

ASSOCIATION OF GREATER MANCHESTER AUTHORITIES

AGMA EXECUTIVE BOARD MEETING

31 OCTOBER 2008

REPORT OF THE RETURNING OFFICER

TIF REFERENDUM – BALLOT PAPER PACK

Purpose of Report

To consider the recommended ballot paper wording and accompanying information leaflet for the TIF referendum in December (attached at Appendix 1 and Appendix 2)

Recommendations

1. To approve the recommended ballot paper wording (attached at Appendix 1) and the accompanying information leaflet for the TIF referendum (attached at Appendix 2).

1. Background

- 1.1 On the 29 August the AGMA Executive agreed the remit for the Returning Officer which included that, having taken appropriate independent advice, he should recommend to AGMA the form of the referendum question, the ballot paper and accompanying material. Following advice an initial draft of the question and a draft accompanying information leaflet was submitted and considered by the AGMA sub group on the 13 October. Members of the sub group suggested some amendments to both the question and the leaflet some of which I have incorporated into the recommended ballot paper and leaflet now before AGMA.
- 1.2 In considering any recommendation regarding the ballot paper and any accompanying material I have had regard to a number of key principles which are set out in more detail in the body of this report. However in summary, any material must comply with the standards set out in the Local Government Act 1986 as amended and the Code of Recommended Practice on Local Authority Publicity. In essence the ballot paper and any accompanying leaflet must be accurate, objective, balanced and clearly drafted so as to enable the electorate to make an informed choice when casting their vote. I also consider that both the wording on the ballot paper and any accompanying material should be as brief as possible. However due to the complexity of the issues I am satisfied that there should be an information leaflet included in the ballot paper pack in order to assist the public. In reaching my

recommendations I have also have regard to advice from leading counsel and Electoral Reform Services (ERS), in view of their previous experience in relation to polls and referenda. Additionally, I have also considered the Electoral Commission's guidelines for statutory referenda.

2. Recommended wording - ballot paper

2.1 It is proposed that the wording in Appendix 1 should be included on the face of the ballot paper. A sample of the actual ballot paper pack to be used is currently being worked up by ERS and it is hoped this will be available to be circulated in advance of the meeting. The use of the preamble combined with the question is intended to provide the voter with an indication of the key issues contained within the proposals while permitting a simple linked question which can be readily answered with a **YES** or **NO** response. More detailed information on the Transport Innovation Fund proposals would be presented in the factual leaflet distributed with the Ballot paper.

2.2 The preamble concentrates upon the three key elements of the TIF proposals:

- The fact that they involve major investment in transport improvements
- The fact that they involve a specified congestion charging scheme
- The fact that particular conditions have to be met to trigger the introduction of congestion charging.

The use of the description "Transport Innovation Fund" proposals on the ballot paper is on the basis that this is the actual accurate description which has been used consistently to identify the proposals and their source.

2.3 A variety of views on the wording of the ballot paper have been put forward since my recommendation was made public; some supportive of the wording and others critical. In particular the suggestion has been made that the questions itself 'Do you agree with the Transport Innovation Fund Proposals?' does not contain a specific reference to the congestion charge. This is because the TIF proposals including references to congestion charging are outlined in the paragraph preceding the question. If the question itself referred to congestion charging then it would also need, in the interests of balance, to refer to the major investment in public transport. The question would then effectively be repeating the preamble, would be too long and would not, in my view, be consistent with the guidance on referenda questions produced by the Electoral Commission.

3. Information Leaflet

- 3.1 In the circumstances I am recommending that an information leaflet should be provided with the ballot paper. However it is clear that this leaflet must only contain clear factual information about the proposals on which the electorate are asked to vote. There needs to be a balance between ensuring there is sufficient locality based information in the leaflet without creating a document that is so long and detailed that it is not read by the electorate. The wording of a draft leaflet to be amended as appropriate in the light of the final details of the proposals determined by AMGA today, is included at Appendix 2. The draft is currently consistent with the recommendations being made in the report elsewhere on the agenda by the Clerk to the GMPTA and the Chief Executive of the GMPTE in relation to the final nature of the proposals. It will of course be important to ensure the complete accuracy of the detail to be included in the information leaflet but this can only be done once the final TIF proposals have been determined by AGMA. The final content of the information leaflet needs to be approved by the AGMA Executive at today's meeting (31 October) following their determination on the detailed TIF proposals to be pursued. It is intended that a mock up of the leaflet will be circulated in advance of the meeting so that members can see the actual form of the information leaflet

4. Advice

- 4.1 In determining my recommendations on the form of the ballot paper and the accompanying material I have obviously had regard to the experience gained from my involvement in previous referenda of similar scale.
- 4.2 I have also sought advice from Leading Counsel to ensure that the conclusions were legally sound, balanced, accurate and defensible. Counsel advised that the standards to be applied to the question, preamble and booklet are those contained in the Local Government Act 1986 as amended and the Code of Recommended Practice on Local Authority Publicity. In essence, the question, preamble and leaflet must be accurate, objective, balanced, informative and clear. Counsel was satisfied that the inclusion of a preamble was necessary and that the question was clear when read with the preamble. The preamble explained the Transport Innovation Fund proposals in outline, which are what the electorate will be asked to vote on. For those who wanted more information the leaflet provided this opportunity.

Counsel considered the approach a proper and lawful one for the Returning Officer to take. Counsel's view is that the preamble and

question complies with the relevant standards and would be legally defensible. Counsel considered that the language used is balanced, and it is evident that it is simply a summary of the longer description of the proposals in the enclosed leaflet which voters are invited to read.

- 4.3 Counsel advised that the Returning Officer's leaflet should contain only clear, factual information about the proposals on which the electorate will be asked to vote. The information must be accurate, and provided that the leaflet accurately describes the final proposals, on reading the draft leaflet, Counsel took the view that it appeared to be objective, balanced and clear. Counsel advised that he considered that the leaflet should be provided with the ballot paper, in order that the electorate had available at the time of voting at least this level of information on which to base their decision. It provided the essential detail for those who may not have fully followed matters up until now. He considered that it would significantly increase the risk of challenge to the process for such a leaflet not to be included with the ballot pack.

In addition ERS has assisted in developing the draft question and preamble in the light of their substantial professional experience in relation to other statutory and non statutory referenda and polls.

- 4.4 Although this is not a statutory referendum I also considered that both the question and any accompanying material should be tested against the Electoral Commission's Question Assessment Guidelines for statutory referendums. This sets out ten criteria by which the Electoral Commission judge the intelligibility of the wording of statutory referenda and which I consider to be relevant here. In summary these criteria are:

1. The question should prompt an immediate response

In this case the intention is to prompt a YES or NO response

2. Words and phrases used in the question should not have positive or negative connotations.

Every effort has been made to ensure that the wording is neutral or factually descriptive.

3. Words and phrases used in the question should not be intentionally leading

This approach has been adopted throughout

4. Words and phrases used in the question should not be loaded

Definition has been used to avoid words which might be seen as potentially loaded

5. The question should not contain jargon

The use of "Transport Innovation Fund" has been explained in the previous section

6. The language used in the question should be consistent

This has been pursued as an objective.

7. Words and phrases used in the question should reflect the language used and understood by the voter

The explanation of the proposals in the preamble as covering both transport improvements and a congestion charging scheme is intended to make this meaningful in those terms

8. The question should not provide more information than is necessary to answer the question meaningfully

This is covered by the use of the preamble and the leaflet

9. The question should not be longer than necessary

This is covered by the use of the preamble and the leaflet.

10. The question should be well structured.

This is intended by the joint use of preamble and question.

5. Campaign material

5.1 It has been suggested to ensure balance that the Returning Officer should include material from the Yes and No campaign groups in the ballot pack. This is not something which I am able to recommend for a number of reasons. Unlike certain statutory referenda there is no statutory provision for the designation of official Yes and No campaign groups and therefore no statutory legal basis for public expenditure on the dissemination of literature of campaign groups. From a practical point of view, there is in this case no mechanism to identify all campaign groups or bodies or individuals who may regard themselves as campaigners in this referendum. Difficulties would arise in identifying whose material should be included and there appears a divergence of opinion amongst those groups that I am aware of about their reason for support of or opposition to the Transport Innovation Fund proposals. Any attempt to be selective on my part could lead to accusations of bias. I consider that my approach to include an information leaflet from myself in the ballot pack is the correct approach.

6. Conclusion

6.1 The AGMA Executive Board are requested to determine the final form of the ballot paper and accompanying information leaflet at its meeting on the 31 October. This is critical if a referendum is to be delivered within the timescales previously determined by AGMA.

Sir Neil McIntosh

Returning Officer for the Greater Manchester Transport Referendum

APPENDIX 1

RECOMMENDED WORDING FOR BALLOT PAPER

Please read the leaflet enclosed with this ballot paper which provides details of the Greater Manchester Transport Innovation Fund proposals. These involve both major investment in public transport improvements in Greater Manchester and a weekday, peak time only, congestion charging scheme. Congestion charging would only be introduced after 80% of the public transport improvements are in place and not before the summer of 2013.

Do you agree with the Transport Innovation Fund proposals?

Yes, I vote for the proposals

No, I vote against the proposals

[NB: A sample ballot paper pack with the proposed format of the ballot paper is being prepared for circulation to members of the Board as soon as possible]

APPENDIX 2

Referendum Information Leaflet

[FRONT]

IMPORTANT – PLEASE read this leaflet before you complete your ballot paper.

Your vote:

What's it all about?

This leaflet summarises the details of the Greater Manchester Transport Innovation Fund proposals. These involve both major investment in public transport improvements in Greater Manchester and a weekday, peak time only congestion charging scheme. Congestion charging would only be introduced after 80% of the public transport improvements are in place and not before the summer of 2013.

You are being asked to vote on the Transport Innovation Fund proposals.

VOTE YES

If you are for the Transport Innovation Fund proposals

VOTE NO

If you are against the Transport Innovation Fund proposals

This leaflet tells you about the proposed changes to local bus, tram and train services. It also explains how the congestion charging scheme would work.

Have Your Say

[PAGES 2 and 3]

What improvements are proposed?

The improvements summarised have been finalised following a programme of public consultation.

Buses

- A significant increase in bus services in Greater Manchester.
- Extra journeys at peak times into local town centres and to Manchester city centre
- More services would start earlier in the morning and operate later in the evenings
- More services would operate at the weekends
- Additional circular (orbital) bus services to connect areas outside of the city centre
- More people would be within a 5 minute walk of a frequent daytime bus service
- Fast, 'Rapid Transit', bus services to connect Leigh-Salford-Manchester, Bolton-Farnworth-Manchester and Didsbury-Manchester via the university area
- 60 miles of radial bus priority and segregated bus miles combined
- New bus stations at Altrincham, Bolton and adjacent to Salford Central with direct links to rail services and new bus stations in Manchester city centre and Stockport
- A new coach station adjacent to Piccadilly train station in Manchester City Centre

Metrolink

- Significant expansion of the tram network with 41 new stops, 20 miles of additional track capable of carrying [XX more passengers each year], resulting in increased connectivity/ accessibility across Greater Manchester
- 62 new trams
- Tram lines to new destinations -East Didsbury, Manchester Airport, Oldham and Rochdale town centres, Ashton Under Lyne and an additional line across Manchester city centre. Funds are also available to connect Metrolink to Trafford Park and The Trafford Centre
- Modern ticketing machines equipped for smartcard ticketing, and payment by debit/credit cards as well as cash at the 41 new stops
- More seats on existing tram lines every day
- All the ticket machines at existing stops would be upgraded for smartcard use
- Electronic real-time display boards at stops
- An additional 1,400 park and ride spaces at Metrolink stops.

Rail Services

- Additional rail carriages for services across Greater Manchester to allow more journeys to be made every day with capacity for an additional 2,950 passengers in the three hour morning peak period. This is as well as the additional capacity for 4,100 passengers in the three hour morning peak, which would be funded by the government without TIF. .
- Improvements at 31 minor stations that would include new facilities, designed for the requirement at each station; including shelters, seating, help points, CCTV, public address systems, passenger information, signage and other general refurbishment

- A new station at White City in Trafford would be delivered
- Improved stations at Altrincham, Bolton, Hattersley, Rochdale, Salford Central and Manchester city centre (Piccadilly, Victoria and Oxford Road), with improved connections to buses where needed.
- Two new platforms at Lostock station allowing services between Bolton and Wigan to use the station
- An additional 2,000 park and ride spaces at rail stations

Yellow School Buses

- 180 new yellow school buses providing dedicated services to schools, with seats allocated to pupils and regular drivers dedicated to the services
- Improved safety and security, with CCTV on yellow school buses

Cycling

- 125 miles of cycle routes
- More than 2,500 extra cycle parking spaces at rail, bus and Metrolink stations
- A bike hire scheme in Manchester city centre and Stockport town centre

Smart Ticketing

- New smartcard tickets allowing pre-payment of fares to be used on trains, trams and buses, similar to London's Oyster card
- A simplified fares structure
- A 20% reduction on public transport fares for low paid workers (based on the minimum wage) at peak times

Improvements for Passengers

- Improved connections allowing people to change more easily between buses, trams and trains
- Real time electronic displays showing when the next tram, train or bus would arrive at stations and stops
- SMS text messages linking bus, rail, tram and road information on request
- CCTV, Help points and better lighting at stops and stations for bus, Metrolink and rail improving safety and security
- More security staff on the tram network
- Help with travel planning to make public transport services easier to use
- Stockport town centre investment including improvements to roads for cars, buses, cycling and pedestrians and links between Stockport rail station and the new bus station allowing step free interchanges.
- Improved Metroshuttle waiting facilities at Manchester Piccadilly
- Improved linkages between Wigan Wallgate and Wigan North Western stations together with better interchange with bus services

Improvements for Car Drivers

- New Metrolink park and ride sites at Ashton Moss, Ashton West, Sale Water Park, Shaw and Crompton, and close to the Trafford Centre.
- Park and ride extended at Atherton, Stalybridge, Rochdale, Mills Hill, Horwich Parkway, Heald Green, Cheadle Hulme, Hazel Grove, Romiley and Birchwood rail stations
- New park and ride sites serving the Leigh-Salford-Manchester Rapid Transit bus service at Leigh, Tyldesley Interchange, Tyldesley (Hough Lane) and the M61/A580 junction.

- Traffic signals and signs co-ordinated across Greater Manchester to improve traffic flow and inform drivers of journey times
- Information for all drivers on local traffic conditions, incidents affecting journeys and support for journey planning
- Co-ordinated incident management to improve traffic flow and journey time reliability

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[PAGES 4 & 5]

Map of Transport

[PAGES 6 & 7]

Congestion Charging Scheme

A weekday, peak time only congestion charging scheme would only be introduced after 80% of public transport improvements are in place and not before the summer of 2013.

How would congestion charging work?

Two Charging Rings:

There would be two rings of congestion charging points:

Outer Ring

The outer ring follows the route of the M60 and is located just inside it.

Vehicles travelling towards Manchester city centre, on weekdays between 7:00am and 9.30am, would be charged if they cross this outer ring.

Vehicles travelling away from Manchester city centre on weekdays between 4.00pm and 6.30pm would be charged if they cross this outer ring.

Vehicles would not be charged for travelling around the M60.

Inner Ring

The inner ring is situated between the M60 and the city centre.

Vehicles travelling towards Manchester city centre on weekdays between 7:00am and 9:30am would be charged if they cross this inner ring.

Vehicles travelling away from Manchester city centre on weekday evenings between 4:00pm and 6:30pm would be charged if they cross this inner ring.

You'll find a map showing the exact locations of the Outer and Inner Rings overleaf.

When will you be charged?

The congestion charge would operate Monday to Friday in the mornings (7am – 9:30am) and evenings (4pm- 6:30pm). There would be NO charge at weekends or Bank Holidays.

In the morning, you would pay if you drive towards Manchester city centre in the charging hours and cross over a charging point. In the evening you would pay if you drive away from Manchester city centre in the charging hours and cross over a charging point. You would not pay if you drive in the opposite direction of the busy traffic e.g. away from the city centre in the morning or towards the city in the afternoon and you would not be charged to travel around Greater Manchester or Manchester city centre if you do not cross a ring.

Cost: Weekday Mornings

- £2* if crossing the Outer Ring in-bound, towards Manchester city centre between 7:00am and 9:30am

- £1* if crossing the Inner Ring in-bound, towards Manchester city centre between 7:00am and 9.30am
- You would only pay once regardless of how many times you cross either ring in the charging period, e.g. you would only be charged £2* to cross the outer ring and £1* for the inner ring in the morning even if you were to cross it several times on the same day.

Cost: Weekday Evenings

- £1* if crossing the Inner Ring out-bound, (away from Manchester city centre), between 4:00pm and 6:30pm
- £1* if crossing the Outer Ring out-bound, (away from Manchester city centre) between 4:00pm and 6:30pm
- You would only pay £1* for each ring you cross regardless of how many times you cross it on the same day

Maximum Daily Charge

The maximum daily charge for regular users would be £5*. Users would pay no more than £5* a day no matter how many journeys they make or rings they cross and this would be no more than £6 in 2013.

* at 2007 prices

How would you pay?

- Regular users could have a tag in their vehicles which would automatically trigger payment.
- Day pass options would be available for visitors who wish to travel across a ring in the morning, evening or both charging periods.
- Payment would be made by credit/debit card, cash, direct debit or auto top up from bank accounts

Journeys that won't be charged:

Many journeys would not be charged including:

- All emergency service vehicles
- 'Blue badge' holders
- Motorcycles
- All Public Transport, services buses and registered community transport services
- All Taxis – Licensed Hackney Carriages and private hire vehicles that are registered with a Greater Manchester Authority
- Patients who attend hospitals or specialist health facilities within the M60 for regular treatment
- Vehicle recovery services
- Trafford Park employees, until Metrolink or an alternative public transport package is completed

Journeys that would have a reduced charge

- Low paid workers, i.e. those on the statutory minimum wage would receive a 20% discount for a minimum of two years

[PAGES 8 & 9]

Congestion charge rings

[PAGE 10]

How it is being funded?

Under the proposal, Greater Manchester would receive £1.5 billion from the Government's **Transport Innovation Fund** (TIF).

In addition to the Government funding, £1.2 billion would be borrowed, which would be paid back through a mix of congestion charging and public transport revenues. Once the loan has been paid back, money from the charge would be spent on further public transport improvements and reducing congestion.

There is additional funding from the Department for Transport (DfT) for more train carriages and a further contribution of £0.1 billion from other sources.

When would congestion charging be introduced?

Congestion charging would only be introduced after 80% of the public transport improvements are in place and not before the summer of 2013. An independent regulator would be appointed to confirm that 80% of the improvements have been achieved.

The regulator would measure whether 80% of each of the following specific elements of the proposals have been delivered.

- proposed overall additional passenger capacity on Metrolink and morning peak period rail combined
- the total number of proposed new yellow school buses in service
- the proposed total radial bus priority and segregated bus miles combined
- the proposed additional park and ride spaces

In addition the regulator would decide on a methodology to measure whether 80% of the other elements of the public transport improvements overall have been delivered.

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More information available

To receive this leaflet in other languages, Braille, large print or audio format please ring XXXXXXXX

[As above but in relevant different languages....]

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(To include AGMA and returning officer logos)

For more information please contact www.tifreturningofficer.com

For help on completing your ballot please see enclosed form or call: XXX

If you'd like to know more about the public transport investment or the congestion charging scheme, **particularly where you live**, please visit the website at www.gmfuturetransport.co.uk or call 0800 234 6100.

There are companies, groups and individuals campaigning for a 'yes' or a 'no' vote in this referendum. Information about these 'yes' and 'no' campaigns is available in the media and on the internet.

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