

Public Administration and Constitutional Affairs Committee

Oral evidence: [Covid-19: Government preparations and contingency planning for local elections in May 2021, HC 1199](#)

Tuesday 9 February 2021

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Members present: Mr William Wragg (Chair); Jackie Doyle-Price; Rachel Hopkins; Mr David Jones; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 1 - 82

Witnesses

I: Ailsa Irvine, Director of Electoral Administration and Guidance, Electoral Commission; Peter Stanyon, Chief Executive, Association of Electoral Administrators; and Councillor James Jamieson, Chairman, Local Government Association.

Examination of witnesses

Witnesses: Ailsa Irvine, Peter Stanyon and Councillor James Jamieson.

Q1 **Chair:** Good morning. Welcome to a hybrid public meeting of the Public Administration and Constitutional Affairs Committee. I am in a committee room in the Palace of Westminster with a small number of staff required to facilitate this meeting, suitably socially distanced from one another. The witnesses and my colleagues are in their homes and offices across the country. The evidence session is a one-off session on Covid and the May 2021 elections. I am very grateful to our witnesses who have given their time today. I will ask each of our witnesses to introduce themselves, starting with Peter Stanyon, please.

Peter Stanyon: Good morning. My name is Peter Stanyon. I am the chief executive of the Association of Electoral Administrators, the AEA, which is the professional body that represents those who deliver polls right across the United Kingdom.



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Councillor Jamieson: Good morning. I am James Jamieson. I am the chairman of the Local Government Association, which represents councils in England and Wales.

Ailsa Irvine: Good morning. I am Ailsa Irvine. I am the director of electoral administration and guidance at the Electoral Commission, which is the statutory body that has a range of responsibilities for the delivery of elections.

Q2 **Chair:** Thank you very much indeed. I will pose an opening question in that order of introduction. Following months of speculation that the upcoming local elections could or should be delayed again because of the ongoing Covid pandemic, the Government have stated that it can “commit to go ahead with these polls in confidence”. At this stage in the pandemic, do you share the Government’s view that the elections can be held safely and fairly in May?

Peter Stanyon: I think at the end of the day the most important thing is the certainty. For returning officers and their staff, it is making sure they can proceed on the basis that 6 May will be taking place. That means that all the measures that can reasonably be expected—social distancing in polling stations, the issues of transparency for candidates’ agents and all the ancillary aspects—can be planned for with a degree of certainty. The elections on 6 May may not look exactly the same as those that took place in December 2019, the last set of elections that took place, but the core principle behind it all is that every administrator, every returning officer, now we have the degree of certainty that we have, can plan to make sure that when a voter walks into a polling station or receives their postal vote, they can be assured that every aspect of it will ensure a free and fair election.

Councillor Jamieson: Local government has stepped up and supported our residents throughout this pandemic and we will do the same for an election. As Peter said, this is not going to be a normal election. There are a number of risks and issues that need to be addressed and we are working with Government to get some dispensations in those areas and address some of those issues. It is not going to be the same, but I reiterate that every vote that goes into the ballot box will be fairly and accurately counted.

Ailsa Irvine: Fundamentally, it is an important democratic principle that elections go ahead when they are scheduled whenever possible and that is what we have been working hard to make sure can happen in May since the elections were postponed last year as a result of the pandemic. We have established a set of objectives for what we think well-run elections should be capable of delivering in the current public health context. We have worked on that with colleagues from across the electoral entity and with Ministers and officials from the three Governments in the UK. It is a shared vision of what we think these elections should be able to deliver. That is what we have been comparing the evidence and the position



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against, and at this stage we can't see anything that says that the elections cannot go ahead.

But as my two colleagues have said, this is going to be a challenging set of problems. They are going to be different than other elections, but at this stage the work is under way and the preparations are very much designed to make sure that they can happen and can happen safely.

Q3 Chair: Thank you. Peter Stanyon, your organisation has described the May local elections as "the most complex combination of polls in a generation". Does the Government's delivery plan published on 5 February give electoral administrators the certainty they need to effectively plan for these elections?

Peter Stanyon: On the confirmation of the dates, to put that in context, we are talking about the polls that have been deferred from May 2020 on top of the scheduled polls. It is a regional election alongside a local election, so there is a number of different factors that mean there is a lot of communication going on between the various returning officers to ensure they can be safely delivered.

It is difficult to say on the delivery plan as it stands at this stage. There is a lot more detail required, for example, on the additional resources that are being allocated to local authorities to help with local elections, not just the PCC elections that already have money committed to them. It is also about what other levers Government are able to pull within the wider government structure to assist returning officers and their local authorities so that the challenges that Councillor Jamieson referred to about the stretch that has been in local government for some time can be backfilled in some way to make sure that the election is delivered safely. Detail is still required.

Q4 Chair: Was your organisation consulted on the Government's delivery plan, Mr Stanyon?

Peter Stanyon: Not for the final text of that plan. We have been fully involved, alongside a number of stakeholders, in advising Government about all the challenges and the delivery plan has come forward as a result of that.

Q5 Chair: Thank you. Councillor Jamieson, was your organisation consulted similarly or not?

Councillor Jamieson: We have been involved in discussions and we have been putting forward our thoughts on the challenges, but no, we were not consulted on the final draft of it. There are a number of outstanding financial items that I think are quite important that still need to be addressed and thought through, because of additional resources being needed, further dispensations and, finally, the whole issue of campaigning, which I would like to come on to later.

Q6 Chair: Yes, we will explore that later on. Ailsa Irvine, was the Electoral



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Commission consulted on the Government's delivery plan?

Ailsa Irvine: Colleagues have been involved in a great number of conversations feeding into the development of the plan and the assessment of whether the elections could proceed. I should add as a point of difference that there is a statutory responsibility for the commission to be consulted on the nominations statutory instrument that was laid yesterday alongside the delivery plan, which accompanies and brings forward some of that. We were consulted on those regulations before they were laid before Parliament.

Q7 **Karin Smyth:** My question is to Ms Irvine. You have just said that it is important that elections can happen and they happen safely. Can you describe to us what measures need to be put in place now to ensure that voters can participate safely by post or proxy, or in person?

Ailsa Irvine: There are two angles to this. We have been working, first, to try to support electoral administrators with identifying what the changes to processes need to be. In doing that, we have made sure that we work not only with the electoral community but very closely with the public health authorities in Public Health England, Scotland and Wales, to make sure that the guidance that we give has public health at the heart of it. We have also had the benefit of looking at international experience of where elections have been run elsewhere in the world, and some by-elections that have taken place in Scotland, to help us to understand what adjustments need to be made in practice.

We have been focused very much on thinking about what a polling station would look like in this context, which as colleagues have said is going to be different than at previous elections, with the use of distancing markers on the floor to encourage social distancing, the wearing of face coverings, sanitising hands, encouraging voters to bring their own pens or pencils. They are things that are very similar to what voters encounter in other aspects of their daily lives, but these adjustments will be put in place at the polling stations themselves.

I think we can expect to see an increase in levels of postal voting. We have been encouraging local authorities to think about how they will plan for and resource such an increase in postal voting, particularly if there is a peak in applications close to the deadline, and how they are going to manage that.

Q8 **Karin Smyth:** Just to stop you there, how are they going to manage it?

Ailsa Irvine: We have been encouraging people to think this far out that there is likely to be an increase in the number of applications. It is thinking about how they resource staff from across the local authority to make sure that they have a sufficient number of people trained to process postal applications, that they have a sufficient number of software licences and they are ready to be able to respond to that.

On the other side, the important thing is the activity that we are doing with voters currently. That involves us trying to help voters understand what



arrangements are going to be in place at the polling station so they can have confidence that polling stations will be safe places to vote. Alongside that we are promoting the range of options that are available to voters so that if they don't want to vote in person and want to vote by post, they should do so and apply early. By doing that, not only are we helping voters to understand what to expect in May and to make sure that they are picking the method of voting that works best for them, but we are also trying to move the applications process forward earlier so it is spread over a more even time, to try to reduce the burden on electoral administrators close to the election. We are already seeing an increase in the level of postal applications, so some of that pressure is being brought forward in the timetable. That plays an important role from a voter perspective and an administrative perspective.

Q9 Karin Smyth: Thank you. You are talking to councils and helping them prepare and hearing ideas about how they will prepare and get staff from across the council and so on. What is the cut-off date for knowing that that is in place?

Ailsa Irvine: The role that the Electoral Commission plays is providing the support and challenge to make sure that the arrangements are in place. It will be for the returning officers and the electoral registration officers to make the arrangements on the ground. As we do ahead of every set of polls, we are engaging with local authorities. We have just done a management information survey to try to understand how confident they are feeling about preparations for the polls and to understand how they are feeling about things like dealing with heaps of postal applications.

Q10 Karin Smyth: How are they feeling?

Ailsa Irvine: In the main, about a quarter of returning officers have expressed moderate to significant concerns that it is going to be a challenge for them to process the applications. We are following up with the individual local authorities now and having conversations with them to get under the skin and understand what is driving those concerns and what steps we need to put in place to be able to amend them.

Q11 Karin Smyth: By what date would you be concerned yourselves that they are not ready?

Ailsa Irvine: It is an ongoing process.

Q12 Karin Smyth: We have 6 May as a date and many of us have been election agents or candidates. There is a very strict timetable when things have to happen and be in place. Working back from that, when would you as the Electoral Commission want to be assured that they are ready?

Ailsa Irvine: We are going to see the election timetable officially take off from 11 March, I think, which is the first date that we know for people publishing their notices of election. If people did not have arrangements in place by that date, we would start to get concerned, but obviously it is an ongoing—



Q13 **Karin Smyth:** So, 10 March?

Ailsa Irvine: What we don't want to do is to set a date by which we say everything is okay and we take our foot off the gas. It is important for us to continue to engage right up to the important deadline 11 working days before the poll, because circumstances can change. Local authorities may have staff who go off sick or things may go differently, so even if people are ready on 10 March, it does not mean that there will not be issues later. We want everyone to be ready and be assured that everyone has arrangements in place by the time the election timetable starts—

Karin Smyth: Sorry to interrupt—it is hard doing across Zoom—but I am trying to understand. You said this will not be like any other election. We have heard that it will not be like December 2019. It is not a normal situation. It is extraordinary and councils are under extraordinary pressure, so getting staff to facilitate it—we have had a lot of written evidence about this. Surely there must be a check-in date before 10 March. There must be a point at which you are thinking, “We are now really concerned”—or not—“about this”, given that today is 9 February. It is a month.

Ailsa Irvine: To explain a bit more about what we do at the commission, we have been engaging with returning officers and their teams on preparations for the elections since last year, so this process has been ongoing. We typically manage a risk assessment process whereby we focus in our support on challenging local authorities where we think there are more significant issues to delivery. We have been using that risk-rated system and the responses we have had to our management information survey to make sure that we are focusing our engagement in on the authorities where we think there may be greater concerns. We are prioritising the contact with them and we have these figures already over the past six weeks to make sure that they have the arrangements in place.

We are continuing to build that support and check if there are any issues. It is always transparent that if we see any issues that we are concerned about, we will speak about them.

Q14 **Karin Smyth:** Okay, so there will be a date soon if you think that councils are not ready that we will know about. I think that is what you said.

Ailsa Irvine: We have the objectives for holding elections. If we think at any point that they can't be met, either locally or nationally, we will of course say so.

Q15 **Karin Smyth:** Okay. We may come back to that later. Thank you. Have you seen or fed into any draft secondary legislation on emergency proxy votes?

Ailsa Irvine: We have been engaging with the Government on the preparations for that. As I mentioned, similar to the nominations statutory instrument, there is a statutory requirement for the Electoral Commission to be consulted on draft legislation, so we have been engaged in that process for emergency proxies.



Q16 Karin Smyth: Can you describe to us what other measures might be necessary for people who are at risk or vulnerable groups, given the pandemic?

Ailsa Irvine: The important thing is making sure that we are providing the information to voters so that they can make the decision that is best for them based on their individual circumstances. We are trying to make sure that through local authority channels and direct work with partners who work with a range of different groups of people who may be more vulnerable to the virus—for example, older people charities and disability charities—we get the messages out early so they can understand the range of options and support available to make the choice for what is going to be best for them, whether that is voting by post or voting by proxy, and also to try to make clear what arrangements will be in place at the polling station. As I mentioned earlier, these are the types of adjustments that people are already seeing in other aspects of life.

Our guidance for polling staff always includes information on how to support people with particular access needs, and we are working on refreshing and updating that in a Covid context. We are engaging with a range of disability charities to inform us in doing this to make sure that it will provide the support that is needed for people with a range of different access needs.

Q17 Karin Smyth: When do you expect that to be ready?

Ailsa Irvine: It will be published in the middle of this month online, with hard copies available to local authorities next month. That is in line with when we typically make that guidance available before elections.

Karin Smyth: Thank you.

Q18 John Stevenson: Mr Stanyon, from the administrators' perspective, how prepared are you for an increase in postal voting and proxy voting? What do you think is the expected level of increase in postal and proxy voting?

Peter Stanyon: To reinforce what Ailsa said, it is down to each individual local authority's registration officer and returning officer to ensure that they are able to resource up. We are already seeing a lot of pre-encouragement now for postal voting taking place, to raise awareness, to get away from the peak 11 working days before the actual poll itself. That is a consistent thing that happens ahead of major polls anyway. I think a lot of the lessons were learnt in the run-up to December 2019 when we had the general election in an untypical period and there was an increase in postal voting because of the difficulty of individuals getting to polling stations then. Those lessons have been learnt.

We are in the middle of our annual conference as we speak; they are on stage at the moment talking about canvass and the things around that, the lessons, the good practice, how you can make sure that you are building up to these things. It is bringing in the resource, basically, to receive what



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are paper applications that are scanned on to systems and then entered into the system to produce the paperwork afterwards.

Q19 John Stevenson: Is there any evidence yet of an increase in applications for postal or proxy votes?

Peter Stanyon: There is an increase generally but not hugely. Learning lessons from the Scotland by-elections that took place before Christmas, there were increases, but they were not 50%, 75%, 100% increases. They were lower. The Electoral Commission did some research on the numbers coming through. We expect there to be higher numbers but reading back to where we were in December 2019 when we had huge increases because of the interest in the general election—traditionally, the turnout is lower for the types of elections coming up in May. We don't know whether that will be the case this time, we don't know what the engagement will be, but there is a lot of evidence already of individual registration officers pre-empting those spikes as best they can, accepting and being aware that when we get to that peak period a couple of weeks out from the election, when people switch on to the democracy taking place, they are resourced up in the offices.

Q20 John Stevenson: Do you think the administrators have the capacity to deal with a surge?

Peter Stanyon: I think generally they will have, but there could be pockets where it is harder, and that goes to the point that Councillor Jamieson made.

Q21 John Stevenson: What needs to be done in the areas where you are saying there are pockets that might struggle to cope? What can be done to support them?

Peter Stanyon: It comes down to the early reporting, the management information. We have a web call that we take on issues with elections that we share with our partners in the raw detail—these are the issues that we are facing. Where we become aware that a local authority is beginning to struggle, we will bring it to the attention of the Electoral Commission, purely to give as much external support. The brute reality is that it will be for the registration officer in that local authority to do all they can to get the resource in. When I say there are pockets, you would expect the pockets to be minor in that respect.

Q22 John Stevenson: What about the prospect of emergency proxy voting and applications? Do they have the capacity to deal with them?

Peter Stanyon: It is slightly unknown. The emergency proxy has been there for a while but with attestation for employment and health reasons. In Scotland there was evidence that when they brought that in for the by-elections there was a slight increase on polling day. We are talking about the five-day window with non-attestation for individuals who are shielding or are showing symptoms, for example. It is a bit of an unknown. I think the fact that there is a change is very high profile, is very well known, and



will mean that we will be saying to our members, and I am sure the commission will be saying the same sort of things, “Ensure you are resourced up as we move into the last couple of days of the poll and on polling day itself because there could be a spike in applications”.

One of the advantages of the system being brought in, the fact there is not attestation, means the actual processing of an application is slightly easier than it is for the other types of emergency proxies where you are checking up on the attestation arrangements. It is a bit of an unknown, because we could end up with lots or it could be very few indeed, but we expect returning officers to be fully resourced up to be expecting higher figures.

Q23 John Stevenson: You have said in the past that all-postal votes would open up the vote to potential fraud. Do you have any concerns that there could be with the surge in postal voting? How could this impact on the legitimacy of the election?

Peter Stanyon: The current system is for them to be checked as the statements come back in. This will be the same system, so effectively the same checks will be undertaken on every postal vote coming through. High levels mean it makes it slightly more difficult to process them through because you are dealing with more coming through. I would not expect this to be any more of a fraud risk because the system being used is the system we have had for some years.

Q24 Rachel Hopkins: I will go back to Ailsa to ask a question about the equality impact of holding elections during the pandemic and what the Electoral Commission’s view is on that generally. How will different groups be affected by that?

Ailsa Irvine: When we have been looking at making sure that the election can take place, one of the objectives we have for all our elections is making sure that there is no impact on the support available for people who need support to be able to participate in elections. It is about making sure that any adjustments that are made to processes do not impact on one group more than others. That is why we are continuing to work with partners and experts from across the community, involving different accessibility charities and others, to make sure that the changes we are making to polling station processes are ones that they understand and have an impact on.

Q25 Rachel Hopkins: If I can come in there, it is wider than accessibility. For example, we are seeing even now that there is hesitancy in certain groups with the rollout of the vaccine. I think of my own community, where there is a high prevalence of hesitancy about something new from our black and Asian communities. Given that the election is only a few months away and there are still concerns about the coronavirus having a disproportionate impact, what about those considerations and the equality impact of holding elections during the pandemic?

Ailsa Irvine: We are working very closely with partners from a range of different representative organisations. We are working with charities



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representing people of different racial backgrounds and different ages. We are trying to look across a range of demographics so we can reach out into communities through trusted voices and trusted channels, people who are already communicating with them, to make sure that they have the information they need to understand what to expect at the election, what the voting options are so they can make the decision that is best for them. We are doing that through local authorities and these trusted partner groups.

When we come to look at how the election has gone in practice, we have a statutory reporting role, and as part of that we carry out a range of public opinion research. We will be speaking to the same range of partners we have worked with but also carrying out public opinion research to understand what the impact was on the ground. We will be able to see how well things have been achieved and how things felt for a range of different voters after the polls as well.

Q26 Rachel Hopkins: Thank you. I will move to Peter Stanyon. Back to some of the nitty-gritty, what resources, training and support are being offered to electoral administrators to be able to do their jobs and run the election safely?

Peter Stanyon: There is a lot of guidance coming out from the Electoral Commission. We as an organisation are sharing good practice, trying to learn the lessons from Scotland in particular, because they have been through it with by-elections. It has been very useful to share that good practice. It is more around the major areas of training that are required. I have said in a number of environments that we have an election to run, and it is a very complicated poll regardless because of the deferment from last year, and then we have Covid almost on top of that, to make it even more complicated. There are risks to the delivery of the election because of the combinations that are taking place. There is a lot of talk going on in each of the regional areas, because you have the PCC element and combined authority mayors in some areas. There is the joined-up work in county councils across their areas.

We are seeing a significant shift in training delivery to polling station staff and count staff to more of an online environment, which is an obvious thing to happen, but that is introducing different challenges to make sure that the staff who are delivering the polls on behalf of the returning officers are fully up to speed with the complication of the poll and the other issues that come alongside because of the Covid implications. Most of it runs from the very helpful guidance the Electoral Commission pulls together and is available to all returning officers.

Q27 Rachel Hopkins: We are exploring it already, but is there anything to add about the resourcing, time or any other pressures that administrators are facing? We will move on to the need for more staff and how they are going to be able to manage them, those sorts of pressures.



Peter Stanyon: We have been very concerned for a while about the ability of electoral administrators to keep coming back to deliver. It has been a year off in theory; it has not been a typical year. There is a constant change and we have change because of the legislative changes coming through for May as well as that complication. We offer counselling services to all of our members to make sure that they have the ability to do that. One of the best elements we have is sharing the load, the burden, the good practice within the environment that we are working in. It works an absolute dream because of that. That is one of the primary aims of the AEA as an organisation.

But I go to the point that I think Councillor Jamieson made about almost a misunderstanding that there is a limitless pot of people available to returning officers and local authorities. They are stretched, they are tired. Even electoral administrators have been pulled off because of their skillsets to help on the Covid response, because they have that organisational brain. There are risks that come into that. The expectation that the normal resource will always be there to pull in may not be there now, but it is at this stage that we are ramping up and making sure that, corporately, within local authorities they are aware that they are running a huge project alongside the Covid response and that runs alongside all the other services that local authorities provide.

Q28 **Rachel Hopkins:** Absolutely. I probably should put on record that I am still a sitting councillor and a vice-president of the LGA, so I am very alive to resourcing in local authorities. The Government's delivery plan is discouraging the use of schools where it may result in closures of schools and is promising support to returning officers to explore the use of alternative venues. Given the points you just raised about the Covid response and the vaccination process, have you received any further guidance on this?

Peter Stanyon: Not so far, no. It is referred to in the delivery plan, but we have made it very clear to Government. As you may have seen, before the 2019 general election I wrote to the Secretary of State for Education with concerns about us saying don't use schools. There is a misconception that returning officers will just automatically go to schools and use them. They don't; they use them as a last resort in most instances. I think everybody would agree that we don't want to put any burden on schools, with the pressures they are under and the impact on education. The message coming out is: wherever possible, don't shut schools. I think, to be fair, that will be the message that returning officers have been driving since day one. We never want to shut a school. We never want to use a school unless there are not other venues or alternatives available. It is working as partners alongside the school.

The key point on this, the different type of learning, is: where you would traditionally shut a school and you want to keep it open, how can we keep it open with additional resource coming in to ensure that will be the case? It is a massive challenge and there has been a little bit of angst with that



message in the electoral community because, hand on heart, people don't use schools unless they really need to.

- Q29 **Rachel Hopkins:** I am quite aware of how polling places are looked at, having been a councillor on the administrative committee, but one of the concerns, if there are opportunities to look for alternative venues in the community, is that they are either closed and not willing to open or they are being used for other things. I am thinking about the vaccine rollout at the moment in my area. Is there any feedback or anything we should be aware of in raising risks around actual polling places, building on what you have just said about schools?

Peter Stanyon: With public buildings there is the right within law to demand the use of a venue—which we would never want to use, but it is in the law. That is not the same for private venues, some private community centres, church halls and so on, that are traditionally used. There is a degree of reluctance but only a minor one. I think the bigger concern that is being raised—and it is about the Covid response—is where venues are now being put over to the flow tests or to vaccination centres and the like. I know one local authority has lost their count and their back-up count venue as a result of that.

We will be pressing—and I know the commission and the E are doing the same—to make sure that there is an understanding that for polling day they may need to come back to being a polling station. What guarantees can be given to returning officers? Decisions are having to be made now or certainly in the next week or so, because data is going off for poll card production and things as we speak. These are the lead-in periods we have. It is a joined-up effort in government to make sure that returning officers are not forgotten in response to the Covid situation.

- Q30 **Rachel Hopkins:** I have a final catch-all on that. If there are any changes in processes that have to come in at very short notice, how will they be resourced and managed?

Peter Stanyon: The earlier that we are aware of any change to a process, the easier it is to manage it. We are not expecting any major changes beyond what has been said in the actual delivery plan itself. It is the first the electoral community has had any detail on, albeit not full detail yet, emergency proxies, the work on potentially being able to pull levers to provide resources. It is really the case that the sooner any change comes in, the easier it is to react to that. I would almost be pleading: please make no more changes to legislation at this stage, because ultimately plans are already a long way down the line.

- Q31 **Rachel Hopkins:** There was a call from SOLACE in January for returning officers to be indemnified against being sued by people if they catch Covid-19 while voting. The Government's delivery plan agrees that the Government should indemnify returning officers in respect of Covid-19 risks. Do you welcome that and what sort of Covid-19 risks need to be covered?



Peter Stanyon: It is almost an impossible question to answer but, yes, it is absolutely welcome because we have to bear in mind it is personal responsibility for returning officers. It is not the local authority who bears that responsibility. A number of returning officers have raised concerns about, for want of a better word, super-spreader events in polling stations and particularly count venues. Counts will take place over one, two, three days because of the combinations. Effectively, it is the plea to make it clear that if anything happens it is their responsibility: what can they be indemnified against by taking all reasonable measures to make sure that nobody can be infected? It is an impossible one to answer in many respects because it comes down to a claim being made against a returning officer failing to do their duty with distancing, sanitisation or whatever the case might be.

Q32 **David Mundell:** My questions are to Ailsa Irvine of the Electoral Commission. The Government recently issued guidance to parties and campaigners not to campaign on the doorstep or use other non-digital forms of campaign material. To what extent might smaller parties or campaigners or independents be disproportionately impacted relative to larger parties?

Ailsa Irvine: I think it absolutely is a challenge and it is fundamental that all parties and campaigners are able to put their arguments to voters regardless of their size or how they are organised. We have tried to carry out a survey with the range of registered parties on our register of political parties. There are over 400 parties registered with the commission and we sought to try to find out through them what they see the impacts of Covid being on their campaigning. We are seeing concerns coming through from them about the access with different routes of campaigning, particularly for free or low-cost options of campaigning. We have seen a significant number of people who are choosing or will want to choose to do campaigning through social media. That is already ongoing and we expect to see that increase, as we have seen at recent elections and in elections internationally throughout the pandemic.

But there is definitely more to be done to understand what the impact is on the range of parties, and we welcome the commitment that the Government have made to work with the political parties through the political parties panel to make sure that they understand the impact on campaigning as we move ahead closer to the election. We have encouraged the Government to go beyond the major parties on the political parties panel and to try to engage also with smaller political parties and independents so that they fully understand what the range of impacts are and they can be mitigated accordingly.

Q33 **David Mundell:** What is your understanding of the extent to which this Government guidance is binding on parties and independent candidates?

Ailsa Irvine: From our part as the financial regulator, compliance with the public health guidelines goes beyond our remit. We cannot comment on whether or not something is in line with the legislation. Ultimately, it will



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be for parties and candidates to make their own assessments of whether they agree with the Government's interpretation and ultimately for the police to enforce that.

Q34 David Mundell: It would not be a very satisfactory situation if the police were having to decide whether the fact that somebody had put a leaflet through somebody's door was an offence or not.

Ailsa Irvine: We want to try to work with the Government and the political parties to make sure that there is guidance available out there and that any ambiguity is removed so that everybody can be campaigning with the same rules, that there is a level playing field that everybody understands and is working in the same way. We welcome that they will continue to look at it so that there should be greater clarity coming for parties as we get closer to the election.

Q35 David Mundell: It is important that the individuals involved, as I think one of the witnesses said before, have certainty ahead of the event and we are not asking a local police officer ultimately to make these sorts of decisions.

Ailsa Irvine: Absolutely. We expect that the parties and campaigners will be thinking now about how their campaigns are going to be different. It is no different from any aspect of the electoral process, in that things are not going to be a carbon copy of what they were at previous elections. We know that people are thinking about how they structure their campaigns now, so early certainty will be important for everybody involved in the campaigning side.

Q36 David Mundell: What do you think is important in the guidance to ensure that there is not an unfair advantage to incumbent candidates? In a general sense, the people opposing incumbent candidates often have to campaign harder or more assiduously. What are you doing to ensure that they are not disadvantaged in so doing?

Ailsa Irvine: I think it is about having a range of campaign options available to people so that they are able to put their arguments to the electorate. It is not just relying on people being established names or established candidates and everybody has the ability to use a range of different mechanisms, whether that is online on social media or leafleting or different forms of campaigning activity. That range of different opportunities and different mechanisms to put arguments to voters will be important. It might not be, as I said, exactly the same as in previous elections but we would not want to see it unduly constrained because it could prevent people from being able to put their arguments.

Q37 David Mundell: Do you envisage there being exceptions to the guidance or do you believe that it should be uniform across all the elections that are taking place?

Ailsa Irvine: I think it will be important to make sure that, when people are contesting elections in the same body, they are all playing by the same rules. It will be important to make sure that there is that equality of



opportunity. We see Governments across the world wrestling with trying to enable campaigning to take place while public health restrictions and limitations about movement and gatherings are in place. There is a difficult challenge of making sure that the public health situation is kept in mind as well, but we want to see that equality, for everybody in the same game to have the same equality of opportunity.

Q38 David Mundell: The Government have increased the spending limit to allow for greater use of digital channels and paid-for delivery services. Do you think that gives people and parties with greater financial resource a potentially unfair advantage?

Ailsa Irvine: My understanding of the increase is that it is for local elections only. This is the first increase to the limits that has been made since 2014 and the spending on it, so they have been operated in line with inflation. Having spending limits in the legislation is essentially a tool to try to ensure a level playing field so that there is a ceiling above which no candidate is able to spend. Obviously, regardless of where you set that level, there will be some candidates who will be unable or unwilling to spend up to that, but it is important that the limit is there and it is consistent across all the different candidates running in the same election.

Q39 David Mundell: I think in a previous question you set out what you did post election to determine how people found the experience. Ahead of this set of elections, what assessment are you making of whether the guidance proposals could impact on the ability of voters to make an informed choice?

Ailsa Irvine: As I mentioned, we have already carried out a survey with parties registered with the commission to understand how they feel about the impact and the ability to put information to voters. We are going to continue to keep that live and to update our guidance and FAQs to make sure that we are responding to the needs of parties. We are making sure that we are monitoring how it feels and whether that changes.

Chair: David Jones, do you have any follow-up questions on that section, please?

Q40 Mr Jones: Yes, just briefly, please, Chairman. I suspect that most people who have participated in elections would agree that in campaigning nothing beats talking to people face to face on their doorsteps. Given that the major parties appear to be agreed that there should be no face-to-face doorstep campaigning, wouldn't you agree that this is going to be a major impediment to getting an informed electorate by the time we get to polling day?

Ailsa Irvine: I think it is going to require people to think very differently about how they campaign at the polls. In the same way as we have been hearing about electoral administrators having to think about how they run polling stations and run things very differently, campaigners are having to think differently. From the survey work that we have done, we found that around 69% of people had intended to use door-to-door campaigning as part of their campaign, so that is a significant percentage of candidates



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and parties that are going to have to think differently about how they are doing it.

It does not feel to me as if the door is necessarily completely closed on such campaigning. At this stage with the public health restrictions, the Government's view is that such campaigning can't be undertaken. It is important that that is kept under review as we get closer to the poll and that the impact is fully understood and considered in reaching any final decision as we get into the regulated period for the election.

- Q41 **Mr Jones:** But to repeat Mr Mundell's point, isn't it going to be rather difficult if right across the country people are complaining to their local police that canvassers have called unannounced and uninvited on their doorsteps and they don't want to speak to them?

Ailsa Irvine: That is not a situation that we would want to find ourselves in. We want it to be absolutely clear what is permissible and what is not, so that campaigners can be carrying it out with confidence and that we can be clear to voters what they can expect and what they might see with campaigning locally. When I mentioned the police, it was just saying where the responsibility lies rather than it is a desirable thing to be saying that the police are going to be taking any action around campaigning.

- Q42 **Lloyd Russell-Moyle:** Following on from that, before I ask Councillor Jamieson something, with parliamentary elections, campaigners have to pay for the printing but delivery is done via the Post Office to ensure that everyone receives the information. Ms Irvine, do you think that there is a case that that facility be made available to local council campaigners this time round?

Ailsa Irvine: It is certainly an interesting consideration. We see at the police and crime commissioner elections that there will be a website available for candidate information. In the past the commission has said there should be a mailing permitted for those candidates in the same way as there is for other elections. That is not something the Government have taken forward even for those polls. Already for the elections that are taking place in May, we see the Scottish and Welsh parliamentary elections and the Greater London Authority elections having mailings built in, but we don't see that baked into any of the other elections that are happening, even when we have recommended some time ago that that should be thought about. There may well be logistical challenges of putting something in place and making it accessible and available, but it is important for a range of channels to be open for a range of people, so it is another thing to throw into the mix.

- Q43 **Lloyd Russell-Moyle:** Why did the Government reject your recommendation for the PCC elections, which will be happening at the same time?

Ailsa Irvine: I think we made the recommendation in 2012, when the elections first took place. I think they were confident that the website, with the availability of candidates' addresses through that mechanism, was a



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good way of being able to get the information out to electors and people able to get them on request—

Q44 **Lloyd Russell-Moyle:** I think we can all agree that the website is an absolutely awful way for people to be able to access information. It requires people to already know the address, doesn't it, whereas if you don't know the address, you need something through your mailbox to tell you.

Ailsa Irvine: It is a good point. The address should be included on poll cards, so people should have the information, but there is the important thing of, if you want people to go and access information, they need to know where to find it.

Q45 **Lloyd Russell-Moyle:** It is a shame that the Government ignored your advice there. At the moment, Royal Mail does not deliver ward by ward. It only delivers postcode to postcode. Is there a case maybe for some liaison with the Royal Mail so that it can enable ward-by-ward deliveries according to ward boundaries?

Ailsa Irvine: It may well be something that is worth discussing with Royal Mail. It is not the kind of detailed conversation we have had on campaign mechanisms with Royal Mail at all, but if the Government are considering understanding the impact and they are engaging with Royal Mail, it would certainly be a sensible thing to cover.

Q46 **Lloyd Russell-Moyle:** It is the Government's job to liaise with Royal Mail on something like that?

Ailsa Irvine: Yes. They have the responsibility for the arrangements for funding the mailings for those elections, where they are permitted, so that relationship exists.

Q47 **Lloyd Russell-Moyle:** Councillor Jamieson, how will candidates be able to put their arguments and give information to voters if the restrictions stay until Easter?

Councillor Jamieson: This is a big issue. I think the critical thing here is that this is a local election, and local is all about local issues. It is about the bus stop, the leisure centre, your highway or whatever. These are not national issues, and that means local campaigning. If you take my ward as an example, I have 3,500 electors, about 1,800 houses. That means that in a typical year—this not being a typical year—I can knock on every one of those doors and say hello to people. That local element—the ability to send out leaflets—is completely missing. I have certainly had questions about why it is that the pizza shop can put a leaflet through someone's door but the local councillor can't.

When we talk about an election, there are two parts to it. There is the election day itself and the voting, but there is the campaigning and getting your message across, and that is going to be significantly curtailed. While we might all try to use social media and all of those good things, it is not quite the same as getting regular information from a leaflet or meeting the



candidate in person. While I completely agree that during this pandemic it would be completely inappropriate to have thousands of candidates wandering around the country knocking on doors, I think we need a certain amount of clarity about what can and can't be allowed and when can and can't it be allowed. While recognising that this is a pandemic—this is not normal, we can't expect it to be normal, we can't expect any certainty—we are missing something without local campaigning.

Q48 Lloyd Russell-Moyle: I know the uplift is only with inflation, but does that level out the playing field or does it end up just introducing new barriers?

Councillor Jamieson: I really don't think it makes a huge amount of difference in levelling up the playing field or introducing new barriers. The thing that we are all missing is the opportunity for local campaigning, that a really active candidate or councillor can make a difference by using an awful lot of shoe leather in a way that would not happen for a national election. If you will forgive me, MPs, it is probably a bit demanding to expect you to knock on every door in your constituency every year, but for a councillor that is possible. You have a dynamic.

Q49 Lloyd Russell-Moyle: I try over the period of five years to knock on every door, but it is a bit of a task for an MP to try to do it every year. I want to come back on the Royal Mail thing. You mentioned pizza deliveries. Is there a case that the Government should instruct Royal Mail to be able to deliver at a ward level? Your pizza delivery is done by a postcode but it is impossible at the moment to ask Royal Mail to deliver by ward, so as a councillor you could not ask Royal Mail to deliver on your behalf via their leaflet delivery service. Should that change?

Councillor Jamieson: I would go back to Ailsa who has far more knowledge on this about the technical issues, but I think it would be helpful for Royal Mail to do it or, quite frankly, there are plenty of private delivery arms, not necessarily everywhere in the country, who will pretty much deliver by ward.

Q50 Lloyd Russell-Moyle: Yes. Private ones aside, of course, we should be making sure that it is available for everyone on an equal level playing field, I suspect.

Peter, have you been monitoring elections taking place internationally during this pandemic, and what kind of lessons have you learnt from looking at these things? Are there some main conclusions?

Peter Stanyon: Not monitoring per se. We have been watching to see what has been happening in South Korea, New Zealand and so on. The key ones for us are much closer to home, with the Scottish by-elections that I referred to previously, where some very good learning has taken place.

Lessons being learned? It is difficult to take what has happened, for example, in Korea and layer it on to the system that we are going to be running in May, other than the sorts of sensible measures that are coming forward with social distancing, the sanitisation—lessons learned that it will



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take longer, potentially, to process voters through a polling station, simply because you have to have social distancing. That could lead to things like queues, which are accounted for in legislation anyway, so it won't affect the actual process itself.

There has been analysis, and that is with all the partners, in looking at how to safely deliver May, but as much as anything it is more about what they have done to create a safe environment within polling stations and equally with their absent voting systems in place in the democracies that have run elections since the pandemic commenced.

Q51 **Lloyd Russell-Moyle:** Thank you. Ms Irvine, is there anything that you guys have learnt from international elections?

Ailsa Irvine: I think it is very similar to what Peter has just talked about. While recognising that different jurisdictions do things differently, it is absolutely worth seeing what kind of practical, transferrable learning we can get. We have done that through some of the examples that Peter mentioned—for example, looking at how South Korea managed polling stations safely—so that we can transfer some of that learning into the UK context.

In general, it is interesting that as the pandemic has progressed we have seen the trend away from postponing elections to holding elections, and holding them safely with the benefit of every country being able to learn from those going before them. We have also seen that it is evolution rather than revolution in how people are managing polls. We see people making perhaps greater use of their advice on absentee ballots. Such as we expect to see an increase in postal voting here in the UK context, in South Korea we saw a significant increase in the number of people accessing their advance voting system, but what we didn't see was the introduction of new channels and new mechanisms for voting. I know in South Korea they considered introducing drive-through voting, for example, but they took the decision that ultimately it would have been too significant a risk to make such a significant change to the electoral process and implement it effectively in a way that provided voter confidence.

I think there is a general principle that any approach that has been taken internationally is reflected in how things are being approached in the UK also.

Q52 **Lloyd Russell-Moyle:** You have recommended things like people bringing their own pencils. Is it not better to have a system of sanitising pencils after they are used?

Ailsa Irvine: I think you can do both. In the Scottish by-elections we saw people encouraged but there was also single-use pencils or pencils being cleaned afterwards. It is really about trying to get the message to voters to be confident. You can be confident if you bring your own pen or one less thing for the potential of transmission of the virus. We are speaking to local authorities and saying that, while encouraging voters to take their own



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pens, you need to think about how, if they don't bring an implement with them or don't want to bring their own pen or pencil, you are going to provide them with a pen or pencil that has either been cleaned or is fresh for them to be able to use.

- Q53** **Lloyd Russell-Moyle:** In the US there were changes made in some of the states to make it easier to apply for a postal vote electronically. We have not made any of those changes here. Do you think that is a missed opportunity? Officers can accept an email if they wish, but that is down to their own choice. Should there be some clearer guidelines on that?

Ailsa Irvine: We understand that the Government did consider the potential to expand out applications so they could be submitted electronically through the online register-to-vote system, but that has not been taken forward for the election. We have been clear in our guidance to electoral registration officers that they should be accepting scanned copies of postal vote applications where they are provided in that way, as long as the image of the signature is clear. We have also looked at our guidance to remind local authorities of the potential to provide freepost envelopes to people so that they can submit their postal applications as well. While recognising that is a cost for local authorities, it is an option that they may be able to provide, which in these particular circumstances may be helpful.

- Q54** **Lloyd Russell-Moyle:** I just want to be clear: they should be accepting scans and they should consider seriously offering a freepost envelope?

Ailsa Irvine: Yes, that is correct.

Lloyd Russell-Moyle: Thank you very much.

Chair: Our voice from Scotland, David Mundell.

- Q55** **David Mundell:** Sticking with Ailsa Irvine, what were the top three takeaways from the Electoral Commission's observation of the Scottish by-elections that were held last autumn under the Covid-19 restrictions?

Ailsa Irvine: Fundamentally, what it showed is that elections can be delivered in the UK in a Covid environment. It showed that they need to be resourced appropriately, that they plan for things, but it showed that things can be delivered. We learned the importance of risk assessing processes to make sure that risk assessments of venues and staffing is all undertaken so that people are taking a proper look at how processes can be delivered safely and practically, how polling stations can be run and made safe, how some of these processes that we have talked about can be made to work effectively on the ground and how voters react to that, so that we can reflect that in the practical guidance for this May.

- Q56** **David Mundell:** I am aware of a by-election due to take place in the Scottish Borders in Leaderdale and Melrose on 11 March, in the new Covid circumstances. Are you monitoring that by-election closely?



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Ailsa Irvine: Yes, we understand there are still a number of by-elections due to take place in Scotland, beyond those that took place in October and November, between now and May. We will continue to work closely with the individual local authorities, with the Electoral Management Board for Scotland, to monitor the preparations and see how things are going. Again, we intend to be observing it but also continuing to share any learning that comes out of that more broadly.

Q57 **David Mundell:** That sharing of learning involves highlighting things that didn't work. When I said in the original part of my question what were the three takeaways from these by-elections, there must be things that perhaps did not work as well as had been anticipated.

Ailsa Irvine: Absolutely. We will report transparently on what we see at the by-elections as we have done. We have based that on feedback from returning officers, polling station staff, candidates and voters. We have been able to give that kind of rounded opinion. If things come out that go particularly wrong—and I can't immediately think of anything from our observations in Scotland that we reported on that was a significant issue that we have reported on—if we see them, in the same way as we report on in any elections, we will highlight if there are issues. We want to share those so others have the benefit and do not fall into the same trap.

Q58 **David Mundell:** Have these lessons been incorporated into the guidance for running the local elections in England?

Ailsa Irvine: Yes, they have. We published a separate report summarising the findings and we have also reflected them into the guidance. We have even included links to good practice for things that emerged in Scotland. For example, I have mentioned risk assessment and there was a template produced in Scotland for risk assessing processes. We have shared that with returning officers across England and Wales so that they can have the benefit of that and apply it to their own local circumstances in preparation for May.

Q59 **Jackie Doyle-Price:** I have more questions for Ailsa Irvine. The Government have committed to keeping Parliament updated on ongoing guidance for running the elections, but could you explain to us what guidance is outstanding at the moment?

Ailsa Irvine: From the commission's perspective, we have published all the guidance that we intend to publish for electoral administrators on running the polls, but we have said throughout that we will continue to keep that up to date if there was emerging policy or legislative changes or changes to the public health advice. We will continue to keep that under review and if we see the changes that are being brought forward about the nominations process, for example, we will make sure that that is updated in our guidance for returning officers, candidates and in the nomination packs that we provide as templates for local authorities to use. There is more guidance still to come in the campaigning area.

Q60 **Jackie Doyle-Price:** Which stakeholder are you engaging with on



producing that guidance in particular? That is the bit of interest to all of us on this Committee in truth.

Ailsa Irvine: From a campaigning perspective, we have been providing our input into Government, who we know are taking forward their work on this guidance. We continue to talk to our political parties panels in Great Britain to make sure that we are getting feedback from the parties. There is the survey that I mentioned that we have carried out with over 400 registered parties. We are using that input and the concerns coming through from that to make sure that the guidance we produce addresses those concerns as well. It is as broad a range as we can to try to get into that, but we will be dependent very much on public health and other expertise to make sure that what we say and what is covered in that guidance—because it is not just going to be guidance from us—about campaigning methods and mechanisms going beyond the financial stuff we would normally cover can be provided.

- Q61 **Jackie Doyle-Price:** That is really the point, isn't it? Public Health has the real veto or say on most of this and its perspective is clearly that public safety is paramount, but we all have an interest in enabling democracy, too. Over the last few weeks we have seen a very changing pattern in the virus and how it is playing out. How constructive is Public Health being, particularly with regard to campaigning? The risk-averse nature of its role would mitigate against any further door-to-door stuff, a much less public interface on the part of candidates.

Ailsa Irvine: The engagement we have had with Public Health England, Public Health Scotland and Public Health Wales has been very constructive. They have been very keen to feed in and to make sure that whatever we are saying has gone through their lens. We are not experts in the public health field and what we do not want to do is put something out there that could inadvertently lead to the virus being spread or increasing the risk for anyone participating in the process, so we are very much reliant on their input. We have found that very constructive and their engagement in it, and I have no reason to doubt that they will continue to engage constructively with us.

- Q62 **Tom Randall:** Ailsa Irvine, could I stay with you for a moment on guidance? As you said, for the public these elections are going to be very different perhaps from what they have experienced before. Could you tell me what steps the Electoral Commission is taking to keep the public informed of the guidance and any changes to it so that they know how their voting options are going to be affected?

Ailsa Irvine: Yes. In the autumn last year, we started by working with local authority partners to provide a range of temporary resources to help explain to voters what they can expect, what their different voting options are and how they can access them for next May. We have seen a good uptake from local authorities who are using them and pushing them out through their own social media and local press. We are seeing things getting out through that way.



As we are now moving into the new year and moving closer to the polls, as well as continuing to support local authorities with that type of activity, with an updated range of messaging and templates that they can use and deploy locally, we are also continuing to ramp up our own campaign activity, which will help voters to understand that polling stations will be a safe place to vote, to try to manage their expectations as to what to expect.

We will be doing that through a range of different channels, obviously including social media but also again working closely with partners, as I mentioned, and also using PR opportunities and trying to get the message out through as many different channels as we can so that voters know what to expect and what they need to do to get involved.

Q63 Tom Randall: I am conscious that most assiduous voters tend to be older people. They are the ones who are probably less likely to have a Facebook account or even be on the internet at all. Are you confident that older voters, more vulnerable groups, those who are not digitally savvy, will be receiving this information?

Ailsa Irvine: Yes. We are very conscious of the different groups of people with a different range of needs. That is why we are working very closely with partners. For example, we are working with some charities who work with elderly people who may be more vulnerable. We are trying to get messages out through different channels.

One of the other things that we are going to be doing, which we are going to be launching this week, is a template letter that local authorities can send to those who have been shielding to help them to understand what the range of voting options are, because they may well be people who want to access the postal vote for May. It is just about being creative and using the range of options and a range of different voices to try to get the messages out there.

Q64 Mr Jones: A question for Councillor Jamieson, please. To what extent are the current pandemic restrictions impacting upon the ability of councils to plan and fund safe elections?

Councillor Jamieson: Well, clearly, they are. A couple of points I would like to make is that, this being a local election, there are huge geographic variations. If I take my own area, which I share with Rachel, essentially we have a police and crime commissioner election and a few local by-elections, so not an awful lot going on.

There are other areas, like our neighbouring area of Cambridgeshire, where there are up to seven polls, if you include the mayor, the county, the districts, the parish councils and a couple of referenda on local plans. The issues vary dramatically across the country in terms of the complexity of the election and the amount of people we will be seeking to canvass, so that problem will vary greatly by local authority.

If I may take your question a bit broader, we have to recognise that this is not a normal situation and we cannot offer absolute certainty because,



quite frankly, we do not know what the situation is going to be in May, what the level of the pandemic is and whether the South African or Brazilian or other variants are going to come along. All we can do is plan as best we can. I would ask for a level of flexibility so that we can address problems as we see them, because there will be problems coming forward.

In terms of local authorities preparing for it—and I am diverging a bit from your question—I do think the resources issue is really important because we are not going to be in a normal election and it won't be a village hall with two polling clerks in it. We will have to have a marshal outside in case there are queues. We will have to have cleaning facilities in the polling booth itself, wiping down surfaces regularly. We will have to have PPE available. There are questions to ask about: what happens if somebody turns up to vote and they do not have a facemask, never mind a pencil?

A lot of issues that will involve us having more facilities on site will require us to have a larger polling venue than we normally do and more people, at a time when it may be difficult to get those extra people. As a number of you have alluded to, we may have fewer people volunteering because a lot of the people who volunteer associated with polling are older and they may feel less secure about doing it. Some of our polling venues may no longer be available, and that is not just schools or places that are being used for vaccination or whatever.

A number of our venues are quite small. I live in a rural area and we quite often use portacabins for some of the smaller villages. Can we have good social distancing in a portacabin? I cannot give you an absolute answer but that is going to be more difficult, so there is a whole series of things that we have to address with the guidelines that will require more resources and more flexibility as to how we do it, but in terms—

Q65 Mr Jones: You have given an indication of the planning challenges. In terms of funding, as I understand it, the Government have made £92 million available to fund the elections, of which £31 million is an uplift to reflect the additional challenges associated with the pandemic. In your view, is that sufficient?

Councillor Jamieson: First, we need to look at how elections are funded. The Government pay for the PCC election but the local elections are funded by local authorities, so the amount that local authorities actually spend on local elections is substantially higher than that. The uplift we have had is £15 million for the local election and I believe £16 million for the police and crime commissioner election.

I personally do not think that is anywhere near enough, if you are potentially talking about having double the number of people in a polling station, if you are talking about having to access larger venues, obviously trying to avoid using schools, potentially deep cleaning venues before you use them and after you use them. Many village halls and community halls have been shut for three, six, nine months. They would have to be reopened up, which obviously comes at a cost and—



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Q66 **Mr Jones:** Forgive me for interrupting. What is your estimate of the sort of funding that should be available to reflect the additional challenges that you have just described?

Councillor Jamieson: Well, £15 million is not enough. It is an exercise we are currently going through and I am happy to come back to the Committee when we have a figure, but certainly £15 million—

Q67 **Mr Jones:** Perhaps you could write to us at that stage. It would be helpful if you could. Do you have any idea when that exercise is likely to be completed?

Councillor Jamieson: I will give you a political answer. We are trying to do it as quickly as possible but I would hope to have something in the next couple of weeks.

Mr Jones: If you could write to us at that stage it would be extremely helpful. Thank you very much.

Q68 **Karin Smyth:** Just to clarify, my question was to follow on from David on the resources, so when you write to us, Councillor Jamieson, could you be clear, because I think we thought that there was in total £4.3 billion to local authorities for overall pandemic costs and an additional £1.5 billion of non-ringfenced made available last December for local elections. Our question was really about, as David has said, whether that is sufficient. If we can perhaps pick that up so we are very clear what is expected by local authorities specifically for local elections. Is that clear?

Councillor Jamieson: That is fine. To be clear, the additional funding for local government, which we were very pleased to receive for the first quarter of next year, was substantially to deal with the pandemic itself. There was reference made to elections but I think, if we look back to where we were in November—and that was pre the Kent variant being highlighted—we were actually hoping and expecting to be in a much better position than we are in now. We are seeing ourselves in a different position.

It is fantastic that the vaccinations are rolling out so quickly, but it is quite different. We were not expecting schools to be closed for January and February, so it is very different. The expectations that maybe we had in November, which were obviously optimistic, were that we could have something approaching a normal election and we would have a very low incidence of coronavirus. Quite clearly, it is very different now.

Q69 **Karin Smyth:** So that I am very clear, is it then the case that there isn't a specific ring-fenced additional allocation for these very unusual set of local elections?

Councillor Jamieson: You are right. The money that we were given in the spending review was basically to cope with Covid and all the other issues that we have around Covid—additional cost of adult social care and so forth, with a mention of also covering some election expenses. The additional funding that has been specifically mentioned, which literally



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came out last week—I would double-check my figures—I believe was £16 million extra for police and crime and £15 million for local elections.

Q70 Karin Smyth: We will clarify that specifically. Thank you for doing that.

Given that there is some extra funding or the ability to use other pandemic funding in the overall allocation from the Government, what are local authorities prioritising with the non-ringfenced funding? What is the first call on that money?

Councillor Jamieson: The first call on that money is the health of our community and keeping people safe. In general, that is paying for additional costs for adult social care that we are seeing, additional costs of our services and—

Karin Smyth: Sorry, in terms of the elections, pardon me.

Councillor Jamieson: We are now going through what these elections will cost us, and local authorities have an obligation to run a safe election. The point I was making to you is that the additional funding will not cover the measures that will need to take place. Local authorities will always step up to the plate and we will do what is necessary. Without additional funding, we will end up with a shortfall in running these elections, but just because there is a shortfall does not mean we won't do it. The priority is to run a safe election and the safety of our residents. As ever with local authorities, where there is a shortfall in one area that we have to spend, that will have implications for other services. Hence I think it is important that the additional costs of the election are fully funded and we won't know what those full costs are accurately until after the event.

Q71 Chair: Thank you very much. Two quick questions from me, the first to Ailsa Irvine, please. Through your work with the Government as part of the Electoral Commission, how much do you think the Government's delivery plan hangs on the public health response and, in particular, the vaccination rollout to the over-50s by May? Forgive me if I am wrong, but it appeared in the public domain through a Cabinet Office press release, with reference to the local elections going on, that we learned perhaps of the target to vaccinate all the over-50s by May.

Ailsa Irvine: It may well be that the Government have taken into account the public health situation in making their delivery plan. From our perspective, we were not sighted on the detailed public health advice. We fed in the information that we have, which relates to our areas of expertise around the delivery of elections, what we are hearing from campaigners, what we are hearing from voters. It may well be that the Government have had these wider considerations in mind, but it is not a point of their delivery plan that we have discussed in detail with them.

Q72 Chair: That is fine. In your view, Mr Stanyon, is there still a risk of the Government changing the date of these elections and has that been factored into electoral administrators' planning?



Peter Stanyon: There is always the risk. One of the questions we asked in our conference yesterday was, with the various variants, will that be the high bar that the Minister talked about to change the election dates. We are effectively in the hands of decisions being made outside the control of the electoral community.

If that is the case, it will just basically be abortive work because everything would then re-kick into process. It would be much harder if it is delayed closer to the proposed 6 May date. What will that mean for the nominations that have been received? What will that mean for postal votes that may have come in/come out, for example? It would be very much a case of abortive work that then comes with resourcing implications and costs that needs to then roll out for whenever a future date will then be.

Chair: Thank you.

Q73 **Mr Jones:** Ailsa Irvine, there is already contingency legislation in place in Scotland to be used as a last resort if it is necessary to delay the polls. I understand that similar legislation is being considered in Wales. Would you say that this shows a better degree of preparedness on the part of the devolved Administrations?

Ailsa Irvine: I think it shows a different approach. Under devolution we do see different changes in relation to elections and the electoral framework being taken forward by the different Governments. The interesting distinction is, of course, that the elections taking place in Scotland and Wales that they are legislating for are the elections to their own Parliaments through those institutions. It is important for them to make sure that, if there is any potential for a delay, they need to make sure that there are provisions in place before any dissolutions of those bodies takes place. That has probably to some extent driven a different approach.

I think that, although we are seeing different approaches by the three Governments, we are seeing still broadly similar rules of the game. The likes of the emergency proxy changes that we talked about, we have seen those in place in Scotland already. They are currently before the Welsh Parliament and are about to come before the UK Parliament, so similar changes through different legislative mechanisms to slightly different timescales but all trying to get to the same point.

Q74 **Lloyd Russell-Moyle:** You have explained the costs of the money that the Government have given to you. Could you explain the additional costs that would be incurred by councils and administrators before the statutory deadline of giving the notice to elections in case things are put back? Could Mr Stanyon and then Councillor Jamieson respond respectively?

Peter Stanyon: One of the key elements will be around absent voting because all costs that relate to absent voting fall to the local authority, and that has been one of the issues ahead of national polls where you see spikes, which falls to that local authority.



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The additional costs that are there we are having to plan as we speak. Decisions are having to be made now that could well mean levels of PPE or screens in polling, whatever it is, being procured now that when we get to May we actually think, "We didn't really need them in May" because the decisions were being made so far out.

The best example I would give of that was before the December general election, where lots of decisions were being made about six foot of snow outside polling stations, so lots of salt and things were being purchased. When we got to polling day it was more like biblical floods, as I can remember, in terms of it pouring down all day long. That is where the additional cost potentially comes now that could be aborted for decisions being made now.

Going back to the earlier point, all absent voting registration costs will fall to the local authority, so there will inevitably be a higher level of cost if more people turn around and vote by post on this particular occasion.

Q75 **Lloyd Russell-Moyle:** Yes. That is processing costs and I guess potential cost of freepost if people do not use an electronic offer and if that electronic offer is not advertised properly?

Peter Stanyon: Yes, absolutely to do with the actual registration of the absent voter, and then when you get to the election you send your postal vote out. That becomes an election cost at that particular moment, so everything with preparedness and getting the person on the system in the first place, yes.

Q76 **Lloyd Russell-Moyle:** Fantastic. Councillor Jamieson, is there anything to add there?

Councillor Jamieson: No. As Peter was saying, it is just all the preparation that we are doing. There are some costs incurred and if there was a delay to the election, depending exactly when, those costs just keep mounting up.

Chair: Thank you. I want to bring David Mundell in. I am not sure if he has a supplementary at this juncture.

Q77 **David Mundell:** Mr Chairman, it was just to follow up Mr Jones's line of questioning with Ailsa Irvine, to ask whether she feels that the debate and discussion that have been able to take place within the devolved Administrations has allowed for better scrutiny of how elections might happen safely than has been possible so far here at Westminster.

Ailsa Irvine: I think the nature of the changes that were brought forward in Scotland and Wales is required to be made through primary legislation, which does create a different parliamentary process and a different degree of scrutiny than the secondary legislation that has been brought forward by the UK Government. To some extent, it may well be down to the different rules of where they are contained and where changes are needed to be made, which has made an impact on where they are considered.



Q78 **David Mundell:** Essentially, it is because there has been primary rather than secondary legislation that has caused the difference in approach?

Ailsa Irvine: That is certainly the technical answer. Whether there are any other considerations obviously would be a question for the Governments.

Chair: Thank you. Final questions from Jackie Doyle-Price, please.

Q79 **Jackie Doyle-Price:** Yes, you will be pleased to know that these are the final questions. I want to come back to this question about what will happen if the elections are delayed. There are two aspects to that and it just follows on from what David's questioning was, which is: what new legislation will be needed? More importantly, from my perspective, are the issues about the extension of term lengths if elections are delayed. We have already had a delay of a year. For some sitting councillors who had already made the decision to step down, we have a real deficit in representation continuing if that delay happens. Perhaps I could start with Councillor Jamieson for his reflections on those points.

Councillor Jamieson: I think we all get our authority from the fact that we are democratically elected over, in our case, a four-year period of time or a five-year period of time. That is fundamentally important and that is an issue. There is also an issue that I am aware of of balance of power in certain councils where, effectively, there was a majority of one or negligible and the unfortunate death of one or two councillors can swing a council in an unexpected way and we have not been able to have that. It is deeply concerning that any delay does impact the democratic mandate, but that has to be balanced against public safety and the ability to have a fair and democratic election. I would certainly fully support the delay that we had last year.

I think this year—and I know from the debates we have had in the Local Government Association where there have been a variety of views—it was a very balanced view as to whether it was appropriate to go ahead or delay for two or three months. It is a difficult decision and, as I said at the outset, the decision has been made and, as local authorities and returning officers and so forth, we will do our utmost to deliver a fair and democratic election, but it is not going to be easy. We do need a level of understanding, a level of flexibility and a recognition that this is not going to be a normal election.

Q80 **Jackie Doyle-Price:** Ailsa Irvine, democracy delayed is democracy denied in some respects, but if there was a delay what legislation would be required for the Government to enact?

Ailsa Irvine: As you say, we do want elections to continue wherever possible and when it is safe to do so. In terms of delaying the elections, it would require primary legislation to postpone the elections from taking place, as happened ahead of last May's elections. Then there would likely be a need for some secondary legislation technically beyond that to tidy up any loose ends, depending on when in the election timetable any decision was made, as we saw again after the elections were postponed last May.



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Q81 **Jackie Doyle-Price:** The clock is ticking, so the longer we go on the less easy it is to delay elections, presumably?

Ailsa Irvine: Yes. The timetable starts as soon as local authorities start publishing the notice of elections, which for the local elections has to be done by 29 March, but we know that many will start from as early as 11 March to extend the nominations period and give candidates and parties as long as they can for that. Obviously, you need to see decisions taken before that point, although last year I think we saw the delay being announced on 18 March, so it is not impossible beyond that point if there was a will to do so. As Peter Stanyon and Councillor Jamieson have said, preparations are continuing all the time and more money is being spent every day we get closer to the polls.

Chair: Thank you very much indeed. I thank our three witnesses this morning for their insight. Of course, if there is anything further they wish to bring to the Committee's attention they are very welcome to write to us after this meeting. I thank all three of them on behalf of the Committee.