

	General Functions Committee 3 May 2017
Title	Chairman's urgent item – Late changes to Polling Places
Report of	John Hooton - Chief Executive and (Acting) Returning Officer
Wards	East Finchley and Totteridge
Status	Public
Urgent	Yes
Key	No
Enclosures	Appendix A - Formal notice of enforced late changes to Polling Places
Officer Contact Details	John Bailey – Head of Electoral Services 020 8359 3008 - john.e.bailey@barnet.gov.uk

Summary

This report advises the Committee of the two recent 'emergency' temporary changes to polling places undertaken by the (Acting) Returning Officer in preparation for Parliamentary General Election on 8 June 2017.

Recommendations

1. That the General Functions Committee note the changes set out in Appendix A that have been undertaken by the (Acting) Returning Officer for use in the Parliamentary General Election on 8 June 2017.

1. WHY THIS REPORT IS NEEDED

- 1.1 On 20 March 2017 the General Functions Committee considered a report on the Annual Interim Review of Polling Districts and Polling Places. Of the four proposed changes two were approved the Committee. At the time of reporting there were no scheduled elections due to take place within the borough until 3 May 2018
- 1.2 On the 18 April 2017 the Prime Minister called a 'snap' general election which is scheduled for 8 June 2017. As a consequence it has been necessary for the Returning officer to undertake 'emergency' temporary changes to two further polling places as follows:
 - CFC – Totteridge: St John's Hall has changed ownership. This has therefore been moved to Queenswell Infants School, Sweets Way, Friern barnet Lane, London N20 0NQ
 - FIB - East Finchley: East Finchley Library is undergoing refurbishment. This has therefore been moved Martin School (Sports Field Building) Plane Tree Walk, N2 9JP

2. REASONS FOR RECOMMENDATIONS

- 2.1 The designation of the temporary polling places seeks to ensure that electors are given reasonable and accessible facilities for voting (so far as is practicable within the circumstances)
- 2.2 As the authority's Returning Officer with full and overall responsibility for the preparation and conduct of all elections within the borough, the Chief Executive is the most suitable officer to take responsibility for designating the location of a new polling place at short notice if an existing one unavailable or lost at short notice.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4. POST DECISION IMPLEMENTATION

- 4.1 The polling districts and polling places as approved by Committee will be used for the forthcoming election on 8 June 2017.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 All local authorities have a statutory responsibility under Section 18D of the Representation of the People Act (RPA) 1983 to designate the polling places for Parliamentary Elections within its polling districts. It is the duty of the Returning Officer to designate polling stations for principal council elections within the polling place and that these polling stations are within the polling places as designated for Parliamentary elections

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The Council is only responsible for the costs of conducting local (council)

elections, including when held, local by elections that elect the Borough's own councillors. At all other elections all 'actual and necessary' costs are recovered by the Returning Officer from the relevant governing body for that particular election (e.g. central government for UK and European Parliamentary elections and the GLA for the London Mayoral and Greater London Assembly elections).

5.3 Social Value

- 5.31 The current polling arrangements within the borough are considered to be predominantly satisfactory and have all been shown at elections conducted in recent years to be practicable given the circumstances that prevail within the areas that they serve.

5.4 Legal and Constitutional References

- 5.4.1 The Representation of the People Act 1983 requires that local authorities designate the polling places within their Parliamentary constituencies.
- 5.4.2 Under Representation of the People Act 1983, Returning Officers have the right to use certain public buildings (including schools that receive public funds) for use as polling stations at elections. Where a polling place is not designated as a public building (or land) and the Returning Officer is informed that the location is not available, the Returning Officer has no legal power to insist upon the use the location and must therefore find an alternative location for the polling station.
- 5.4.3 Whilst the General Functions Committee is responsible for designating the locations of all polling places within the borough when a full review and consultation of polling districts and places is conducted, the terms of reference of the committee do not provide for those instances where a polling place becomes unavailable at short notice and a review and consultation is not practicable before a forthcoming election takes place.

5.5 Risk Management

- 5.5.1 The guidance for Returning Officers published by the Electoral Commission states that the local authority must make the decision if a polling place must be moved and that if this is at short notice that the council's own delegation procedures should be followed.
- 5.5.2 The outcome of an election cannot be challenged due to informal changes to a polling place or station (as stated in Section 18E RPA 1983). In addition, the projects that prepare and deliver elections have in place procedures for dealing with circumstances where a change of polling station is required at very short notice (e.g. due to flood, fire or vandalism). However, there remains a risk to the perceived legitimacy of the polling at the election in question if a polling place has been moved without regard to the relevant legislation.

5.6 Equalities and Diversity

- 5.6.1 No separate equalities impact assessment has been undertaken as the delivery of this electoral process is strictly governed by legislation, which is in itself designed to provide for reasonable access for all electors – including persons who have different forms of disability (so far as is reasonably practicable in the circumstances). In addition to providing polling stations that are as accessible as practicable in the circumstances, section 2 Representation of People Act 2000 provides that all voters have the right to request the use of postal or proxy voting arrangements.

5.7 Consultation and Engagement

- 5.7.1 The appropriate publicity will be arranged and notification to all affected electors of the location of any new polling place.

6. BACKGROUND PAPERS

- 6.1 Annual Interim Review of Polling Districts and Polling Places Report to the General Functions Committee held on 20 March 2017.