
TERMS OF REFERENCE OF THE ELECTORAL MATTERS WORKING PARTY

To: **Constitutional Review Working Party – 20 October 2011**

Main Portfolio Area: **Performance**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: To review the remit of the Electoral Matters Working Party at the request of the Members serving on the Working Party in 2011/12.

For Decision

1.0 Introduction and Background

1.1 When the Electoral Matters Working Party met on 27 September 2011 it agreed the following; that:

“the Terms of Reference of the Electoral Matters Working Party to go to the Constitutional Review Working Party on 20 October 2011. The Terms of Reference are to include: - ‘all other Electoral Matters’

1.2 Following an earlier meeting with Councillor W Scobie, he had asked for the terms of reference to be expanded to include:

- Maintaining a complete and accurate register.
- Improving public awareness.

1.3 The terms of reference of the Electoral Matters Working Party established at Annual Council in May 2011 are attached at Annex 1.

2.0 Options

2.1 The key issues for the Constitutional Review Working Party to consider are whether a Council committee could have a wider remit than the current terms of reference of the Electoral Matters Working Party, and if so, which committee would do so.

2.2 Note that officers consider that it is not appropriate to expand the terms of reference of the Electoral Matters Working Party beyond issues relating to electoral arrangements and electoral boundaries. The Democratic Services and Scrutiny Manager contacted members of the Association of Electoral Administrators across Kent to enquire of their arrangements. Whilst relatively few replied, in all cases their equivalent to the Electoral Matters Working Party limited itself to consultation on polling districts and places, corporate governance (boundary) reviews, and so on.

2.3 Instead, it is suggested that matters such as registration rates could be considered by the Overview and Scrutiny Panel, given that it has wide terms of reference that would allow it to consider any function of the Council. Electoral registration would fall within those terms of reference, because although the responsibility of the Council’s Electoral Registration Officer, the work is funded by Council following Cabinet recommendations.

- 2.4 It is also not considered appropriate to confer upon a review body the ability to consider “all electoral matters”. The planning arrangements for holding elections are prescribed in great detail by statute. In addition, the Electoral Commission is increasingly producing statutory Directions or more general guidance which prescribe the processes and timescales to be adopted. Given the short timescales involved and the degree of regulation applied, is not considered feasible for the Members to become involved in such planning. The Council’s Returning Officer is required to review the conduct of all elections held and make a report upon them to the Electoral Commission.
- 2.5 Although it is considered possible for the Overview and Scrutiny Panel to review the overall process for conducting electoral registration, it is not considered appropriate for it to involve itself in matters relating to individual registrations. There are clearly prescribed statutory processes for objecting to individual registrations and conducting a review of an existing registration, and those processes should be relied upon. Any Members having a concern about a registration should supply the details to the Council’s Electoral Registration Officer, who would then take any necessary steps.
- 2.6 Thus Annex 2 includes options for expanding the terms of reference of the Electoral Matters Working Party as described above, and Annex 3 simply notes of the issues raised by Members, those that can already be considered by the Overview and Scrutiny Panel.

3.0 Corporate Implications

3.1 Financial and VAT

- 3.1.1 There are no direct financial implications to this report.

3.2 Legal

- 3.2.1 These are outlined in Annex 1 and include involvement in statutory reviews of polling districts and places.

3.3 Corporate

- 3.3.1 The level of electoral registration in Thanet can be seen as both a reflection upon participation in local political processes and the effectiveness of the steps undertaken by the Council’s Electoral Registration Officer to increase registration rates. It may therefore be considered appropriate for the Overview and Scrutiny Panel to discuss these issues, and make recommendations to Cabinet, but the Panel already has the ability to do so, and no constitutional changes would be needed to facilitate that.

3.4 Equity and Equalities

- 3.4.1 There are no direct implications to this report.

4.0 Recommendations

- 4.1 Any recommendations the Constitutional Review Working Party may wish to submit to the Standards Committee are sought.

5.0 Decision Making Process

- 5.1 If the Constitutional Review Working Party makes a recommendation to Standards Committee, that recommendation will be considered at the next Standards Committee and will be subsequently referred onto Council (subject to the decisions of Standards Committee).

Future Meeting if applicable:	Date:
Standards Committee	9 November 2011
Council	8 December 2011

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate and Regulatory Services Manager

Annex List

Annex 1	Terms of Reference of the Electoral Matters Working Party 2011
Annex 2	Possible Revised Terms of Reference for the Electoral Matters Working Party
Annex 3	Issues That Can Be Considered by the Overview and Scrutiny Panel

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Sarah Martin, Financial Services Manager & Deputy S.151 Officer, ext 7617
Legal	Harvey Patterson, Corporate & Regulatory Services & Monitoring Officer, ext 7005
Communications	Justine Wingate, Corporate Information Manager, ext 7908