

[REDACTED]

From: FOI
Sent: 19 July 2022 14:32
To: [REDACTED]
Subject: FOI 053-22 - Response
Attachments: FOI 053-22 - Details of correspondence received.pdf

Dear [REDACTED],

Our Ref: FOI-053-22

Thank you for your email to the Electoral Commission dated 28 June 2022.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

*Please provide all correspondence received to date relating to the handling of Croydon Council's mayoral and local elections in May this year.
I am particularly interested in complaints, the delays to the count and extra costs that ensued.*

Our response is as follows:

We hold the information you have requested.

According to our case record management information, we received five pieces of correspondence relating to the local and Mayoral elections in the London Borough of Croydon.

Two of those were enquires from a journalist (highlighted in the attached documentation). The remaining enquiries were from individual members of the public, and please note that two of those were an enquiry submitted in duplicate and responded to separately. Please note that we do not record contact details of public enquiries so case records have been anonymised.

The attached document details the correspondence and our replies.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at:
<https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request>.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

FOI 053-22

DETAILS OF CORRESPONDENCE RECEIVED

1) Press query - length of Croydon count

Our case ref: CAS-93335-T2Q9F3

Email enquiry received 11 May 2022:

“I’m keen to find out whether you will be taking any action over the shambolic and extremely lengthy Croydon elections last weekend, which I believe are the lengthiest in the country. I’m not sure whether any investigation needs to be requested or can be launched unilaterally due to clear public concern. I’m also unclear on what sanctions, if any, can be made: can the returning officer be banned from leading elections in future, for example, or fined for wasting public money? Please could you get in touch and let me know?”

First Response:

“Thank you for the email. Returning Officers are responsible for the running of the election and of the count. We provide [guidance](#) to Returning Officers to help them understand and comply with the law, but we don’t have any enforcement powers and can’t investigate any Returning Officers.

We are in contact with the Returning Officer in Croydon, and we understand that the lengthy count process in Croydon may have been due in part to restrictions in accessing the count venue, meaning that the Returning Officer and staff weren’t able to count continuously. This may explain why the process took longer than in other parts of the country.

We have now started a process to gather evidence so that we can formally report on how the polls were run in the autumn. We will be looking at this situation as part of that report, and through the lens of our performance standards for Returning Officers.

To answer your other question regarding the mayoral candidate - the Commission provides [guidance](#) to candidates and agents, which outlines the qualifications and disqualifications for standing in elections. The responsibility to ensure that a person qualifies to stand is with the candidate. If a candidate decides to stand despite not meeting eligibility criteria, this would be a matter for the police, and not the Commission.

I hope this helps.”

Follow up received:

“Access to venues was certainly an issue, but a much bigger issue seemed to be with the organisation of the count itself, with count staff sitting around for literally hours unable to act.

There was an issue that was definitely not to do with venue between the count starting and a first result finally being announced at 1am, four hours later than the mayoral count

was supposed to be wrapped up, a process that eventually concluded at 5am. There are rumours some count staff had to be sent home due to an inability to complete their duties, i.e. counting. There were certainly supervisors needing to give more detailed instructions to count staff midway through the count, which suggests at least a lack of preparation.

Please can you keep me up to date with the progress of your enquiry? Please can you also flag when you receive information from Croydon?

On the other query, I have also asked the Met, who tell me they're investigating no fewer than 32 allegations relating to candidates...So I will direct everything else to them and await their decisions."

2) Press enquiry relating to conduct of the count at Croydon

Our case ref: CAS-93660-K0P2F6

Email enquiry received 31 May 2022:

“Just picking back up on this.

- Please can you confirm reports/complaints about the counts have been submitted to your officers? Can you provide any details about what the nature of them is and how long they're likely to take to assess?
- Please can you also confirm reports returning officers from across London were called in during the count on Sunday? And that this was to try and help run things and provide independent adjudications?
- Please can you also let me know if any concerns whatsoever have been raised about the length of time this count took?
- Are you aware of any concerns around competence, either of individual tellers, senior team leaders, the team involved with preparations, or the returning officer?
- Are you aware of any inaccuracies during the count?
- Are you satisfied with allegations of a 20 minute delay in allowing scrutineers into the count when counting was underway?
- Have you had any response from Croydon council to any of these allegations yet?
- Are you likely to be looking to provide guidance for Croydon Council about any failures?
- Would you pass details of any failures to police to investigate?

Many thanks.”

First response:

“Please find information below, which I hope will help to answer your questions.

While the Commission provides [guidance](#) to Returning Officers to help them understand and comply with the law, we don't have any enforcement powers and can't investigate their decisions or actions. We understand from speaking to the Electoral Services Manager at Croydon Council that the count took longer than originally anticipated. The Returning Officer or the Electoral Services Manager would be best placed to explain the detail to you if you contact them directly.

Electoral law allows for the result of an election to be challenged through the courts by a process of [election petition](#). A challenge must usually be made within 21 days of the election. We are not aware of any petition being lodged in respect of Croydon.

We continuously work with electoral administrators to provide guidance and advice on the delivery of elections.

We wouldn't expect the police to investigate issues such as delays or staffing issues, as in themselves they would not constitute breaches of electoral law.

I hope this is helpful.”

Follow up received 31 June 2022:

“So are you looking to provide any guidance to Croydon?

From your conversations with the ESM, were any of the issues detailed below a factor in the delays?

And if the Electoral Commission cannot investigate allegations around a count like this, who has the ability to do so, please?

Also, does the Electoral Commission believe Croydon’s Returning Officer met its performance standards in these elections?”

Second response:

“Our contact with the ESM at Croydon identified two main factors for the length of the Count. The first was the fact that the Count venue was not available until Friday evening, as it was a school. The second was that the count process itself took longer than had been anticipated. The Returning Officer can give further details of why this was the case but in our experience it is almost impossible to give precise forecasts of how long any count will last for.

In regards to the Performance Standards point a key element is that those involved in the electoral process have confidence in the result of the poll. As we have said we have no information that suggests that the result of the poll is being questioned by any of the participants.

If someone believed the votes were counted incorrectly, they could challenge the result of the election through an [election petition](#). This would be handled through the courts. We are not aware of any petition being lodged in respect of Croydon. “

3) Duration of the count

Our case ref: CAS-93370-S9Q6J4

Email enquiry received 11/05/2022:

“Dear Electoral Commission

Do Croydonians have any way to reclaim additional expenses on counting staff, hall hire due to false reports of the number of postal ballots received that were opened prior to the count and were then added to the on the day ballots put into ballot boxes?

The additional costs for Croydon are in the region of £200,000.

Please find attached the works of fiction sent to me as a Mayoral candidate to which I responded to the first one by saying that the figures do not look right. Referring to the 3 wards that had a 24 difference, 24 difference and 1 ballot difference.

I did not check the Running total of ballot figures sent afterwards which by a miracle allegedly are now all exactly equal for every ward. That was the opposite of what I expected. Sadly I thought it was obvious that only 3 wards were right and the rest were wrong - sadly not

The consequence of this is by my estimation mayoral count taking four times the length it was supposed to despite a count the night before.

Thursday split of yellow and white and count

Friday 5.30pm Mayoral vote on count with expected result declaration at 9pm to 10pm

Reality Saturday 4.30am declaration.

Error expected by my estimations.

97,457 total voted 35% of total eligible

roughly 60% do a postal ballot of the total voting in Croydon

$97,457 \times 60\% = 58,474$ did postal voting

Evidence of ineptness see running total of ballots - do not allow them to be automatically updated!

26 April

28 April

3 May

On the

26/4 Purley and Woodcote have a difference of 24 ballot papers about 7%

Old Coulsdon 24 ballots difference between the two

Shirley North 1 ballot difference

This average 7% difference which I expect was the correct figure.

At about 3am on Saturday morning I showed this 26th April table to an assistant of the count supervisor as the likely cause of the ridiculous delay to the count.

My estimate is that like the three wards above an average difference between Mayoral and Council ballot papers was about 7%. There is likely to also be less mayoral ballot papers than envelopes as some people forget to put them in.

This is an extract from the first table dated 26th April 2022

Old Coulsdon	282	258	
Park Hill and Whitgift	139	139	
Purley and Woodcote	309	285	
Purley Oaks and Riddlesdown	187	187	
Sanderstead	439	439	
Selhurst	114	114	
Selsdon and Addington Village	208	208	
Selsdon Vale and Forestdale	192	192	
Shirley North	325	325	
Shirley South	243	244	
South Croydon	234	234	

Do we (Croydonians) have any come back on the returning officer Katherine for the additional cost on Croydon or a claim of malfeasance (earning extra fees due to self interest in the error or mistakes?)

The staff had £35/hour and £65/hour on Sunday pay rates with some only doing 45 minutes work out of 13 hours attendance for just the Friday.

Then there was Saturday 530pm until very late then Sunday 1pm start times until 7pm.

The appointment of CEO Kerswell as returning officer was at a combined Annual budget vote, planning committee and scrutiny committee with 800 pages of documents for its 3.5hours! Misrule.

Im sorry but this is another formal complaint about Kerswell. I also complained about the poor signage causing in the words of the incharge official a 'very low turnout' at the Addington Methodist Church, On the corner of Huntingfield/Featherbed Lane, Croydon, CR0 9BA

Whilst the official had two large POLLING STATION signs leaning against the wall behind her desk. Low turnout explained in a Conservative area.

Anyway it would be useful to know.

PS My previous formal complaint was over the ballot held whilst the greens and I were kept downstairs whilst the ballot was undertaken upstairs.

The returning officer should be made to pay back the additional costs.

My regards”

Response:

“Thank you for your email and for raising your concerns with us.

We provide guidance to Returning Officers to help them understand and comply with the law, but we don't have any enforcement powers and can't investigate any Returning Officers.

We understand that the lengthy count process in Croydon may have been due in part to restrictions in accessing the count venue, meaning that the Returning Officer and staff weren't able to count continuously. This may explain why the process took longer than in other parts of the country. We have now started a process to gather evidence so that we can formally report on how the polls were run in the autumn. We will be looking at this situation as part of that report, and with regard to our performance standards for Returning Officers.

With regards to the signage at the polling station situated at Addington Methodist Church you will need to contact the Returning Officer so they can look into your concerns. The email for electoral services is electoral.services@croydon.gov.uk.

Yours sincerely,”

4) Time taken at count in Croydon

Our case ref: CAS-93264-S8D9W4

Email enquiry received 09/05/2022:

“Dear chief executive officer

I want to express my deep concern at the shambolic and slow way Croydon Council are doing their slow count of local election results and please request you intervene : I voted on Thursday and it's Sunday and we still don't know who has been elected to the council”

Response:

“Thank you for your email to the Electoral Commission. I have noted and logged the points you have raised.

There is no specified time for how long a count will take but there are factors, including combination of elections and recounts which will impact on the time taken to deliver the result of an election. It is for the Returning Officer to organise and deliver the count and they would be best placed to respond to questions you have in regard to the time taken to count the votes from last Thursday's poll.”

5) Complaint about conduct of count

Our case ref: CAS-93364-G1D1Y2

Email enquiry received 09/05/2022 (*note for completeness that this was an identical enquiry to 4 above but submitted separately and therefore responded to separately*)

“Dear chief executive officer

I want to express my deep concern at the shambolic and slow way croydon council are doing there slow count of local election results and please request you intervene : I voted on Thursday and it's Sunday and we still don't know who has been elected to the council”

Response:

“Thank you for your email to the Electoral Commission. I have noted and logged the points you have raised.

There is no specified time for how long a count will take but there are factors, including combination of elections and recounts which will impact on the time taken to deliver the result of an election. It is for the Returning Officer to organise and deliver the count and they would be best placed to respond to questions you have in regard to the time taken to count the votes from last Thursday's poll.

Best wishes”