

Exemption on Voter Identity Requirements - Motion Included on the Agenda by Councillor Adam Yates

Altered Motion to be moved by Councillor Yates

Council notes:

a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023;

b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people;

c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023;

d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023;

e) that by consequence of the legislation and arrangements set out at paras a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process;

Council further notes:

f) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers accorded to it would "contribute to promoting the sustainability of local communities" (Section 2 of the Act);

g) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: "Sustainable Communities Act and barrier busting: how to submit proposals" (the Guidance);

h) That the Sustainable Communities Act 2007:

i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);

ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”;

i) That in consequence of para h i) & ii) of this motion, powers sought by a local authority that might enhance such activity may reasonably be considered as;

- i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
- ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.

Council Resolves:

1. That Council, in accordance with, and by consequences of paras a) to i) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph 3 below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied;
2. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal";
3. That the steps outlined above shall be taken forward as follows:
 - a. That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance
 - b. In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be

undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.

- c. Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d. Within both submissions outlined in paragraph 3a to 3c above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 20232 elections
4. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader;
 5. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to “consult and try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part” (para 5(b) of the same regulations, be triggered;
 6. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible