

EXEMPTION FROM PROCUREMENT RULES

Use of Tablets for Annual Canvass 2024

Background

It is important to be aware of the legal status of the Electoral Registration Officer and of Returning Officer in considering the need for an exemption from the Council's procurement rules.

A District Council is subject to a requirement to appoint an Electoral Registration Officer for its district council area by virtue of Section 8 of the Representation of the People Act 1983 (the 1983 Act). The duties of the Electoral Registration Officer are set out in the 1983 Act and in other legislation. Section 54 of the 1983 Act provides that any expenses properly incurred by an Electoral Registration Officer in the performance of his registration duties shall be paid by the relevant local authority (in this case Tendring District Council).

The term Returning Officer actually covers a range of "body-sole" roles established in various separate pieces of legislation relevant to the electoral event they perform that role at. For instance at Parliamentary Elections, the Acting Returning Officer is generally established by virtue of Section 28(1) of the 1983 Act. Separately at Section 35 of the 1983 Act there are provisions for the appointment of a Returning Officer at District Council elections and at Parish Council elections. The rules to be applied for the particular electoral event (and by which the Returning Officer (RO) has a personal official duty in law to apply) are set out elsewhere in a range of statutes. Section 36 of the 1983 Act provides for all expenditure properly incurred by a RO in respect of District Council elections shall be paid by that Council (subject to any limit applied by the Council). The same section provides for charges in respect of Parish Council elections to be recharged to the relevant Parish Council. National Polls are subject to payment to the RO to meet his/her reasonable costs in respect of those electoral events.

As such, while the ERO/RO may utilise the furniture, equipment, accommodation and staff of the local council, in performing their duties they are separate from the body corporate of the Council. As such, within the restrictions relating to the performance of the tasks applicable to those roles and the establishment of scales for elections, the Council's own procurement rules cannot bind the ERO/RO. It is on this basis that the exemption from those procurement rules is submitted.

Nothing in the foregoing should be taken as any intention or desire to treat public funds without the due diligence and care that is implicit in such use. As such the ERO/RO will seek to demonstrate good custody of those public funds and therefore reference the Council's procurement rules where it is expeditious to do so.

Following a procurement exercise in 2021, Democracy Counts Ltd was awarded the contract as Electoral Management Supplier for the ERO/RO. In addition to the basic functionality of maintaining the register of electors and running electoral events, the software has additional functionality to support the annual canvass through the use of mobile access to household response form data.

In order to facilitate the most efficient delivery of door to door canvassing, the intention would be to incorporate the use of mobile access by using tablets to assist the canvass of households to be undertaken this autumn ahead of the re-publication of the electoral register on 1 December 2024. Legislation requires a two stage process to canvass and electoral registration. Stage one is a household enquiry seeking details of adults at a property and Stage two is then inviting any unregistered adults to apply to be registered. This is inefficient and paper based systems do not allow you to fast track through those two processes. Mobile Access technology facilitates that fast tracking as you can collect data for stage one and stage two on the doorstep. This is more efficient and avoids respondent confusion/fatigue with the two stage process. As such, in this case, the

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critical factor is more how many households requiring a visit have someone at home and able to respond at the particular time the canvass member of staff arrives to process the household's data. This problem exists whether entirely paper based or mobile access technology is used.

Mobile access technology is also GPS tracked and this supports efficient identification of the particular address needing to be visited from the location of the canvass member of staff. This also can improve the efficiency of moving between those addresses to be visited and it supports safe methods of working for the canvass member of staff as we can confirm the location of the mobile access tablet/the canvass member of staff. With camera capability associated with the venue it can confirm why a particular home is not capable of occupation at the time or not capable of being canvassed. The GPS data provides data of a house to house enquiry as the visit is date and time stamped as well as the GPS location. This is helpful should someone challenge whether a visit actually did take place.

Current Position and Proposal

It is not possible to seek RFQ in this instance as other providers of similar solutions, require use of their own electoral management systems.

The cost for hire, licences and staff training will be £225 per mobile access tablet with software etc. For 20 canvass staff this would mean a cost of £4,500 and for 25 canvass staff that would mean a cost of £5,625. The number of units required will be based on the outcome of recruitment to the canvass areas). The equipment will be in use for approximately 1 month.

The sum above would be funded from the budget identified for canvasser payments. The annual figure for this is £31,430. With the expected canvasser payment fees this year it is anticipated that there is capacity within that budget to accommodate the costs of the mobile access tablets set out for 2024.

Given our understanding of the market for mobile access tablets with electoral management software/data integration, the Head of Service is satisfied that the prices obtained offer value for money. In, 2023 the Council deployed 11 canvasser staff each with the identical mobile access tablets to those proposed for use this year. One of the canvasser staff had issues and replaced their tablet for a new one. On the basis of 12 tablets utilised in 2023, and a charge of £3,750 that year the equivalent unit charge that year was £312.50 (which included configuration and training). In addition, in 2023, one of the tablets was lost/stolen and was replaced and a charge to the Council of £289 was incurred. The comparable unit charge for 2024 of £225 is therefore competitive.


Recommended

That the exemption from the RFQ requirements for the expenditure identified for mobile access tablets for the electoral information canvass 2024 be authorised and, consequently, the award to Democracy Counts Ltd of the contract for 2024 be permitted on the basis set out.

Signed(electronic agreement confirmed by email on 14 October 2024 with the words – I am happy to support the approach set out [above]).....

Richard Barrett

If you concur with the above and an exemption from procurement rules is appropriate / justified, please confirm agreement below:

Signed 

Cllr M Stephenson
Leader of the Council and Portfolio Holder for Finance and Governance