



Constitution and General Purposes Committee

12 April 2021

Title	Emergency Changes to Polling Arrangements for the Mayor of London and Greater London Assembly Elections on Thursday 6 May 2021
Report of	John Hooton – Constituency Returning Officer
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Polling Arrangements on Behalf of the Constituency Returning Officer for the Barnet and Camden GLA Constituency
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Summary

The postponed Mayor of London and London Assembly elections are taking place on 6 May 2021. Electoral Services have assessed all polling venues to ensure that they are suitable for use under the COVID restrictions. Subsequently the CRO has made a number of temporary changes (using emergency CRO powers). This report gives information to the Committee on the polling arrangements for the 6 May 2021 elections.

Officers Recommendation

That the Committee note for information the changes to polling place arrangements, made on behalf of the Constituency Returning Officer and included within the report at Appendix A.

1. WHY THIS REPORT IS NEEDED

- 1.1 On 6 February 2021, the Government advised that the Mayor of London and London Assembly elections will go ahead as planned on 6 May 2021.
- 1.2 Whilst the Government have stated that elections can safely be held under current COVID restrictions, it was necessary for risk assessments to be undertaken across all designated polling venues in Barnet. Officers from Electoral Services visited every polling place in the borough to assess suitability for use, given the social distancing and other COVID specific arrangements that will be required at these elections.
- 1.3 Due to the statutory and operational requirements for supplying polling station data to various bodies and suppliers (most notably for the preparation and despatch of poll cards), it was necessary for the Constituency Returning Officer to make the changes to polling places under emergency Returning Officer powers.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Following consultation with Barnet's Health and Safety Team and Public Health Colleagues, the Electoral Commission's Polling Station Assessment Form was adapted to include COVID specific considerations, and this was used for every visit. Key to the considerations were:
 - Space available for queuing (either outside and/or inside the venue)
 - Capacity of the venue within social distancing requirements
 - Potential to apply a one-way system (e.g. separate entrance and exits)
 - Ventilation available within the venue (e.g. opening windows or air conditioning etc).
- 2.2 Where a polling venue was assessed as being unsuitable to manage the numbers of electors expected to vote there (based on previous elections), alternative venues were investigated.
- 2.3 The Ministers of State for the Cabinet Office and for Schools Standards sent a letter on 11 February to all Returning Officers and Headteachers requesting that schools are not used as polling places *'where it is practically possible to do so; in particular, we are clear that where schools would be required to close, Returning Officers should look to other available venues first'*.
- 2.4 Following this Electoral Services conducted a further review of all 31 polling districts where a school is a designated polling place. Potential alternative venues were identified for 8 schools and following further investigation and visits, 6 have been assessed as suitable (and are included in the table below).

- 2.5 Of the 25 schools that will still be used as polling venues, 11 expect to remain open on polling day with additional arrangements in place to ensure pupils continue to be safeguarded. Feedback from those schools will close is that they are continuing to explore ways to ensure pupils do not lose teaching times.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 By law, polling could have gone ahead in all of the formally designated polling stations in Barnet, but this would not have allowed for optimal safeguards against COVID19.
- 3.2 In addition, many of the designated polling places would have encountered unacceptable levels of queuing on polling day due to the COVID restrictions – meaning that many of Barnet’s electors would either choose not to vote or would feel that they have been exposed to high risk of infection from COVID19.

4. POST DECISION IMPLEMENTATION

- 4.1 The polling place changes as directed by the Constituency Returning Officer will be used for the London Mayor and Greater London Authority elections on 6 May 2021.
- 4.2 Following publication of the LGBCE’s Electoral Review of Barnet which established the new Ward boundaries within the borough) we are already working on designating new polling districts and polling places to effectively serve the new ward boundaries of the borough. Electoral Services, in consultation with the Returning Officer, will complete this work to ensure the new arrangements can be brought before Committee in October 2021, ahead of the Local Government elections in May 2022.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Barnet Plan sets out the four priorities for the borough. The plan focuses on the key outcomes we are seeking to achieve and how we will work to achieve those outcomes. This work supports the council’s priority of Clean, Safe and Well Run.
- 5.1.2 Ensuring that the designation of 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 electors resident within the borough can be expressed and are taken into consideration on all aspects of the corporate outcomes.

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 election (e.g. central government for national UK elections or referendums and the GLA for the London Mayoral and Greater London Assembly elections).

5.2.2 There will be some financial impact from the recommendation of this report which will be recovered from the GLA for these elections.

5.3 Social Value

5.3.1 As stated at 5.1.2.

5.4 Legal and Constitutional References

5.4.1 The Representation of the People Act 1983 requires that local authorities designate the polling places.

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.

5.4.2 Whilst the Constitution & General Purposes 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 By reviewing all polling places ahead of the May 2021 elections the council has addressed some of the risks presented by delivering an election in a pandemic.

5.5.2 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).

5.5.3 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 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.

- 5.6.2 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, the Head of Service for Health and Safety at the London Borough of Barnet was given oversight of the continuing arrangements for polling across the borough.
- 5.6.3 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.
- 5.6.4 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).
- 5.6.5 Officers have reviewed the changes and have concluded that they will allow better access to disabled voters.

5.7 Corporate Parenting

- 5.7.1 Not applicable

5.8 Consultation and Engagement

- 5.8.1 The list of changes to polling places was sent to CGP Committee members and relevant Ward members for comment before the polling arrangements for the May 2021 elections were finalised.

5.8 Insight

- 5.8.1 None

6 BACKGROUND PAPERS

- 6.1 Constitution and General Purposes Committee, 17 January 2019, Item 12, Annual Interim Review of Polling districts and Polling Places:
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MId=9503&Ver=4>
- 6.2 General Functions Committee, 25 March 2014, Item 8, Polling Places – Late Change of Location:
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MId=7527&Ver=4>