

Mark Rickard
Divisional Manager – Council Tax
Department for Communities and Local Government
5/D2, Eland House
Bressenden Place
London
SW1E 5DU

16 December 2011

Dear Mark

Consultation by the Secretary of State for Communities and Local Government on proposed council tax referendum question

I wrote to you last Friday enclosing the Electoral Commission's response to the Department for Communities and Local Government consultation on a proposed question for council tax referendums.

On Tuesday you provided a copy of a further iteration of the proposed question, and asked for our views on the changes you have suggested. A copy of your suggested question is attached with this letter.

I understand that these changes have been suggested in order to address concern that the revised wording which we recommended in our response could be misleading. This is because it could suggest that the authority has not yet increased its council tax by an amount in excess of the principles established by the Secretary of State when in fact it has already made this decision and is seeking approval so it can continue to do so.

Our original response and recommendations were informed by the results of research with voters and consultation with interested groups and individuals over a period of 10 weeks. We have not been able to carry out any further research or consultation on the changes that you have suggested. We have, however, considered whether any of the findings from our previous research and consultation could inform any assessment of the suggested changes.

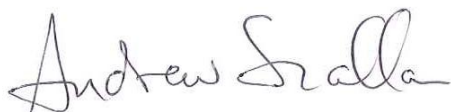
Having considered the revised question which you have provided and the evidence available from our research and consultation, we have concluded that we would not support making the changes you suggest. The additional question wording has not been tested with voters or plain language experts, and we are concerned that it risks introducing an unknown level of complexity or potential bias.

On balance, we are satisfied that the question wording which we recommended in our original response conveyed an appropriate level of information for voters to enable them to understand the context within which any referendum will take place. Our initial response highlighted the limited understanding of the referendum context and the need to ensure sufficient information about the proposals in any referendum area to ensure voters can make informed choices, but this level of information should be provided outside the immediate environment of the polling booth rather than on the ballot paper.

We have, however, made some observations on the changes which you have suggested, which are also enclosed for information.

I am of course happy to discuss further our consultation response and our further comments on your proposed changes. Please do not hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script that reads "Andrew Scallan".

Andrew Scallan
Director, Electoral Administration
ascallan@electoralcommission.org.uk
020 7271 0517

Comments on further revised referendum question provided on 13 December 2012

Revised referendum question

Vote only once by marking a cross (X) in the box next to your choice	
Part of the council tax in your area goes to _____.	
For the financial year beginning on 1 April 20xx _____ has decided to increase the amount it charges by x%.	
That decision is subject to the result of this referendum [and other referendums held _____ area].	
If most voters choose 'yes', the increase of x% will stand.	
If most voters choose 'no', the increase will be [y%] [zero] instead.	
Do you agree with _____ decision to increase the amount it charges by x%?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Length and structure

All of our question assessments to date have demonstrated that shorter referendum questions are preferable in terms of people's understanding of the referendum question itself. This places an onus on the question drafting to make sure that all words used in the question are essential in aiding clarity and ease of understanding.

On this basis, we believe adding the following words/phrases to the further revised referendum question are not necessary and that the same level of understanding can be achieved without them. These are:

- “.....and other referendums held _____ area”
- “..... will stand”
- “..... instead”
- “..... decision [to increase the amount]”

In our research voters understood the implications of the referendum choices expressed as “If most voters choose ‘yes’, the increase will be x%” and “If most voters choose ‘no’, the increase will be [y%][zero]”. We do not believe that the additional words ‘Will stand’ and ‘instead’ would add anything to voter understanding, but could further confuse voters.

We do not believe that the phrase “and other referendums held _____ area” would aid understanding by voters – there would only be one referendum across a major precepting authority to determine whether its increase is acceptable, and this wording suggests that there might be more than one different referendum.

We do not believe that the word ‘decision’ in the final question would add significantly to voter understanding of the referendum.

Inclusion of ‘has decided to increase’ in place of ‘wants to’

We acknowledge that this change has been suggested to make it clear that the higher increase in council tax has already taken effect. Our research and consultation did not consider this specific phrase. We did, however, test the word ‘set’ in the original

question proposed by CLG, which we believe was intended to convey the same meaning.

Our research showed that while most respondents did not have any particular difficulty understanding the use of the word 'set', it did cause some confusion, and fuelled scepticism about the purpose and outcome of the referendum. People felt that they did not have a choice over the level of council tax, and that it would rise by the higher percentage regardless of the outcome of the referendum because the decision had already been made.

Participants thought that the alternative wording of 'wants to', made it clearer that they could they influence the increase in council tax. We believe that the same issues would arise with the word 'decide' which in this context would have the same meaning as 'set'.

Use of the word 'agree'

Our research on the question originally proposed suggested that the word 'approve' should be removed. It was seen by participants in the research as simply another way of saying 'do you agree or disagree', wording which was considered to be clearer and more familiar.

However, while this research did not specifically test the word 'agree', we know from previous research we conducted for our assessment of the question proposed for the March 2011 referendum on the law-making powers of the National Assembly that the word 'agree' was seen to be leading and impartial with respondents feeling it was asking 'Do you agree with me...?'.¹

Following our recommendation, the Secretary of State for Wales amended the wording of the referendum question from 'Do you agree.....?' to 'Do you want....?'. Research following the referendum showed that voters found it easy to complete their ballot paper.

In our recommended re-drafted question wording for council tax referendums we suggested using the final question:

"Do you want _____ to increase its council tax charge by x%?"

¹ http://www.electoralcommission.org.uk/_media/response-submission/commission-responses-to-external-consultations/Question-assessment-report-English-FINAL-no-embargo.pdf

Participants in our research felt that the phrase 'do you want' gave a greater sense of choice to the question, that they were being asked for their opinion and felt in control over the amount by which their council tax charge would increase, and that it used more day to day language.

Importance of public information

To reiterate findings from our research and views from interested parties this is a complex subject area which voters are being asked to vote on. The question alone will not be enough to support informed participation.

While it is important that people know why the referendum is taking place and what it is about, we do not believe it is the purpose of the question to explain this.

The referendum question should be clear, simple and neutral. We believe that our proposed redraft meets these criteria and strikes the right balance between being informative and concise. We are concerned that this may be compromised by adding additional untested explanatory information.

For further information see paragraphs 5.31 – 5.39 of our question assessment report.