

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Friday 28 January 2022

Notice of Meeting

Dear Member

Corporate Scrutiny Panel

The **Corporate Scrutiny Panel** will meet in the **Virtual Meeting - online** at **10.00 am on Monday 7 February 2022.**

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Corporate Scrutiny Panel members are:-

Member

Councillor Andrew Cooper (Chair)

Councillor Mahmood Akhtar

Councillor James Homewood

Councillor John Taylor

Councillor Charles Greaves

Councillor Alison Munro

Philip Chaloner (Co-Optee)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting.

2: Minutes of the Previous Meeting

1 - 4

To approve the minutes of the meeting of the Panel held on 13 December 2021.

3: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the

Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

The meeting will hear any questions from the general public. Questions should be emailed to jenny.bryce-chan@kirklees.gov.uk no later than 10.00am Thursday 3rd February 2022.

In accordance with Council Procedure Rule 51(10) each person may submit a maximum of 4 written questions.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions will not exceed 15 minutes.

7: The Elections Bill 2021 Update

7 - 14

The purpose of this report is to provide members with information relating to the Elections Bill 2021 that is currently progressing through Parliament.

Contact: Laura Burrell, Electoral Services Manager, Tel: 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CORPORATE SCRUTINY PANEL

Monday 13th December 2021

Present: Councillor Andrew Cooper (Chair)
Councillor James Homewood
Councillor John Taylor
Councillor Charles Greaves
Councillor Alison Munro

Co-optees Philip Chaloner

In attendance: Eamonn Croston Service Director for Finance
James Anderson, Head of Accountancy
Sarah Hill, Finance Manager

1 Membership of the Committee

No apologies were received.

2 Minutes of the Previous Meeting

That the minutes of the meeting held on the 8 November 2021 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Council Financial Management Update - reserves

Eamonn Croston Service Director for Finance, James Anderson, Head of Accountancy and Sarah Hill, Finance Manager attended the meeting to provide an update on Council Financial Management Update, Reserves.

In summary, members of the Corporate Scrutiny Panel and Corporate Governance and Audit Committee were advised that reserves are an important part of local authority financial strategies and financial resilience. Councils are statutorily required to balance their budgets on an annual basis, and also by the nature of their

Corporate Scrutiny Panel - 13 December 2021

role, face a number of risks and opportunities, that are factored into their overall reserves requirement.

Currently underway is work on the budget proposals and the financial settlement which is issued by the government at this time of the year and is due around the 16th December and this sets out the provisional funding allocation at an individual local authority level for 2022/23.

There has been a significant challenge over the last two years in terms of managing the coronavirus pandemic. This highlights some of the volatility being faced which has had an impact on council's bottom-line positions in supporting a range of community and national measures to support the control of infection rates. With the infection rates likely to increase with the new variant it is a prime example of where there is still that external volatility and how that might impact and, what reserves might be there to help buffet in that context.

The national figure for reserve levels is not yet available. The figures from CIPFA is the financial resilience index which is a national benchmarking tool to help local authorities assess their resilience and sustainability based on a number of national performance measures based on publicly available national data sets. It compares likeminded councils across a range of activity including levels of reserves.

There has been a significant increase in reserve levels between 2021 and 2022 nationally across different types and categories of councils partly because many councils have rolled forward a number of the funding streams they received in 2021 to support Covid.

The Council's 2020/21 financial outturn and rollover report to Council on 8 September 2021, noted general fund reserves at £197.4m as at 31 March 2021 (£115.7m in 2019/20). Information, which includes indicative future year forecasts, was included in the Council 2022/23 budget strategy update report to Council on 13 October 2021.

In addition to the general fund, the Council's Housing Revenue Account (HRA) accounts for spend and income relating to the provision of Council landlord services to Council tenants and leaseholders, also holds reserves which are ring-fenced to the HRA. As at 2020/21 year end, year-end HRA reserves were £56.1m; a reduction of £2.5m from the £58.6m in 2019/20.

The requirement to hold reserves reflects a combination of factors, including external factors. Examples include resource levels, demand pressures, inflation and interest risks and the likelihood of exceptional incidents. Past Council examples of external factors resulting in reserves drawdowns include responses to severe weather events and dealing with environmental incidents at business premises.

In addition, internal factors may include the ability and timing of delivery of savings, overall financial standing of the Council, and the financial risks inherent in any new significant funding partnerships, major outsourcing arrangements, or major capital developments. Reserves requirements may also be a reflection of future service investment needs for example major transformation projects.

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There is commonality in terms of the types of risk for councils like Kirklees which is a relatively large metropolitan council with statutory responsibility for education and social services. When looking at the corporate risk register in other local authorities, it is expected that there would be common themes across similar authorities whilst also recognising that there might also be some things that are unique and reflective of local circumstances. The need to hold reserves and the types of reserves held is not exclusively down to external factors there may also be local factors.

One of the factors for Kirklees highlighted in the appended report is around the DSG deficit, which is currently a cause of national debate and has been for a few years. The concern is less the fact there is a deficit because a number of councils have deficits it is the scale of the deficit which needs to be taken into consideration.

Discussions are being entered into with the Department for Education (DfE), as part of participation into round two safety valve funding, which the DfE is offering as a potential funding agreement with a number of authorities carrying significantly high DSG deficits. Last year the DfE entered into agreements with five authorities and Kirklees is part of a cohort of authorities involved in round two discussions which has just formally commenced and will conclude in February 2023.

Panel and Committee members were informed that there are a range of safeguards in place to mitigate against local authorities over committing themselves financially. One of the safeguards currently under scrutiny nationally are Chief Finance Officers (CFO) s114 statutory powers. This refers specifically to s114 of the Local Government Finance Act 1988 which requires any CFO in England and Wales to report to all the authority's Councillors if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the authority will not have the resources to meet its expenditure in a particular financial year.

The Council's corporate risk register, which captures a range of the most significant organisational risks, was most recently reported to Full Council on 13 October 2021 as part of the 2022/23 Council Budget Strategy Update report. A number of Council reserves are statutorily ring-fenced for specific purposes and cannot be used for other purposes. This includes school balances and Public Health earmarked reserves. The Council also provides landlord services to Council tenants and leaseholders. Income and expenditure relating to landlord services is held in a statutory ring-fenced housing revenue account (HRA). This also means that HRA reserves are entirely ring-fenced to this account, and cannot transfer to the Council's general fund, or vice versa.

In response the information presented the following questions were asked:

- The report Lessons from Public Interest Reports by Grant Thornton refers to financial and commercial decisions being made without sufficient transparency and consultation. Is anything being done to address this?

Corporate Scrutiny Panel - 13 December 2021

- The Autumn statement mentions reducing the business rates for the hospitality industry which forms an important part of town centres revenue. Would this have an impact on local revenue and has it been factored into the reserves?
- In respect of the school deficit, was the council late in recognising it needed to do some transformational activity? If work had started earlier, would things be in a better position financially?
- Could the information on reserves be presented in an easier to understand format?
- Members commented that the use of the term 'reserves' can often be misunderstood and leads to the assumption that it is a nest egg that can be used as and when necessary to bolster services for example. The request is that a different term is used or if the use of reserves is standard finance terminology, then a more detailed definition should be given, one that fully explains what reserve money can and cannot be used

RESOLVED

That Eamonn Croston, James Anderson, and Sarah Hill be thanked for attending the meeting to provide an update on council reserves

8 Work Programme 2021/22

That the work programme for 2021/22 be noted.

KIRKLEES COUNCIL					
COUNCIL/CABINET/COMMITTEE MEETINGS ETC					
DECLARATION OF INTERESTS					
Corporate Scrutiny Panel					
Name of Councillor					
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest		

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Corporate Scrutiny Panel
Date: Monday 7 February 2022
Title of report: The Elections Bill 2021 Update

Purpose of report:

The purpose of this report is to provide members with information relating to the Elections Bill 2021 that is currently progressing through Parliament.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ? N/A	Not Applicable
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 25 January 2022
Is it also signed off by the Service Director for Finance?	Not Applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not Applicable
Cabinet member <u>portfolio</u>	Councillor Paul Davies

Electoral wards affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

Has GDPR been considered? The report does not contain any personal data.

1. Summary

- 1.1 The Elections Bill (the Bill) contains various proposals which will impact on how electoral registration and elections are delivered the UK. The Bill has recently gone through the second stage in the Commons and is expected to have Royal Assent by May 2022.
- 1.2 It is therefore important to note that the Bill will have no impact on how we conduct the May 2022 District Council elections.

2. Information required to take a decision

2.1 Background - The Elections Bill Key Elements

The Bills scope is wide ranging and covers the following areas:

- Requirement for voters to present ID at polling stations before a ballot paper is issued.
- Requires Electoral Registration Officer (EROs) based in local authorities to issue free voter identification cards to those without a valid form of photo ID. Please see appendix 1 for confirmed accepted voter ID documents.
- Requirement for postal voters to reapply for a postal vote every three years, this replaces the current rules whereby a postal voter must refresh their signature every five years.
- The Bill seeks to restrict the handling of postal votes by campaigners and limits the number of postal votes that any individual can hand in at a polling station. The current suggestion is that this could be limited to two.
- Requirement for applicants for postal votes to undergo identity checks.
- Online absent vote application portal to be implemented.
- Further limit the number of people someone may act as a proxy for.
- Allow all British citizens living overseas to register to vote for UK Parliamentary elections, regardless of when they left the UK. This would remove the current 15-year limit.
- Change the voting and candidacy rights for European citizens.
- Extend the accessibility to elections by requiring Returning Officers to take all reasonable steps to provide support to those with a disability whilst attending a polling station.
- Simplify and clarify the offence of undue influence as well as introducing a new offence around intimidation of candidates, campaigners and elected office holders from intimidation and abuse.
- The introduction of new digital imprint requirements, requiring campaigners to explicitly detail who they are and on behalf of whom they are promoting on all digital campaign materials.

The Bill will also cover other areas such as improving the accountability of the Electoral Commission and setting up a new framework around expenditure and political party finance. Please note that these elements will not be covered as part of this report.

2.2 Voter Identification and The Voter Card

- Voters will be required to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for Parliamentary elections in Great Britain, at local elections in England, Police and Crime Commissioner elections and Combined Authority Mayoral elections in England and Wales.
- It has also been confirmed that the requirement to present ID will be extended to all other polls such as Parish and Neighbourhood Planning Referenda.
- A wide-ranging list of identification documents will be accepted, please see the full list at Appendix 1.
- Railcards, some student ID cards and work passes will not be accepted.
- Research conducted by the Cabinet Office suggests that 2% of residents may require identification issued by the ERO. This is an average across the UK and does not take into consideration local factors, for an area like Kirklees the true figure is likely to be higher.
- For information 2% of the current electorate is approximately 6360.

- There will be a set deadline to apply for the voter card in the run up to an election. It is likely that this will be up to 5pm the day before polling day.
- As the Minister has now confirmed that it is expected that the requirement for voter ID will be in force at the May 2023 District elections, the application process for the voter ID card will need to be in place by the Autumn of 2022 to allow electors to apply well in advance of the poll.
- It is expected that a central online application portal will be available for applications to be made, as well as a paper form application route and in-person applications.
- At this stage, no information has been provided to the ERO/Returning Officer of when this portal will be in place or how it will integrate to our electoral management database.
- Regardless of any possible digital solution, a number of issues remain from an administrative point of view as during an election period, application rates are likely to significantly increase, and the burden will pass to local authorities and Returning Officers to provide voter ID cards at short notice. This is likely to be very resource intensive during an already busy work period.
- An additional implication is around what measures will be taken to ensure those who cover their faces for religious or other sensitive reasons will not be deterred from voting due to introduction of voter ID.
- The Returning Officer will be required to evaluate available space and facilities to provide ID verification in a private space at a polling station. As part of this, polling station staffing resources will need to be reviewed.

The Electoral Commission are likely to lead on the campaign surrounding the requirement for voter ID at a national level.

Locally, the ERO will be running a campaign to engage with residents, provide information on the application process and work with communities and external partners. As further details are provided regarding the application process and the performance standards of the ERO are set out, the Electoral Services Manager will provide further updates to members on how these changes will be delivered in practice.

2.3 Postal Voting

- Postal voters will be required to re-apply for their postal vote every 3 years.
- Political campaigners will be barred from handling postal votes.
- Introduction of a limit on the number of postal votes that may be handed in by any one person.
- The current proposal is that in addition to their own postal vote, an individual will be able to hand in the postal vote packs of up to two domestic electors. The thinking behind this is under the current regime, by permitting a high number of postal votes to be handed in, this could facilitate electoral fraud and undermine the integrity of the election.

2.4 Proxy Voting

- Currently, a person can act as a proxy for up to two electors and an unlimited number of close relatives. The Bill proposes that irrespective of any close relationship, you can only act as a proxy for 2 domestic electors and 2 overseas electors.
- Anyone acting as a proxy for more than the electors as specified, will be guilty of an offence.

2.5 Voting and Candidacy Rights of European Citizens

- Now that the UK has left the European Union and the freedom of movement has ended, the Government's view is that EU Citizen's voting and candidacy rights in local elections need to be updated to reflect this.
- The Bill requires EU Citizens to satisfy one of two requirements in addition to the usual eligibility to register to vote requirements.

- Citizens of an EU member state which the UK has a voting rights agreement (currently Spain, Portugal, Luxembourg, Poland) will be eligible to remain registered to vote and continue to register to vote for local elections in England.
- EU Citizens who were resident in the UK at the end of the implementation period completion date (31 December 2020) and have retained lawful immigration status.
- Please note, that these rules will not apply at the May 2022 District Council elections, all EU citizens, currently registered or applying will be able to vote at the elections in May 2022 or stand as a candidate.
- When the new franchise comes into force, EROs will be required to review all existing European entries on the electoral register and remove those citizens that do not meet the criteria as above.
- Currently, there is no information regarding when this review will take place or when the voting and candidacy rights may change.
- For information, as of 1 February 2022 there are currently 6278 European electors on the electoral register.

2.6 Accessibility

- The Bill aims to improve the electoral process for people with disabilities, placing a new requirement on Returning Officers to consider a wider range of support for voters with disabilities in polling stations.
- The Bill removes current restrictions on who can act as a ‘companion’ to support voters with disabilities to cast their vote in the polling station and gives the voter a wider choice of who can support them.
- The current legislation requires Returning Officers to provide tactile voting devices to support voters with sight loss. In future Returning Officers will be required to provide further equipment to support voters with sight loss or other disabilities.
- The Returning Officer is committed to improving accessibility and already provides additional equipment to polling stations to support accessibility. We are currently waiting to hear what the final requirements will be.

2.7 Introduction of New Digital Imprints

- Campaigners will need to explicitly show who they are and on behalf of whom they are promoting on any material published online in a similar way to the current requirements for printed materials.

2.8 Other key updates

- The Government is proposing to abolish the Fixed Term Parliament Act which will mean that the Prime Minister will no longer need to seek the approval of Parliament before calling a General Election.
- There is also an amendment that the timetable for Parliamentary elections be reduced from 25 working days to 17 working days.
- The combination of short notice (snap) elections and a reduced election timetable will make it extremely difficult for Returning Officers and their staff to book polling stations (particularly schools), recruit staff and print ballot books and postal votes. It will also mean postal vote packs would have to be despatched much closer to polling day, meaning electors could be disenfranchised, particularly those living overseas.
- The Association of Electoral Administrators (AEA) and the Society of Local Authority Chief Executives have written to the then Minister for the Constitution and Devolution, Chloe Smith, to express concerns that if the election timetable is reduced it “*would lead to voter disenfranchisement at best and catastrophic failure of polls at worst.*”

- A similar letter was also sent by several of the election print suppliers.

Considerations

- Delivery of the wide variety of new requirements and changes to the electoral process will be challenging.
- The ERO/RO is working closely with internal and external partners to establish how the Elections Bill can be delivered in practice.
- At this stage, the finer detail of application processes and the required logistics of delivery of this work have yet to be confirmed by Central Government.
- At this stage, the ERO/RO key focus is to work with partners to understand what barriers they feel they may have to the application process for ID cards and voter ID and what we as an authority can do to address this.
- There is a potential risk that the requirement to provide ID will disenfranchise some electors, particularly those without the approved identification.
- There are funding implications for the necessary equipment and staffing resource for providing the voter ID cards. Central Government are expected to provide a level of funding for the delivery of the voter cards however no figures or detail relating to the funding have been provided.
- Additional training will be required for polling staff on checking ID cards. The level of responsibility of poll staff will be increased and this could impact on staff willingness to work as they will be required to challenge voters where necessary.

Next steps and timelines

- ERO/RO will be working closely with partners to understand the challenges that the Elections Bill will create.
- The ERO/RO will be running a robust communications campaign once further detail on processes has been announced.
- The Electoral Services Team will dedicate further resources to outreach programmes in the run up to the implementation of Voter ID.
- Currently the Electoral Services Manager is reviewing core team staff resources and office accommodation to evaluate what resources will be needed for the delivery of the Elections Bill.
- Following the District elections due to take place in May, further information will be provided to Scrutiny Panel and all ward members relating to how this will impact the delivery of the poll in 2023.

3. Contact officer

Name: Laura Burrell – Electoral Services Manager
Email: laura.burrell@kirklees.gov.uk
01484 221650

4. Background Papers and History of Decisions

N/A

5. Service Director responsible

Julie Muscroft Service Director – Legal, Governance and Commissioning

Appendix 1

List of identity documents that will be accepted as identification:

Identity Document	Notes
A United Kingdom passport	n/a
A passport issued by an EEA state or a Commonwealth country	n/a
A licence to drive a motor vehicle granted under (i) Part 3 of the Road Traffic Act 1988, or (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1))	This includes provisional driving licences
A driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state	n/a
A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007	n/a
An identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)	A wide range of identity documents are PASS accredited including: <ul style="list-style-type: none">- CitizenCard- Bracknell Forest Council e-card- My ID Card- Milton Keynes all in 1 MK Card- NUS Totum ID Card- Validate UK Card- Young Scot Card

Identity Document

Notes

-
- Southwark Proof of Age London Card
 - One ID 4 U Card
-

A Ministry of Defence Form 90 (Defence Identity Card)

Commonly known as a MOD90

Any of the following concessionary travel passes:

This list exhaustively sets out all concessionary travel cards that will be accepted, to avoid any confusion amongst electors.

Funded by the UK Government:

- Older Person's Bus Pass
- Disabled Person's Bus Pass
- Oyster 60+ Card
- Freedom Pass

Funded by the Scottish Government:

- National Entitlement Card

Funded by the Welsh Government:

- 60 and over Welsh Concessionary Travel Card
- Disabled Person's Welsh Concessionary Travel Card

Issued under the Northern Ireland Concessionary Fares Scheme:

- A Senior SmartPass
 - A Registered Blind SmartPass or Blind Person's SmartPass
 - A War Disablement SmartPass or War Disabled SmartPass
 - A 60+ SmartPass
 - A Half Fare SmartPass
-

A badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme)

n/a

An electoral identity document issued under section 13BD (electoral identity document: Great Britain)

Referred to as the Voter Card

Identity Document**Notes**

An anonymous elector's document issued under section 13BE (anonymous elector's document: Great Britain) the holder of which has an anonymous entry at the time of the application for a ballot paper

n/a

An electoral identity card issued under section 13C (electoral identity card: Northern Ireland)

n/a

A national identity card issued by an EEA state

n/a
