



## Constitution and General Purposes Committee

9 April 2019

<b>Title</b>	<b>Local Government Boundary Commission for England - Electoral Review of Barnet Council - Draft Recommendations</b>
<b>Report of</b>	John Hooton - Chief Executive, Electoral Registration Officer and Returning Officer
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A - LGBCE - New electoral arrangements for Barnet Council Draft recommendations - March 2019
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### Summary

The Local Government Boundary Commission for England (LGBCE) is currently reviewing the electoral arrangements in the London Borough of Barnet. The review will draw new council ward boundaries across Barnet to make sure each councillor represents an equal number of voters.

The LGBCE have recently published its draft recommendations for the new electoral arrangements for Barnet. The Commission have considered all the submissions it received in the previous stages of the review before drawing up the draft recommendations which propose that:

- Barnet's council size remains at 63 councillors (as at present).
- Barnet should move to having 25 wards - four more than there are now.

- The 63 Councillors will represent; 14 three-councillor wards, 10 two-councillor wards and 1 one-councillor ward
- The boundaries of all wards should change, none will stay the same.

From 5 March 2019 to 13 May 2019, the LGBCE are accepting opinions and comments (submissions) from the public on these recommendations for Barnet Council.

## **Officers Recommendations**

- 1. That the Committee consider the draft recommendations from the Local Government Boundary Commission for England on the future electoral arrangements for the Barnet.**
- 2. That the Constitution and General Purposes Committee note the Local Government Boundary Commission for England consultation timescales.**
- 3. That the Committee notes the officers approach to responding this stage of the Electoral Review consultation and are asked to offer any feedback on the practical and technical aspects of the proposals, to inform officers submission.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Local Government Boundary Commission for England (LGBCE) is undertaking a statutory review of the London Borough of Barnet's electoral arrangements. This will be the first review of the ward boundaries in the borough since 1999.
- 1.2 This compulsory review examines and proposes new electoral arrangements for the whole local authority, and will ultimately decide upon:
  - The total numbers of councillors to be elected to the council (Council Size)
  - The names, numbers and boundaries of council wards
  - The number of councillors to be elected to represent each ward.
- 1.3 The statutory criteria that the LGBCE must apply when making its proposals and decisions are to promote:
  - Electoral equality (a consistent number of electors per councillor)
  - Community identity (strong ward boundaries that reflect communities) and
  - Effective and convenient local government (coherent wards with good internal transport links).
- 1.4 The outcome of the review will be implemented in time to take effect at the Local Government elections scheduled in May 2022 (i.e. these elections will elect councillors to the new wards for the first time).
- 1.5 The Commission have considered all the submissions it received in the two previous stages of the review before drawing up these draft recommendations.
- 1.6 The LGBCE's draft recommendations propose that:
  - Barnet's council size should remain at 63 councillors - as at present.
  - Barnet should move to having 25 wards - four more than there are now.
  - The 63 Councillors will represent; 14 three-councillor wards, 10 two-councillor wards and 1 one-councillor ward
  - The boundaries of all wards will change, none will stay wholly the same.

- 1.7 From 5 March 2019 to 13 May 2019, the LGBCE are accepting opinions and comments (submissions) from the public regarding these draft recommendations for Barnet Council's future electoral arrangements.
- 1.8 The Chief Executive (also acting in his capacity as Barnet's Electoral Registration Officer (ERO) and Returning Officer (RO)) has asked that council officers (led from Electoral Services) review and feedback on the practical and technical aspects of the draft recommendations and, on this basis only, to produce a report that comments upon the proposed new ward boundaries.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The size and scope of this statutory Electoral Review is such that it will affect;
- the number of councillors elected to form the council
  - the boundaries, names and number of all wards, and
  - the electoral representation of all electors and residents by elected members.
- 3.2 The Constitution and General Purposes Committee terms of reference is '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".'
- 3.3 The Chief Executive, in his capacity as Barnet's Electoral Registration Officer and Returning Officer, seeks assurance that the proposed ward boundaries do not include or create any unintended electoral impracticalities (for example; that neighbours within a block of flats are designated as being in different wards and must therefore vote at different polling locations, or that an area containing only two or three properties is captured within a new ward despite having a clear geographical divide or obstruction between them (such as a motorway or railway line for example)).
- 3.4 Overall, for the purposes of this council officer report, feedback upon the LGBCE's proposed ward boundaries will be restricted to consideration of:
- the practicalities of the proposed ward boundaries (for example: checking that proposed ward boundaries do not cut through housing blocks, considering whether suitable polling districts and polling places can be organised within the proposed wards)
  - considering what specific changes to Governance, oversight or the constitution might be necessary under the proposed new wards etc.
  - whether there are any other unexpected implications for operational service delivery or organisational arrangements within the council

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

- 3.1 The Chief Executive, in his capacity as Barnet's Electoral Registration Officer and Returning Officer, could choose not to instruct that officers review the draft recommendations before the LGBCE proposals are set in law. However, should it then be found that the LGBCE proposals do contain or create electoral impracticalities (or other issues), these issues would then persist unless or until further changes in legislation to resolve them was enacted.

- 3.2 If officers do not review the draft recommendations, the ERO and RO could be put into a situation where they are poorly informed and under prepared in compiling and maintaining the electoral register and/or in the administration and conduct of future elections within the borough. In specific scenarios, poor ward boundaries could lead to eligible electors being disadvantaged when voting at elections, or in extreme cases, being effectively disenfranchised altogether.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 Officers will follow a scheduled programme of activities to ensure that the review of the proposals is comprehensive and robust. This plan will include:
- Utilising geographical data to review precisely where the proposed warding boundaries are intended to run across the borough (for example, how the boundaries follow specific roads, rail lines, open spaces)
  - Comparing the new boundaries to the location of planned developments
  - Officer site visits to follow, examine and clarify proposed ward boundaries throughout the borough
  - Initial consideration and planning for new polling district boundaries and polling place locations necessary within the new proposals
  - Review impact on governance arrangements and the Constitution
  - A series of meetings with service areas across the council and our partners to discuss possible implications of the proposed changes.
- 4.2 Once the Officers have completed their report on the proposals, the CEO (also acting in his capacity as ERO and RO) will consult with the Leaders of the two Political Groups before submitting the technical response to the LGBCE ahead of the deadline on 13 May 2019.
- 4.3 The LGBCE have stated that they will consider all representations made on the draft recommendations and that they will have an open mind about amending the scheme, if an alternative pattern of wards would better meet the statutory criteria that they must follow (shown at 1.3 above).
- 4.4 The LGBCE will publish the final recommendations on 30 July 2019. They will lay a draft order in both Houses of Parliament under the negative resolution procedure. Subject to parliamentary scrutiny, the new electoral arrangements will then come into effect at the borough elections in May 2022.

#### **5. IMPLICATIONS OF DECISION**

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

- 5.1.1 The Council's Corporate Plan - Barnet 2024 has three outcomes for the borough focus on place, people and communities:
- a pleasant, well maintained borough that we protect and invest in
  - our residents live happy, healthy, independent lives with the most vulnerable protected
  - safe and strong communities where people get along well.
- 5.1.2 This LGBCE review of Barnet's electoral arrangements (i.e. council size and ward boundaries) is designed to ensure that the London Borough of Barnet continues to

have an optimal number of elected Members and that wards offer electoral equality to the borough's electors.

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

5.2.1 Subject to the LGBCE's proposal that Barnet retains a council size of 63 councillors, there are no new cost implications arising with regards Elected Member resources or servicing from the Electoral Review.

5.2.2 Following publication of the LGBCE's final recommendations, it will be necessary for Barnet's Electoral Services to review and amend the polling district and polling place arrangements that will be required from May 2022.

5.2.3 Should it be assessed that additional polling places are required, there are likely to be additional costs incurred during the conduct of local elections (costs for elections other than local elections are recovered from the relevant governing body).

## **5.3 Social Value**

5.3.1 Maintaining electoral arrangements that promote electoral equality, strong community identity and effective and convenient local government, ensures that eligible residents can participate in statutory elections and referendums. In turn this ensures that they are properly represented in the democratic processes of the borough and in the decision-making of the Council.

## **5.4 Legal and Constitutional References**

5.4.1 Section 56 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) requires that the LGBCE review 'from time to time' every principal local authority in England and make recommendations about electoral arrangements (but not their external boundaries).

5.4.2 The Constitution and General Purposes Committee terms of reference includes oversight of "Electoral Services including: elections and electoral registration performance; and polling places and polling district boundaries and to make recommendations thereon to the Council."

5.4.3 The ERO has a duty under Section 9(1) of RPA1983 to maintain:  
a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and  
b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts

5.4.4 The ERO has a duty under Section 9A of RPA1983 (as amended by the Electoral Registration and Administration Act 2013 (ERA2013)) to take all necessary steps to comply with his duty to maintain the electoral register, and to ensure, as far as is reasonably practicable, persons who are entitled to be registered in the register (and no others) are registered in it.

## 5.5 Risk Management

- 5.5.1 If ward boundaries are not periodically reviewed to ensure that Barnet has an appropriate number of councillors then there is a risk of there being an inequity in councillors' case work across the borough. Moving ward boundaries and/or creating or removing wards enables ward to contain a broadly consistent number of electors (and residents) in each ward.
- 5.5.2 If, following the review, Barnet's ward boundaries were to include electoral anomalies or impracticalities (that have the effect of isolating small groups of electors, or placing them far from their designated polling place) these issues would persist until legislation to resolve them was enacted.
- 5.5.3 Poor ward boundaries could result in eligible electors being disadvantaged when voting at elections or in extreme cases, being disenfranchised altogether.
- 5.5.4 Should the council fail to engage with the statutory review there is a risk of reputational damage.

## 5.6 Equalities and Diversity

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
  - Advance equality of opportunity between people from different groups
  - Foster good relations between people from different groups.
- 5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services.
- 5.6.3 The LGBCE considered the equality implications throughout the boundary review. Officer do not consider that there is any negative impact on equalities.

## 5.7 Corporate Parenting

- 5.7.1 Not applicable

## 5.8 Consultation and Engagement

- 5.8.1 The LGBCE are running the public consultation on their draft recommendations ([www.lgbce.org.uk/barnet](http://www.lgbce.org.uk/barnet)) which is being widely publicised by the Commission and Barnet Council.

## 5.9 Insight

- 5.9.1 The data included in LGBCE report is publicly available via the LGBCE website ([www.lgbce.org.uk/barnet](http://www.lgbce.org.uk/barnet)).

## **6. BACKGROUND PAPERS**

6.1 [LGBCE New electoral arrangements for Barnet Council Draft recommendations](#)

6.2 [LGBCE - Consultation portal](#)