduced voting rights to all foreign nationals with leave to remain, including all those granted refugee status and allows prisoners serving sentences of 12 months or less to vote. It also extends candidacy rights to foreign nationals with indefinite leave to remain, and to those with pre-settled status.

3.3 *Community* (Equality, Poverty, Rural and Island) – there are no direct implications as a consequence of this report.

3.4 *Climate Change / Carbon Clever* – there are no direct implications as a consequence of this report.

3.5 *Risk* - A detailed Risk and Issue Register has been drawn up for the Council elections covering aspects such as resiliency for staff and venues and a range of mitigating actions have been identified.

3.6 *Gaelic* - there are no direct implications as a consequence of this report.

## **4. Introduction**

4.1 Local Government elections are to take place in all 32 Local Authorities in Scotland on Thursday 5 May 2022. The draft election timetable can be found in Annex 1.

4.2 The Electoral Management Board (EMB) under the Local Electoral Administration (Scotland) Act 2011 has the general function of co-ordinating the administration of local government elections in Scotland and its Convener has the power to issue directions to Returning Officers and Electoral Registration Officers. Information by the EMB is regularly updated and is published online on their [website](#).

4.3 The Electoral Commission (EC) provides support and guidance to Returning Officers before, during and after the election.

The Election Officers work closely with the EMB, EC and Scottish Government to ensure compliance with all Directions and which can be found [here](#).

4.4 As the Local Government Boundary proposal for Highland was rejected by Parliament on 7 October 2021, the current Council membership and ward boundaries with its 74 members elected across 21 wards and respective 3 or 4 members remains in place and unchanged.

4.5 As per section 25(2) of the Representation of People 1983 Act, the Council shall put at disposal of the Returning Officer the services of officers employed by the Council in the discharge of any functions. It states that “*....a Council shall place at the disposal of the Returning Officer ..... for the purposes of assisting the Returning Officer in the discharge of any functions conferred on him in relation to a parliamentary election ....., the services of officers employed by the Council*”

## **5. General Administration**

5.1 Nearly all Council Services assist, in a variety of ways, with Election duties. The management of the Election is undertaken by officers in the Performance and Governance Directorate with significant assistance from colleagues in other Services as and when required. In the past this has been very effective because of the support and the co-operation of the Executive Leadership Team (ELT) and the ELT will continue to provide this support for the 2022 Local Government election and any forthcoming elections.

## **6. Election Administration**

6.1 It is proposed to make the following arrangements for the administration and running of the Highland Council Election and the Council is asked to agree to the proposed staffing arrangements and use of accommodation as set out below:

### **6.2 *Returning Officer and Depute Returning Officers***

The Chief Executive in her capacity as Returning Officer has overall responsibility for the conduct of the Election. Kate Lackie, the Acting Depute Chief Executive will be appointed as Senior Depute Returning Officer.

Depute Returning Officers with responsibility for ensuring the smooth administration of the Election functions to be appointed are:

- Liz Denovan, ECO Resources and Finance
- Stewart Fraser, Head of Legal and Governance
- Linda Johnstone, Elections Manager
- Cheryl Maclver, Elections Officer

### 6.3 *Election Support Team*

An Election Support Team will be established from mid-January until end of May 2022 with the secondment of 2 FTE Business Support staff who will be based in Inverness Headquarters, Committee Room 3. A sizeable room is required to manage the logistics of the 258 anticipated polling stations and the recruitment of its 550 poll staff.

### 6.4 *Nomination Papers*

Arrangements will be made for obtaining Nomination Papers and lodging them within the area hubs using Ward Managers and other senior staff. It is anticipated that of the order of 200 nomination papers will be received and processed.

### 6.5 *Postal Voting Team*

A Postal Ballot Team will be established at Committee Rooms 1& 2 at Inverness Headquarters, to process and check postal ballots received. As of 1 November, there are 49,511 electors registered to vote by post. The team is also responsible for dealing with any lost or spoilt postal votes. An additional Depute Returning Officer will be appointed to undertake Postal Voting Duties described above.

### 6.6 *E-Count*

As in 2017, the counting of the votes will be carried out electronically and the E-Count will be held at the Inverness Leisure Centre on Friday 6 May. The count will rely on support from experienced Council staff who have been involved in previous elections and is likely to involve around 65 staff drawn from across all Council Services to run the count. To assist with initial ballot box opening approximately 35 members of staff will be needed and they will be released once the task has been completed. Additionally, there will be a training session for the count supervisors and Depute Returning Officers which will take place in Aberdeen, anticipated on Monday 14 February 2022. Staff require to be released by their managers from their normal duties for the count and the training event.

A Count Manager and a Deputy Count Manager will be appointed and will join the team, full time, 6 weeks prior to the count.

## 6.7 *Polling and Counting Staff*

A considerable proportion of both Poll and Count Staff employed at an Election are members of staff of the Council. Staff are free to volunteer for election duties however require the approval of their line manager to ensure that adequate cover is available to keep the Council functioning. This voluntary arrangement has worked successfully in the past and again it is requested that the Council agrees to continue with these arrangements and acknowledges the support offered by staff and recognises that during the election week, services will operate at reduced capacity

## 6. **Polling Scheme, Polling Places and Polling Stations**

7.1 Venues used for poll are determined by the polling station scheme. The current [polling scheme](#) was approved on 6 September 2019 by Highland Council and includes the use of schools. Prior to its approval, consultation took place with:

- Electors in the Highland area,
- All elected representatives (i.e. MPs, MEPs and Councillors),
- Disability and Minority Groups - with expertise in relation to access to premises or facilities for disabled people,
- Community Councils and schools in Highland,
- Any person in connection with specified alternative Polling Places.

To minimise disruption to schools and our pupils, and as previously agreed an in-service day for all Highland schools is in place on 5 May 2022.

The next statutory review of the polling scheme is scheduled for October 2023 and as indicated above is a complex and lengthy process which requires to be completed within 16 months.

7.2 Between compulsory reviews, all polling places and polling stations are kept under consideration and their continued suitability evaluated after each election. The polling place is the building where voting take place. A polling place can have 1 or more polling stations.

If a polling station becomes unavailable, the Returning Officer should consider whether another polling station could be designated within the polling place. Changing the polling station within the polling place does not require a review.

If a building becomes unavailable before an election, the Returning Officer may consider utilising another building which is suitable and accessible for the voters within the ward. In such circumstances the voters' poll card will indicate the change and the Council will use media channels to alert voters to the change.

It is recommended that the Returning Officer continues to be entitled to make amendments to polling places outside the compulsory review period.

**8. Encouragement for Prospective Candidates to stand for election**

As an inclusive Council we need people from all backgrounds and experiences who reflect the communities they live in to put themselves forward for the election. To encourage candidates to stand and answer any queries, the Elections Team will be holding road shows within the wards; a video is being produced to reflect what the job entails to be a councillor in the Highlands; and prior to the start of the nomination period, an information session will be held about the nomination process and the completion of the nomination form.

Designation: Donna Manson, Returning Officer

Date: 21 November, 2021

Author: Linda Johnstone, Elections Manager

## Timetable for Scottish council elections on 5 May 2022

The days which are disregarded in calculating the timetable are Saturday, Sunday, Good Friday, Easter Monday<sup>1</sup>, bank holidays (i.e. Monday 3 May) and any day appointed for public thanksgiving or mourning.

Please be aware that the timetable may change in the event of days being appointed for public thanksgiving or mourning.

The timetable contains the statutory deadlines as set out in the election rules and also reflects the directions issued by the Convener of the Electoral Management Board for Scotland. Dates which reflect a direction issued by the Convener appear in boxes shaded in blue.

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date</b>
Publication of notice of election	Not earlier than the thirty-fifth day before the date of the poll and not later than the twenty-eighth day before the date of the poll	Monday 14 March
Dispatch of poll cards to electors	As soon as practicable after the issue of notice of poll	Between Tuesday 15 and Wednesday 16 March
Delivery of nomination papers	Not later than 4pm on any working day from the day after the publication of notice of election until 4pm on the twenty-third day	Not later than 4pm on any working day after the publication of the notice of election until 4pm on Wednesday 30 March
Deadline for withdrawals of nomination	23 days (4pm)	4pm on Wednesday 30 March

<sup>1</sup> Although disregarded in relation to calculating the election timetable, Easter Monday is not a disregarded day in Scotland in relation to calculating the registration deadline.

<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date</b>
Deadline for the notification of appointment of election agents	23 days (4pm)	4pm on Wednesday 30 March
Publication of notice of poll, including situation of polling stations	As soon as practicable after the deadline for withdrawals	As soon as practicable after 4pm on Wednesday 30 March
Publication of the first interim notice of alteration	23 days	Wednesday 30 March
Publication of the second interim notice of alteration	Between 22 days and 6 days	Friday 8 April
First dispatch of postal ballot packs		Between Thursday 14 and Tuesday 19 April
Deadline for receiving applications for registration	12 days	Monday 18 April
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	11 days (5pm)	5pm on Tuesday 19 April
Deadline for new applications to vote by proxy (not postal proxy or emergency proxies)	6 days (5pm)	5pm on Tuesday 26 April
Final dispatch of postal ballot packs		Tuesday 26 April
Publication of final election notice of alteration	5 days	Wednesday 27 April
Deadline for notification of appointment of polling and counting agents	5 days	Wednesday 27 April
<b>POLLING DAY</b>	0 (7am to 10pm)	<b>7am to 10pm on Thursday 5 May</b>



<b>Event</b>	<b>Working days before poll (deadline if not midnight)</b>	<b>Date</b>
Last time that electors can apply for a replacement for a lost and spoilt postal vote	0 (10pm)	10pm on Thursday 5 May
Deadline for emergency proxy applications	0 (5pm)	5pm on Thursday 5 May
Last time to alter the register due to clerical error or court appeal	0 (9pm)	9pm on Thursday 5 May
Verification and count		Friday 6 May First ballot boxes are opened after 8am and not later than 9.30am
Latest day for candidates to receive their invoices	21 calendar days	If result is declared: <ul style="list-style-type: none"> <li>• 6 May it is 27 May</li> <li>• 7 May it is 30 May*</li> </ul>
Latest day for candidates to pay their invoices	28 calendar days	If the result is declared: <ul style="list-style-type: none"> <li>• 6 May it is 6 June</li> <li>• 7 May it is 6 June</li> </ul>
Latest date for candidates to submit their return and agent declaration	35 calendar days	If the result is declared: <ul style="list-style-type: none"> <li>• 6 May it is 10 June</li> <li>• 7 May it is 13 June*</li> </ul>
Sending postal vote identifier rejection notices	Within 3 months beginning with the date of poll	By Thursday 4 August

\*Although these deadlines are calculated on calendar days, the deadline cannot fall on a day-  
non. The deadline will in that case be the next working day.