

MEETING**GENERAL FUNCTIONS COMMITTEE****DATE AND TIME****TUESDAY 25TH MARCH, 2014****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

| Item No | Title of Report | Pages |
|---------|---|-------|
| 8. | Polling Places - Late Changes of location | 1 - 4 |

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| Meeting | General Functions Committee |
| Date | 25 March 2014 |
| Subject | Polling Places – Late Changes of Location |
| Report of | Chief Executive |
| Summary | This report proposes that the General Functions Committee delegate to the Chief Executive (and Returning Officer) the power to change the location of a polling place if the current designated location/site/building becomes unavailable at late notice before a forthcoming election. |

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| Officer Contributors | John Bailey – Electoral Projects Manager |
| Status (public or exempt) | Public |
| Wards Affected | All wards |
| Key Decision | No |
| Reason for urgency/ Exemption from call-in | Not applicable |
| Function | Council |
| Enclosures | None |
| Contact for Further Information: | John Bailey – Electoral Projects Manager john.e.bailey@barnet.gov.uk |

1. RECOMMENDATIONS

- 1.1 That the committee delegate to the Chief Executive the power to change the location of a polling place in the event that a designated polling place from the last borough-wide polling place review has become unavailable and the conditions highlighted at paragraph 9.2 are met.
- 1.2 That the Chief Executive (acting within his role as Returning Officer) arranges for appropriate publicity and notification to all affected electors of the location of any new polling place and ensures that all eligible electors are able to exercise their right to vote.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 General Functions Committee Decision 16 January 2012 – item 7: Review of Polling Districts & Polling Places (Parliamentary Elections) Regulations 2006.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 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.
- 3.2 The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places and the next review must be completed before 31 January 2015. Due to statutory timing of both the Local Government and European Parliamentary elections in May 2014 and the introduction of Individual Electoral Registration in June/July 2014 the next review is scheduled to take place within the London Borough of Barnet in late autumn 2014.

4. RISK MANAGEMENT ISSUES

- 4.1 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. At present there is no such delegation in place in the London Borough of Barnet and there is a subsequent risk to the reputation of the council.
- 4.2 The outcome of an election cannot be challenged due to informal changes to a polling place or station (as stated in 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 or is not fully covered within the Council's constitution.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 As part of designating any location as a polling place, the council has a statutory duty, so far as is reasonable and practicable, to meet the requirements of all electors in the polling district and to take sufficient account of the accessibility for disabled persons. In delegating the power to designate a polling place at short notice, this duty would be incumbent upon the Chief Executive. In order to comply with this duty the staff tasked with assessing the location of both the polling station would use the Electoral Commission's published 'Polling Station Evaluation Checklist'.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There are no additional resource implications that arise from this report.

7. LEGAL ISSUES

- 7.1 The Representation of the People Act 1983 requires that local authorities designate the polling places within their Parliamentary constituencies.
- 7.2 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.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 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.

9. BACKGROUND INFORMATION

- 9.1 During the process of confirming the availability of venues for use as polling stations at the forthcoming Local Government and European Parliamentary elections to be held on 22 May 2014, two of the designated locations informed the Elections Office that they would not be available this year. As there was no earlier indication that the venues would not be available, and there was insufficient time to conduct a review and consultation and prepare a report for General Functions Committee on moving the polling place, the Elections Project Manager reviewed the process by which the council would still be able to designate a new polling place. This highlighted that a delegated power for this responsibility does not currently exist.

9.2 It is apparent that, 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 is lost at short notice. The conditions under which the delegated power may be used should ideally be kept as narrow as possible and it is recommended that the particular circumstances should include that:

- the Returning Officer has no legal power or authority to insist that a new location is found at the current designated polling place,
- that it is not possible to run a viable consultation with stakeholders before the election,
- that the proposed alternative location is situated as close to the current designated polling place as is practicable,
- that the Returning Officer is satisfied that no candidate at the election/s in question will be unduly disadvantaged by the change of location,
- that the Returning Officer takes into account issues of convenience and accessibility for all electors affected by the change of location,
- that so far as is practicable the Returning Officer informally consults with existing Councillors, MPs, MEPs and any known candidates for the affected voting area and takes account of any proposed alternatives that they may put forward.

10. LIST OF BACKGROUND PAPERS

10.1 None

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| Cleared by Finance (Officer's initials) | JH |
| Cleared by Legal (Officer's initials) | CE |