



## Constitution and General Purposes Committee

4 October 2021

<b>Title</b>	<b>Electoral Services - Overview Report</b>
<b>Report of</b>	John Hooton - Chief Executive (and Barnet's Electoral Registration Officer (ERO) and Returning Officer (RO))
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Annual Electoral Services September 2021
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### Summary

The report provides an update on the activities of Barnet's Electoral Services Team throughout 2020 and 2021 (thus far) and reports on Barnet's delivery of the Mayor of London and London Assembly elections (and two local by elections) on 6 May 2021.

The report highlights the learning that is taken from each election and offers recommendations to inform the preparations for future elections in the borough.

## **Officers Recommendations**

- 1. That the Committee considers and comments on the Electoral Services overview report attached at Appendix A.**
- 2. That the Committee note the recommendations detailed in section 3.4 of the Electoral Services overview report attached at Appendix A.**

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

- 1.1 So that the Constitution and General Purposes Committee have oversight of the of Barnet's Electoral Services activities and performance throughout 2020 and 2021 (thus far). This includes:
  - Cycle of activity to ensure accuracy of electoral register – including Annual Canvass, Absent Vote refresh, Household Notification letters
  - Barnet's delivery of the statutory elections that took place on 6 May 2021
  - Recommendations to inform the future work of Barnet's Electoral Services team, including the delivery of elections.
- 1.2 The report provides details on the current Register of Electors and gives an overview of the activities and performance of the Electoral Registration Service over the past year.
- 1.3 The Council has a duty to provide the authority's Returning Officer (who has overall responsibility for the preparation and conduct of all elections within the borough) with appropriate resources to ensure the efficient and legislatively compliant conduct of all statutory elections.
- 1.4 This report helps to provide Constitution and General Purposes Committee with relevant information to:
  - ensure that the Council has met its obligations in this regard
  - ask any necessary questions to satisfy themselves that provision for future elections will be sufficient and appropriate.

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is important that lessons are taken from all borough-wide elections that can help to ensure that future elections within the borough are successfully delivered.
- 2.2 The Local Government elections will be taking place in May 2022. The report details recommendations that are intended to mitigate some of the most highly rated risks facing the delivery of these elections.

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

- 3.1 None - electoral registration and the delivery of elections within the borough must be undertaken in compliance with relevant legislation.

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

- 4.1 The Electoral Services Team will continue to deliver all necessary work required to ensure that the ERO complies with his statutory duties on behalf of the Council.
- 4.2 The Returning Officer, Executive Director of Assurance and Head of Electoral Services will action the recommendations at future elections.

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

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

- 5.1.1 The Council has a responsibility to protect the public purse through proper administration and control of the public funds and assets to which it has been entrusted. By having oversight of the work being done on behalf of the borough's Electoral Registration Officer, the Constitution and General Purposes Committee can ensure that appropriate resources are being made available to the ERO and that they are used in an appropriate and cost-effective manner. Ensuring that the Register of Electors is as complete and accurate as possible ensures that eligible residents can participate in statutory elections and referendums and are thus properly represented in the democratic processes of the borough and in the decision-making of the Council.
- 5.1.2 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. Under this priority, to ensure fairness in decision making, it is essential that electoral processes are robust and fair to all in Barnet. The use of post-election reviews has been commended as a way of ensuring that future improvements to the conduct of elections are identified and introduced where possible.

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

- 5.2.1 The Council has a statutory duty to provide the ERO with appropriate resources for the discharge his functions in compliance with relevant electoral legislation – all expenses properly incurred by an ERO in the performance of these functions must be paid by the local authority that appointed them. Costs for activities identified within the report are to be met from within existing LBB budgets as appropriate.
- 5.2.2 In accordance with electoral legislation specific to the different statutory elections, all 'actual and necessary' costs for borough-wide elections (other than Local Government elections) are reimbursed to the Council from central government. In the case of costs for the London Mayoral and GLA elections, these costs are reimbursed to the Council from the Greater London Authority.

##### **5.3 Social Value**

- 5.3.1 Ensuring that the Register of Electors is as complete and accurate as possible ensures that eligible residents can participate in statutory elections and referendums and are thus 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 Every district and London borough council is required to appoint an ERO (Section 8, Representation of the People Act 1983 (RPA1983)) and must provide the resources needed by them to discharge their statutory functions. These functions include the duties of the ERO that are set out in legislation, and any further duties imposed by a direction of the Secretary of State. The Secretary of State has a power to direct EROs in the discharge of their functions. The Secretary of State can only exercise this power of direction in accordance with a recommendation of the Electoral Commission.
- 5.4.2 Each London Borough is then required by Section 35(3) of the Representation of the People Act 1983 Act to appoint an officer of the council (the proper officer of the council (e.g. the Electoral Registration Officer)) to be the Council's Returning Officer (RO) at local elections.
- 5.4.3 By virtue of 'The Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999', Barnet's Returning Officer becomes the 'Constituency Returning Officer' responsible for the delivery of the London Mayoral and GLA elections within the Barnet and Camden GLA constituency at the time of elections to the Greater London Authority.
- 5.4.4 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.
- 5.4.5 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.
- 5.4.6 The ERO has a duty under Section 9D RPA1983 (as amended by ERA2013) to conduct an annual canvass in relation to the area for which the officer acts and to conduct the canvass in a manner as set out in the regulations.
- 5.4.7 The ERO has a duty under Section 9E RPA1983 (as amended by ERA2013) to invite a person to join the register of electors maintained by the officer if:
- (a) the officer is aware of the person's name and address,
  - (b) the person is not registered in the register, and
  - (c) the officer has reason to believe that the person may be entitled to be registered in the register.
- 5.4.8 The Council Constitution, Article 7 - Committees, Forums, Working Groups and Partnerships (October 2018) - Constitution and General Purposes Committee's terms of reference, details the functions of the Committee and includes the following:

*“To have responsibility for overseeing the Council’s governance arrangements including:*

- *Electoral Services including: elections and electoral registration performance, polling places and polling district boundaries”*

## **5.5 Risk Management**

5.5.1 The on-going and daily electoral registration processes and other work of Electoral Services ensures that both the Council and the ERO meet their legal obligations as stated in 5.4.

## **5.6 Equalities and Diversity**

5.6.1 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 elimination discrimination

5.6.2 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).

5.6.3 The delivery of all electoral processes are strictly governed by legislation, which is in itself designed to provide for reasonable access to voting 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 12 Representation of People Act 2000 provides that all voters have the right to request the use of postal or proxy voting arrangements.

## **5.7 Corporate Parenting**

5.7.1 N/A

## **5.8 Consultation and Engagement**

5.8.1 The full review of the election includes reference to feedback from individuals and/or groups that will represent all stakeholders in the statutory electoral process.

## **5.9 Insight**

5.9.1 N/A

## **6. BACKGROUND PAPERS**

- 6.1 Constitution and General Purposes Committee 12 January 2021, Agenda Item 7, [Electoral Services - Overview Report 2020](#)