

AGENDA

POLICY AND RESOURCES COMMITTEE MEETING

Date: Wednesday, 19 October 2022

Time: 7.00 pm

Venue: The Sapling Room, The Appleyard, Avenue of Remembrance, Sittingbourne ME10 4DE*

Membership:

Councillors Mike Baldock (Chair), Monique Bonney (Vice-Chair), Lloyd Bowen, Derek Carnell, Mike Dendor, Tim Gibson, Mike Henderson, Alan Horton, Julian Saunders, David Simmons, Bill Tatton, Roger Truelove, Tim Valentine, Mike Whiting and Corrie Woodford.

Quorum = 3

Pages

Information for the Public

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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the Minutes of the Meeting held on 28 September (Minute Nos. TBA) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interest, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

Part B Reports for Decision by the Policy and Resources Committee

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Issued on Tuesday, 11 October 2022

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Policy and Resources Committee	
Meeting Date	19 October 2022
Report Title	Changes to performance reporting
EMT Lead	Larissa Reed – Chief Executive
Head of Service	David Clifford – Head of Policy, Governance and Customer Services
Lead Officer	Tony Potter – Policy and Performance Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That the committee agree to the performance report being considered by the committee every six months 2. The performance report is updated to show performance in the delivery of projects.

1 Purpose of Report and Executive Summary

2.1 This report sets out the case the change the way members review council performance reports.

2 Background

- 2.1 Monitoring council performance is an important part of ensuring the council is providing services that meet the needs of residents, businesses, and visitors
- 2.2 Officers and members use performance information to ensure that trends in performance (both positive and negative) are understood and where necessary, action is taken to improve performance.
- 2.3 It is important that the appropriate areas of performance are monitored and that the monitoring takes place as soon as practicable after the end of the monitoring period.
- 2.4 The following changes are therefore proposed:
- That the performance monitoring reports are changed to ensure they include council projects and priorities as well as business as usual work. This will ensure formal committee oversight on the main strategic work of the council
 - That the committee reporting frequency is changed from quarterly to six monthly to improve the alignment between officer reporting and meetings of the Policy and Resources Committee.

3.0 Consultation Undertaken or Proposed

3.1 Members from the administration and opposition groups have been consulted upon this change and have indicated their support.

4.0 Other options considered and rejected by officers

4.1 Not to make changes to the timing and contents of the performance report. This was rejected as it is important that the committee has a strategic oversight of all areas of performance. It is also important that the reports reflect the current performance situation of the council, and this is challenging with the current system.

5 Implications

Issue	Implications
Corporate Plan	The delivery of corporate plan priorities is essential
Financial, Resource and Property	There are no direct financial implications from this report, however by adding council priorities to the areas which are monitored under the proposed regime, the committee will be able to monitor the areas where spend is undertaken
Legal, Statutory and Procurement	There are no legal, statutory or procurement implications in this report
Crime and Disorder	There are no crime and disorder implications in this report
Environment and Climate/Ecological Emergency	There are no Environmental, Climate or ecological implications in this report
Health and Wellbeing	There are no health and wellbeing implications in this report
Safeguarding of Children, Young People and Vulnerable Adults	There are no Safeguarding implications in this report
Risk Management and Health and Safety	There are no risk management or Health and Safety implications in this report
Equality and Diversity	There are Equality and Diversity implications in this report

Privacy and Data Protection	There are no privacy or data protection implications in this report
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6 Appendices

None

7 Background Papers

None

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Policy & Resources Committee Meeting	
Meeting Date	16 October 2022
Report Title	Local Plan Review Update & Next Steps
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Flo Churchill, Interim Head of Planning
Lead Officer	Jill Peet, Planning Policy Manager
Classification	Open
Recommendations	1. To agree to postpone Regulation 19 consultation until the LURB gains Royal Assent/ there is greater certainty regarding national policy direction in relation to the local plan system

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to set out the risks associated with progressing the Local Plan Review in light of recent changes in central government personnel and delays with expected policy guidance at the national level. The prospectus of proposed changes to national policy and guidance was expected in July but has not been published and there is no date for publication in the public domain. The Levelling Up and Regeneration Bill (LURB) is progressing but there is uncertainty around 'direction of travel' as the new Prime Minister and Planning Minister set out their positions on planning and infrastructure.
- 1.2 The published LDS states the council will proceed to Reg 19 consultation in October/ November/ December 2022. Had the prospectus of changes been published as expected, officers would have been able to take into consideration the impacts of these changes to national guidance on the content of the emerging plan document (Reg 19). A new minister for Levelling Up was appointed on 6 September (the third one this year) and on 21 September the Housing and Planning Minister was confirmed as Lee Rowley. Given the changes to key personnel, the likelihood of the prospectus being published before the end of the year is looking unrealistic.
- 1.3 In order to avoid abortive work and undertake consultation that would then have to be repeated, it is right that the council take stock of the situation in light of this considerable uncertainty. This is particularly relevant because of recent discourse from government ministers where they have commented on housing numbers and greenfield developments with the implication that change to government policy is coming. Despite these comments, the change of direction of policy has not yet been forthcoming. The Planning Inspectorate (PINS) maintains the view that government policy requires local planning authorities to deliver their full Local Housing Need (LHN) as determined by the standard method approach *unless there are exceptional circumstances*. To date, officers

have not been able to identify a single example of where a sound plan with a number below the LHN has been delivered.

- 1.4 Given the significant risks associated with progressing to Regulation 19 consultation as per the published LDS, the recommendation is to pause formal stages of the Local Plan Review until the LURB gains Royal Assent.

2 Background

- 2.1 The government sought to introduce a complete overhaul of the planning system. Measures were set out in the White Paper: Planning for the Future in August 2020. This was accompanied by proposals to change existing national policy and guidance that would see, amongst other things, the introduction of First Homes as an affordable housing product and amendments to the standard method calculation that resulted in yet another significant uplift to housing numbers for most local planning authorities in Kent.
- 2.2 The proposed uplift to housing numbers in August 2020, nicknamed the ‘mutant algorithm’ was subsequently withdrawn. However, the current method is still based on the 2014 based Household Projections. Some of the proposed changes to the planning system have been introduced through amendments to existing regulations and through the enactment of the Environment Act. Further changes are expected (as should be set out in the prospectus) and the Levelling Up and Regeneration Bill (LURB) includes further proposals. The LURB has now had its second reading and is at committee stage.
- 2.3 The council has always expressed concern about its ability to deliver the housing numbers required for Swale through the ‘standard method’ approach. Government ministers have confirmed it is for local authorities to determine the housing numbers for their local plan. It is clear there is a disconnect between the idea of local planning authorities determining their own housing number and the reality of regulation and legislation. The National Planning Policy Framework (NPPF) is very clear that the number of homes needed should be informed by a local housing need assessment using the standard method *unless exceptional circumstances justify an alternative approach*. The council has not been able to demonstrate “exceptional circumstances” in this regard. Although around 60% of this borough is subject to high level constraints, the expectation is that the remaining 40% can shoulder the burden of housing development pressure. There are simply no easy choices and much of the remaining 40% is subject to local level constraints where development is discouraged unless there are no realistic alternatives.
- 2.4 As part of the LPR process, the council has looked at several strategic growth options and to date has supported a more dispersed pattern of development overall. In delivering the needs of the current local plan and the numbers required for the Review, the way to deliver a more dispersed pattern of development sees a focus at the eastern end of the borough. The western end of the borough (Sittingbourne and Newington), along with the Isle of Sheppey at

Minster has long been the focus for growth, being part of the 'Thames Gateway' area. There is a number of strategic sites at Sittingbourne, Iwade and Minster with planning permission and/or are under construction. Further strategic development allocations in and around Sittingbourne are likely to be problematic. Planning permission has been granted for around 2,800 dwellings at Iwade, north-east Sittingbourne and south-west Sittingbourne. Historically, viability at the Sittingbourne end of the borough has been finely balanced and while there are a significant number of dwellings in the pipeline in this general location, additional allocations to the west of Sittingbourne is likely to overheat the market, impact viability and subsequently, impact delivery. This is on top of transport and traffic issues that would need to be resolved with considerable investment as the road network capacity at both Grovehurst and M2 J5 (including planning improvements) are designed to meet requirements of the adopted local plan only. There continues to be issues with air quality on the A2 at Newington and Keycol that would be exacerbated by additional development without significant mitigation. Where small individual sites on their own in this broad location may not severely impact air quality, collectively, they would be highly significant and is a cross-boundary issue with Medway.

- 2.5 Traffic capacity and air quality issues between Sittingbourne and Faversham also limit development opportunities which would again require significant infrastructure investment both in terms of the highways network and to support active travel, noting the existing of an Air Quality Management Area (AQMA) on the A2 at Teynham. With this in mind, the council has, to date, focussed potential allocations (in line with a dispersed strategy) at the most sustainable locations and looked at areas where development could yield benefits for both new and existing communities by providing additional infrastructure and greater opportunities for more active travel to move away from reliance on the private car. These have been in areas where the investment of new development would provide a boost to existing centres with train stations.
- 2.6 Development allocations to the east of the borough, particularly at Faversham have the potential to achieve these aims with the delivery of a sustainable urban extension to the south and south east of the town. The quantum of development proposed would yield additional community infrastructure including for education, health, open space and walking and cycling routes into the town. However, the capacity issues at M2 J7 Brenley Corner are well documented and although this scheme features in RIS3 (the government's Road Investment Strategy), there are no firm proposals for the required improvements. This, in turn impacts delivery timescales for development at Faversham and at Canterbury. This uncertainty also impacts on the council's ability to deliver a sound plan as this much needed improvement is entirely within the control of central government.
- 2.7 LPR consultation confirms there is no consensus from our communities about where development should go. There is considerable concern around existing infrastructure capacity in particular. While a key benefit of new development is the infrastructure that it brings with it, it cannot make up for existing deficiencies. A common response to our consultations has been the number of new homes required of Swale is simply too great.

- 2.8 Significant change to national policy is on its way. This is coming in the form of the LURB and further changes to current regulations, policy and guidance. This was expected in July, in the form of a prospectus but with a new prime minister and minister for Levelling Up it is likely they will need some time to consider the direction of travel before continuing with the programme of reforms. With all of this uncertainty, there is no benefit to progressing to Reg 19 in what is, a policy vacuum. Given the forthcoming changes to the NPPF there is a strong likelihood that a draft plan would need to be amended to respond to that. This would result in the need for changes to be made to the document and for a further consultation to be undertaken before submission to the Secretary of State.
- 2.9 There is an obligation under regulation 10A of the Local Plan Regulations for reviews of a plan to be completed within 5 years of adoption. The PPG provides additional guidance in this respect at ID: 61-062-20190315. However, taking those points into account does not preclude the Council from decision to delay progression of the LPR until the LURB receives Royal Assent.
- 2.10 The evidence to demonstrate a plan number lower than the standard method has not yet been secured in existing evidence because the government will, under current policy, allow development to take place in areas that are cherished by our communities despite emphasising the planning system is about good 'place making' and not a 'numbers game'.
- 2.11 Any Reg 19 consultation that takes place during the next 12 months or so is likely to need to be redone to take into account any revisions to national policy. It is also unlikely that any draft plan that is acceptable to Members and meets the 'soundness' tests of the NPPF could be achieved at this point in time.
- 2.12 Undoubtedly, it is far from ideal to delay having an up-to-date local plan. However, this must be weighed up against other risks including progressing with a plan that is not sound or cannot deliver the right development for the borough. An out-of-date plan risks speculative applications for development, but the council is already inundated, and any new plan should be the right plan. Speculative development proposals are still required to meet the objectives of delivering sustainable development and comply with local policies compliant with the NPPF.
- 2.13 The Council has not been able to demonstrate a five year housing land supply since February 2019 but the gap is narrowing as delayed schemes start to come forward. The latest published figure (July 2022) is 4.8 years for the monitoring year 2020/21. The survey work for the most recent monitoring year, 2021/22 is now completed and demonstrates delivery of 1050 dwellings against the local plan target of 776 dwellings for that year. While the calculations for determining housing land supply take into consideration a number of other, complex factors, the completions number demonstrates the general direction of travel. The necessary analysis work is underway and a new Housing Land Supply Position Statement will be published in draft later this year. It cannot be finalised until the Housing Delivery Test is published in early 2023 to finalise the buffer to be applied (5% or 20%).

- 2.14 Local plan preparation should be done in accordance with the published Local Development Scheme (LDS). Clearly, should the proposed approach be agreed, this would not be the case. However, given the lack of necessary information and detail required, it is not possible at this time to prepare a revised LDS. It would be prudent to add an explanatory note to the relevant webpages to explain our approach, i.e. that the Regulation 19 consultation is postponed for approximately 12 months. A revised LDS (or equivalent) would then be prepared as soon as practicable to set out the new timetable.
- 2.15 During the pause, there is still much to do. The planning policy team will continue to work on the evidence base, making sure it is up-to-date and proportionate to support a sound plan. Work is already underway to assess the policies and proposals of the adopted local plan, Bearing Fruits for compliance with the NPPF. This is an important exercise because it helps to establish how much weight should be given to existing policies in determining planning applications. This is particularly important now that the adopted local plan is five years old.
- 2.16 Work on refining emerging policies and proposals will continue to secure delivery of sustainable growth, wider health and wellbeing benefits and respond to mitigating the impacts of climate change as well as securing required new infrastructure. It will be essential to continue keeping a close eye on the LURB and other national policy changes (including secondary legislation forthcoming from the Environment Act) so that when the time comes, a revised LDS can be prepared and consultation and submission of the LPR can take place during the transitional period which is usually six months from the date of Royal Assent.

3 Proposals

- 3.1 The proposals is to agree to postpone Regulation 19 consultation until the LURB gains Royal Assent/ there is greater certainty regarding national policy direction in relation to the local plan system.

4 Alternative Options

- 4.1 The alternative option is to progress as planned under the LDS but this approach carries significant risk and is unlikely to result in a sound plan for the reasons set out above. Therefore, there are no realistic alternatives.

5 Consultation Undertaken or Proposed

- 5.1 The local plan review itself has been subject to public consultation and the timescales for local plan production are a matter for the Local Development Scheme (LDS) which is prepared by officers and agreed by members before it is published. The Planning and Transportation Policy Working Group met on 6th October and discussed a version of this report.

5.2 The following points were raised and discussed:

- The risks associated with the proposed approach were discussed and the delay of having an adopted local plan review would need to be balanced against the risk of progressing with formal consultation (Reg 19) that could need to be repeated due to delays and uncertainty at the national policy level.
- Lack of clear direction creates significant uncertainty for progressing with the local plan review and proposed approach is most appropriate in the circumstances
- The approach proposed is not unique and several other local planning authorities across England have taken a similar course of action
- The need for developers and communities to have certainty but understanding of the wider issues and support for the proposals.
- The recommendation of the PTP WG were unanimously agreed and have been amended for this report for clarity.

6 Implications

Issue	Implications
Corporate Plan	The LPR is responsible for delivering the spatial elements of the corporate plan, i.e. Objectives 1, 2 and 3.
Financial, Resource and Property	The LPR is prepared in line with existing resources.
Legal, Statutory and Procurement	Preparation of a local plan is a statutory requirement, prepared under a national
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making.
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage

7 Appendices

7.1 None

8 Background Papers

None

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Policy and Resources Committee	
Meeting Date	19 October 2022
Report Title	Voter ID reform – risks to May 2023 Elections
EMT Lead	Larissa Reed – Chief Executive (Returning Officer)
Head of Service	David Clifford
Lead Officer	Keith Alabaster - Elections Manager
Classification	Open
Recommendations	1. That the specific risks to the local elections in May 2023 arising from the implementation of Voter Identification be noted.

1 Purpose of Report and Executive Summary

- 1.1 This report raises the profile of the risks to the May 2023 local elections arising from the implementation of voter identification and brings them to Councillors' attention.

2 Background

- 2.1 The Elections Act 2022 sets in place the legislation to implement a number of changes to the conduct of elections including (but not limited to):

- Limits on postal vote handling;
- Removing the time limits on overseas voter registration;
- Increasing accessibility requirements in polling stations;
- EU Citizens voting and candidacy rights;
- Changing the frequency of absent voting refreshes; and
- Introducing photographic voter identification for polls.

- 2.2 It is the impact and associated risks of the introduction of photographic voter identification at polling stations that is considered here on the Council's May 2023 Elections.

- 2.3 Appendix A sets out the risk assessment of the changes as currently proposed going live in January 2023. Whilst the primary legislation is enacted (Elections Act 2022) the secondary legislation required to implement the changes and set the rules by which Voter Identification will work is not in place. To date a draft has not been made available. The secondary legislation will be significant as it will cut across hundreds of pieces of election legislation and will need to be of sufficient quality to enable elections with voter ID to take place.

- 2.4 Following the publication and adoption by parliament of secondary

legislation the Electoral Commission will provide national guidance and put together a national communication campaign for Voter Identification. That work cannot begin in any detail until the secondary legislation is in place.

What does the change involve?

- 2.5 At the May 2023 elections, in addition to being registered to vote, as now, electors voting in a polling station will be required to show photographic identification to the presiding officer or poll clerk in order to be issued with a ballot paper. This identification can take the form of a passport, a driving licence or one of several other government funded photographic identity documents.
- 2.6 To support this, from January 2023 the Council will be required to issue free Photographic Voter Identification documents to electors who request one. Estimates on volumes of the electorate who do not currently have a valid form of photographic identification range from 2-4% of voters. Any elector can request and receive a free Voter Identification document from the Council, the Department of Levelling Up Housing and Communities (DLUHC) are focussing communications in the application process to highlight to an applicant that they only need a Voter Identification document if they do not already have ID, but there is nothing to prevent those people from applying anyway.
- 2.7 The change will be supported by the launch of a new Government portal on www.gov.uk that will allow the electorate to register, request a Voter Identification document and apply for an absent vote online. The portal is still at an early phase of testing, but the principle is that elections team will access an administration element of the portal and approve applications before they come through to the Council's existing Electoral Management System (as registration applications do now). The voter identification document, which will be called a Voter Authority Certificate, will not be an ID Card. It will consist of an A4 paper document bearing the photo and including a variety of security features. Whilst the Council (on behalf of the ERO) will be issuing these documents, they will physically be supplied by an external contractor. Technically the document will not have an expiry date, but it will be recommended that it is renewed every 10 years, to keep the photo up to date.
- 2.8 There will also be provision for supplying Voter Identification documents to electorate in the run up to an election. This will include the provision of a temporary Voter Identification document by the Council with a permanent document to follow. In emergency situations a problem with Voter Identification will also be an allowable reason for an emergency proxy.

- 2.9 Due to the introduction of Voter ID, poll cards will also be changing (including the legislation on the form they need to take). Poll 'Cards' will also become A4 documents (letters), in order to capture the extent of information required to advise electors of voter identification requirements.
- 2.10 Postal votes and personal identifiers (signature and date of birth) will not be changing. However, with the application process for these moving online in July 2023 it is not clear how the personal identifiers will be provided in such a way that they will match a handwritten signature when a postal vote is submitted.
- 2.11 In order to implement these changes in polling stations training will be required for staff, particularly presiding officers, in order to understand the rules and requirements around accepting or rejecting Voter ID and dealing with challenge from the electorate. In order for training to be provided it will be necessary to have the secondary legislation and guidance from the Electoral Commission.

Assessing the Risk

- 2.12 We have started project planning and contingency planning for the election. This process allows any particular issues and risks to be identified and mitigations and actions to be considered early. Historically, Swale has been successful at running elections and we are always looking at ways we can improve processes and practices.
- 2.13 Appendix A sets out a focussed look at the specific impact of Voter Identification on the May 2023 elections. It is not the overall election risk assessment, and there will be additional risks to consider as part of election planning. Nor is it the overall risk assessment for the full implementation of the Elections Act 2022.
- 2.14 There are a significant number of red risks on the focussed assessment and as such it has been necessary to add a corporate risk register which will be reported through Policy and Resources Committee. The corporate element of the risk is that a failed election does not provide the Council with the Leadership and decision making it requires to function.
- 2.15 In addition, these risks are also being flagged to this Committee, not for their corporate impact but because of the risk to electoral integrity. Ultimately, if realised these risks would impact on both the practical ability to conduct successful polls, but also the integrity of the outcome. Specifically, the changes if not conducted properly, could disenfranchise voters and therefore undermine the election. Even if we

successfully deliver an outcome from these elections that enables the Council to function, its democratic integrity and mandate may be open to question.

2.16 The Government's own Annual Report on Major Projects 2021-22 produced by the Infrastructure and Projects Authority and based on information provided by DLUHC, assess the overall Electoral Integrity project as red (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092181/IPA_AR2022.pdf page 58).

2.17 The Association of Electoral Administrators and others have informed DLUHC that the changes to Voter Identification risk the delivery of the May 2023 polls (<https://www.aea-elections.co.uk/wp-content/uploads/2022/07/Letter-to-Sec-of-State-Elections-Act-2022.pdf>)

“With key policy details still to be confirmed, and secondary legislation yet to be published, the Association of Electoral Administrators no longer believes it is possible to successfully introduce Voter ID in May 2023.”

2.18 Elections managers and Returning Officers from across Kent have met to ensure we have a consistent view and approach to these changes. The Democratic and Electoral Services Manager at Maidstone Borough Council represents the South East and Kent on the Business Change Network to provide professional feedback and input on the proposals to DLUHC. He has worked closely with the other Elections Managers to consider proposals and feedback. Whilst the contents of those discussions are restricted, the risk assessments have been put together on the basis of publicly available information and from the discussions with Returning Officers and Elections Manager.

2.19 In response to the feedback it received, and with a new Minister appointed, DLUHC responded to concerns on timescales of delivering for the May 2023 polls by moving the date for implementation back for issuing voter identification documents, and the new portal going live, from December 2022 to January 2023. This concern is that this change, whilst welcome does little to mitigate the risks and does not address the causes of the risks.

2.20 Elections are 'no fail' events. Unlike other projects where tolerances can be built into timescales and quality, in elections there are none. Elections must be delivered on time and provide a trusted result and outcome. Trust in election outcomes is critical to democracy and the authority with

which elected bodies act. In order to maintain that we would expect to already:

- Have the secondary legislation in place, and already have detailed Electoral Commission guidance for election planning;
- Have role requirements and training packages for staff available;
- Be using the new portal with staff training completed and bugs being reported and resolved; and
- Have sight of national communications to run for the start of 2023 so our communication plans can be put together.

2.21 All the risks in this risk assessment are exacerbated to beyond acceptable levels by being abutted up against the delivery for the May 2023 (the election period beginning officially at the end of March 2023).

What Next?

2.22 Many Councils in Kent are considering similar reports to this, there is no information in this report that has not be shared with the AEA, the South East Branch of the AEA, and the LGA. The Chief Executive is also raising this matter with both Swale MP's.

2.23 The identified mitigations will be put in place. Democratic and Electoral Services will be reviewed to ensure the most robust structure is in place to deliver the May 2023 elections, and a new temporary member of staff will be recruited for 2023 to help with the elections and delivery of new boundaries ahead of May 2024.

3 Alternative Options Considered

3.1 The other alternatives considered and rejected are. Not to operate the Voter ID system. This has been rejected as there is a requirement of the legislation that we undertake this change

4 Consultation Undertaken or Proposed

4.1 The Elections Officers and Returning Officers have responded to all the of governments consultations. We have not undertaken any external consultation.

5 Implications

Issue	Implications
Corporate Plan	The successful and fair delivery of elections underpins everything the Council does.

Financial, Resource and Property	There are no direct financial consequences from noting the report. However, the risk to elections could have significant financial consequences if realised, and some of the proposed mitigations need funding (i.e. extra electoral services staffing, and extra elections staffing).
Legal, Statutory and Procurement	The Elections Act 2022 is in place, with secondary legislation and Electoral Commission guidance to support the implementation of the Act to follow. The implications of not having the secondary legislation in good time or to sufficient quality have been considered in the risks.
Crime and Disorder	The risk profiles include consideration of policing of polling stations on polling day and the likelihood of an increase in incidents.
Environment and Climate/Ecological Emergency	None
Health and Wellbeing	The well being of elections staff and poll station staff need to be considered and mitigations to risk need to be put in place
Safeguarding of Children, Young People and Vulnerable Adults	None
Risk Management and Health and Safety	The contents of this report relate directly to risk management, and negative Health and Safety Implications need to be mitigated.
Equality and Diversity	An EIA will be conducted when these changes are implemented. There are concerns arising from the implementation of Voter Identification that it will disproportionately impact on certain groups more than others. This will be mitigated by actions we can take in terms of communications and ensuring our processes for issuing Voter IDs are as robust as they can be, but the overall implementation is a government project that we cannot change.
Privacy and Data Protection	There are privacy and data protection considerations arising from additional processes for Voter Identification. The full extent of these cannot be assessed at this point as not enough information is available. However, we will work with the Information Governance team on a DPIA once information is available.

6 Appendices

6.1 Appendix 1 sets out the risks.

7 Background Papers

7.1 None

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	Period	Risk	Impact	Outcome	Likelihood	Impact	Mitigation Measures	Likelihood	Impact	Mitigated Risk Score
1	Registration	Secondary legislation not in place to inform planning for May 2023	Risk mitigations and choices being made uninformed (see also comms risk)	Election outcome is open to challenge e.g., electors not being issued with electoral identity documents and being unable to vote	5	5	Kent Returning Officers and Kent Election Managers meeting and Maidstone Election Manager is part of the Business Change Network	5	5	25
2	Election	Secondary legislation not in place to inform delivery for May 2023	Decisions and election planning conducted uninformed (see also comms risk)	Failure to deliver polling e.g., electors prevented from voting leading to a challenge to the way the poll was conducted. Potential errors leading to lack of confidence in the administration of the poll and the result. Reputational damage for the local authority	5	5	Kent Returning Officers and Kent Election Managers meeting and Maidstone Election Manager is part of the Business Change Network	5	5	25
3	Registration	Electoral Commission Guidance not in place to inform planning for May 2023	Risk mitigations and choices being made uninformed (see also comms risk)	Election outcome is open to challenge e.g., electors not being issued with electoral identity documents and being unable to vote	5	5	Kent Returning Officers and Kent Election Managers meeting and Maidstone Election Manager is part	5	5	25

							of the Business Change Network			
4	Election	Electoral Commission Guidance not in place to inform delivery for May 2023	No guidance to inform decision making (see also comms risk)	Failure to deliver polling e.g., electors prevented from voting leading to a challenge to the way the poll was conducted. Potential errors leading to lack of confidence in the administration of the poll and the result. Reputational damage for the local authority	5	5		5	5	25
5	Registration/Election	Too much workload in Electoral Services	Unable to process applications in a timely manner	Disenfranchised electors (with disproportionate impact on certain demographics and deprived areas) Reputational damage Increased costs Impact on election capacity Impact on other activities	5	5		4	4	16

6	Registration/Election	ICT System failure (Portal)	Unable to process applications Authorised IDs incorrectly	Disenfranchised electors (with disproportionate impact on certain demographics and deprived areas) Reputational damage Increased workloads and costs Impact on election capacity Fraud Reputational damage Failure demand	5	5	Training of staff will be conducted once the system information is available. Additional staff to be recruited on minimum 1 year fixed term contract to increase capacity. Inbuilt resilience in sharing workload with Corporate and Electoral Support as part of wider Democratic and Electoral Service. Ability to issue temporary electoral identity documents in contingency situations where the usual determination, printing and distribution	4	5	20
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							process is disrupted.			
7	Election	Quality of product (Voter ID) is not fit for purpose	Voter ID becomes damaged or unusable prior to election Voter ID is forgeable for use in a polling station	Increased workload/failure demand Reputational Damage Disenfranchised electors Impact on Local Election results and election integrity	5	5	Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) The ERO will have the ability to allow the appointment of an emergency proxy for that polling day. Electoral identity	5	5	25

	Period	Risk	Impact	Outcome	Likelihood	Impact	Mitigation Measures	Likelihood	Impact	Mitigated Risk Score
							document expected to be an A4 paper-based document with inherent security features Ability to issue temporary electoral identity documents in contingency situations where the usual determination, printing and distribution process is disrupted. Increase polling staffing levels for May 2023 elections			

8	Registration/Election	Communications are not effective (Comms Risk)	<p>Increase in voter ID requests</p> <p>Electors do not have apply for Voter ID when they needed to/elector assumes Poll Card is ID</p> <p>Electors do not realise they need ID and do not like being challenged in the station</p>	<p>Unable to process applications in a timely manner (see above)</p> <p>Elector is disenfranchised</p> <p>Elector is disenfranchised/polling risks and disruption</p>	5	5	<p>Utilise internal comms team as far as able to - but reliant on secondary legislation and guidance being in place. Ahead of the introduction of the voter identification requirement, the Electoral Commission will carry out a wide- reaching public awareness campaign (from early 2023) to ensure voters understand the change and to support continued participation in the electoral process. The EC's advertising campaign will be designed to reach the general public</p>	5	5	25
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							and, as the majority already have an eligible form of photographic identification, it will focus on raising awareness of the change and serve as a reminder to those in election areas.			
9	Election	Additional Responsibilities for polling staff	Increased difficulty in recruiting (particularly presiding officers) Increased training requirements (including for experienced staff)	Risk to election delivery Increased issues in polling stations etc. Unable to deliver polls Time/cost	5	5	Increase polling staffing levels for May 2023 elections DLUHC funding provision Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) Contact staff	4	4	16

							early for May 2023 (underway), to inform planning Put all council teams and staffing on standby to assist if required			
10	Election	Increased <u>serious</u> polling station incidents due to additional 'challenge point' of ID	Increased resourcing requirement on police Risks to staff safety	Difficulty recruiting Police unable to respond to serious incidents as occupied elsewhere Staff are put in dangerous situations	4	5	Increase polling staffing levels for May 2023 elections DLUHC funding provision Extensive training package to be put in place (reliant on secondary legislation, guidance and training packages being available) Make early contact with police to discuss resourcing and cover	4	4	16

11	Election	Poll card changes (to an A4 letter) lead to increased costs and confusion	Electors are confused, voter ID vs Poll 'card', do not recognise poll card as its changing form (so goes from letterbox to bin) Turnout is impacted, including postal votes Costs of elections increase due to postage costs changing	Election integrity questioned and risks of challenge increase Political fall out and reputational damage Impact on Council's finances if not covered by DLUHC	5	5	Communications required (see Comms Risk) DLUHC dependency Additional staff to be recruited on minimum 1 year fixed term contract to increase capacity.	5	5	25
12	Election	Additional polling station requirements (Disabled access, private spaces)	Increased difficulty in finding suitable polling stations	Increased election costs (venue hire, extra staff) Disenfranchised electors (i.e. due to confusion on location of poll)	3	5	Early planning, analysis of anonymous electors Extra staff in each station Include in training to staff Polling station assessments to be carried out	2	5	10

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Policy and Resources Forward Decisions Plan – September 2022 meeting

Report title, background information and recommendation(s)	Date of meeting	Open or exempt?	Lead Officer and report author
Miscellaneous constitution updates	28/9/22	Open	Head of Service: David Clifford Report author: David Clifford
Q1 Budget monitoring report	28/9/22	Open	Head of Service: Lisa Fillery Report author: Caroline Frampton
Risk Management Update	28/9/22	Open	Head of Service: Alison Blake Report author: Alison Blake
Sittingbourne Town Centre – Supplementary Planning Document	28/9/22	Open	Head of Service: Flo Churchill Report author: Alison Peters
Q1 Performance Report	19/10/22	Open	Head of Service: David Clifford Report author: Tony Potter
Local Plan Review Update and Next Steps	19/10/22	Open	Head of Service: Flo Churchill

			Report author: Jill Peet
Q2 Performance Report	30/11/22	Open	Head of Service: David Clifford Report Author: Tony Potter
Draft Budget and Medium-Term Financial Plan including fees and charges	November/ December 22	Open	Head of Service: Lisa Fillery Report author: Lisa Fillery
Council Tax Support Scheme	February 23	Open	Head of Service: Lisa Fillery Report author: Zoe Kent
Treasury Management Strategy 2022/23	February 23	Open	Head of Service: Lisa Fillery Report author: Head of Finance and Procurement
Final Budget and Medium-Term Financial Plan including fees and charges	February 23	Open	Head of Service: Lisa Fillery Report author: Lisa Fillery
Q3 Performance Report	22/03/23	Open	Head of Service: David Clifford Report author: Tony Potter
Risk Update report	22/03/23	Open	Head of Service: Alison Blake

			Report author: Alison Blake
Q2 Budget Monitoring	22/03/23	Open	Head of Service: Lisa Fillery Report author: Head of Finance and Procurement
Q4 Performance Report	24/05/23	Open	Head of Service: David Clifford Report author: Tony Potter
2022/23 Outturn report	July 23	Open	Head of Service: Lisa Fillery Report author: Lisa Fillery

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