



# Constitution and General Purposes Committee

17 January 2019

<b>Title</b>	<b>Annual Interim Review of Polling Districts and Polling Places</b>
<b>Report of</b>	John Hooton - Chief Executive and Returning Officer
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	<p><b>Appendix A:</b> Polling arrangement proposals within the Chipping Barnet parliamentary constituency area</p> <p><b>Appendix B:</b> Polling arrangement proposals within the Finchley and Golders Green parliamentary constituency area</p> <p><b>Appendix C:</b> Polling arrangement proposals within the Hendon parliamentary constituency area</p> <p><b>Appendix D:</b> Copy of representation received in relation to this Interim Review</p>
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## Summary

This report advises the Committee on the arrangements being proposed by the London Borough of Barnet's Returning Officer for polling districts and polling places (and includes a proposal to change one polling place) to be used at all statutory future elections and referendums that take place within the borough.

The next scheduled elections to take place within the borough are the London Mayoral and Greater London Assembly Elections on 7 May 2020. However, decisions of the committee will officially take effect when the next Notice of Alteration to the Register of Electors is published (currently scheduled to be 1 March 2019).

## Officers Recommendations

1. That the Committee approve all polling place arrangements as proposed by the Returning Officer and laid out in Appendixes A, B and C.
2. That the Committee give approval for officers to undertake the next statutory full review of polling districts and polling places between 1 July 2019 and 31 January 2020.

### 1. WHY THIS REPORT IS NEEDED

- 1.1 To comply with the requirements of the Representation of the People Act 1983 sections 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013), the Council is required to undertake a compulsory full review of all polling districts and polling places in the period between 1 October 2018 and 31 January 2020 and within the same period every fifth year after that. The requirement for these compulsory reviews does not prevent the Council from carrying out a review of some or all of the polling districts or polling places in its area at other times.
- 1.2 At the meeting held on 11 November 2014, the General Functions Committee decided that an interim review of the borough's polling districts and polling places would be undertaken on an annual basis, following any borough-wide elections.
- 1.3 Following the conclusion of the Electoral Review of Barnet (that is currently being undertaken by the Local Government Boundary Commission for England (LGBCE)), it is known that new ward boundaries for the borough will come into effect at the next local elections on 5 May 2022. These new ward boundaries are scheduled to be published by LGBCE in late June 2019 and will, in practice, mean that extensive changes to current polling district boundaries and polling place locations are likely to be necessary throughout the borough.
- 1.4 In order to comply with the requirements outlined in 1.1 and to effectively prepare new polling arrangements as will be necessary due to the Electoral Review of Barnet (detailed in 1.3), Electoral Services officers will undertake a full review of all polling districts and polling places in the borough between July 2019 and January 2020. This review will conduct:
  - A full review of existing polling arrangements within the current warding pattern of the borough and propose any necessary changes to be used in statutory elections **before** 5 May 2022.
  - A full review of the polling arrangements within the new warding pattern of the borough (as published by the LGBCE in June 2019) and make proposals on all polling districts and polling places to take effect at the elections held **on** 5 May 2022 (and then used at all statutory elections thereafter).

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 After a review conducted by officers from Electoral Services during which representations were sought from electors and elected stakeholders, it is submitted to the committee by the borough's Returning Officer, that the needs of affected electors will be best met at future elections and referendums within the borough by adopting the proposed changes to polling arrangements detailed within the attached appendixes.
- 2.2 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. The approach throughout this interim review has been to only propose changes where a clear conclusion has been reached that new arrangements:
- will on balance better serve the affected **electors** by offering superior polling facilities, accessibility and/or location in comparison with existing arrangements
  - will reduce inconvenience caused by polling day arrangements for local **residents** without any substantive detrimental effect upon the voting arrangements for affected electors
- 2.3 Reviewing and approving polling arrangements annually ensures that optimal voting arrangements are maintained in response to the borough's changing electorate size and densities (e.g. as caused by new housing developments). Regular changes to a smaller number of polling arrangements will help to avoid the need for the more drastic and wide scale changes that could be necessary if the arrangements are only reviewed once every five years (as required by section 18C of the Representation of People Act 1983).

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As the Council must statutorily only undertake a review of polling districts and polling places within a defined period once every five years, in accordance with the provisions of the Representation of the People Act 1983 section 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013), there is an option to make no changes to any polling arrangements at this time. This was rejected for the reasons outlined in 2.3 above.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The polling districts and polling places as approved by Committee will be used in the event that any by elections or borough-wide elections or referendums are called by any relevant statutory body before the full statutory review of polling districts and polling places takes place and is presented to Committee.
- 4.2 On an annual basis (and following any borough-wide election or referendums where held) and following the statutory full review of polling districts and polling places to be conducted between 1 July 2019 and 31 January 2020, Electoral Services, in consultation with the Returning Officer, will continue to review all polling arrangements for suitability and compliance with electoral legislation and Electoral Commission guidance. Following these annual reviews, any proposed changes to existing polling arrangements (e.g. polling districts or polling places) will be submitted for decisions to be taken by the Constitution and General Purposes Committee.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- The 2015-2020 Corporate Plan of has the following principles:
  - of opportunity, where people can further their quality of life
  - where people are helped to help themselves, recognising that prevention is better than cure
  - where responsibility is shared, fairly
  - where services are delivered efficiently to get value for money for the taxpayer.
- Ensuring that the designation of polling districts and polling places give all electors reasonable and accessible facilities for voting (so far as is practicable within the circumstances), helps to ensure that the views of all resident eligible electors are expressed and taken into consideration on all aspects of the corporate priorities.

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

- 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 election (e.g. central government for national UK elections or referendums and the GLA for the London Mayoral and Greater London Assembly elections).
- In those instances where a polling place is proposed to move between permanent buildings, the cost will either be cost neutral or will create a negligible increase or decrease in comparison with existing costs (rental costs will differ - staff costs will be static).
- In those instances where a polling place is proposed to move away from portable offices to a permanent building, there will be savings in excess of £1,700 per polling station, per election (reduction and/or elimination of costs for; portable office rental, delivery, installation and collection, electricity generator hire and fuel and portable WC hire).

### **5.3 Social Value**

- No applicable (or 'As stated at 5.1')

### **5.4 Legal and Constitutional References**

- In order to comply with the provisions of the Representation of the People Act 1983 sections 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013), and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 the Council will undertake a statutory review of polling districts and polling places in the period between October 2018 and January 2020.

- In carrying out any review of polling arrangements, the local authority must comply with the steps set out in Schedule A1 Representation of the People Act 1983. The local authority is required to:
  - publish a notice of the holding of a review
  - consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
  - publish all representations made by the Returning Officer within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website (regulation 3 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006)
  - seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (Acting) Returning Officer(s).
  - on completion of a review, give reasons for its decisions and, in accordance with regulation 4 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, publish:
    - all correspondence sent to an (Acting) Returning Officer in connection with the review
    - all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
    - all representations made by any person in connection with the review
    - the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
    - details of the designation of polling districts and polling places within the local authority area as a result of the review
    - details of the places where the results of the review have been published
  
- Provision is contained within Section 18E RPA 1983 which provides that no election is to be questioned by reason of any informality relative to polling districts and polling places. Representations can be made to the Electoral Commission which may make directions to alter polling districts and/or polling places.
  
- The Constitution and General Purposes Committee terms of reference (Article 7) includes to "have responsibility for overseeing the Council's governance arrangements including: Electoral Services including: elections and electoral registration performance; and polling places and polling district boundaries".

## 5.5 Risk Management

- By approving the outcomes of this review the Council will meet its statutory duty to review polling districts and polling places as designated under the Representation of the People Act 1983 section 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013) and

thereby eliminates the risk of breaching this duty.

- In conducting and implementing the findings of this review of Polling Districts and Polling Places, the Council mitigates the risk that electors find the arrangements for polling within the Borough to be hampered by poor accessibility or the provision of sub-standard facilities (given the practicable circumstances prevailing in each polling district).
- By approving an annual review and submission to the Constitution and General Purposes Committee of the arrangements for polling districts and polling places within the borough, the Council will mitigate the risk of the polling arrangements becoming unfit for purpose. This is an ongoing consideration due to changes to the electorate that naturally occur or that are brought about by housing re-developments and regeneration projects and/or events that change current voter franchises (e.g. the UK leaving the EU, introduction of voting for 16 and 17 year olds by future legislation etc.).

## 5.6 Equalities and Diversity

- 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, Part 2 Representation of People Act 2000 provides that all voters have the right to request the use of postal or proxy voting arrangements.
- The legislation governing this review requires that representations are sought from persons who are considered to have an expertise in access to locations for persons with different forms of disability. In order to fulfil this requirement, representations were sought from The Head of Service for Health and Safety at the London Borough of Barnet.
- Pursuant to section 149 of the Equality Act, 2010, the council has a public-sector duty to have due regard to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advancing equality of opportunity between those with a protected characteristic and those without; promoting good relations between those with a protected characteristic and those without. The relevant, 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination
- Effective processes and activities with regards to registering residents on the electoral roll, in compliance with all relevant electoral legislation, ensures that all eligible individuals can choose to exercise their democratic rights in the manner in which they choose (as allowed by law).

## 5.7 Corporate Parenting

### 5.7.1 Not applicable

## 5.8 Consultation and Engagement

- Public notice of this review, which invites representations to be made regarding the polling arrangements within the borough, was published and displayed at Hendon Town Hall and posted on the Council's website on 19 November 2018. In addition, a copy of the review notice was sent to:
  - All 63 London Borough of Barnet Councillors
  - The three Members of Parliament that represent the constituencies within the London Borough of Barnet
  - The Barnet and Camden London Assembly Constituency Member.And promoted through social media.
- The proposals of the Returning Officer (as laid out in appendixes A, B and C to this report) were received 19 November 2018 and had to be published within 30 days of receipt. They were published via public display at Hendon Town Hall and on the Council's website on Monday 19 November 2018.
- All representations received in response to the published Notice of Review are contained within Appendix D.

## 5.8 Insight

5.8.1 None

## 6. BACKGROUND PAPERS

- 6.1 At the meeting of the [General Functions Committee held on 15 January 2018](#) the Committee approved all current polling district and polling place arrangements.