



## Constitution and General Purposes Committee

6 January 2022

<b>Title</b>	<b>Final proposals for new Polling Districts and Polling Places</b>
<b>Report of</b>	John Hooton - Returning Officer for Barnet
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix 1 - Borough wide summary map of polling arrangement proposals Appendix 2 - List of proposed polling places Appendices 3 - 26 - Ward specific final polling arrangement proposals for May 2022 Appendix 27 - Representations received during Public Consultation Appendix 28 – Equalities Impact Assessment
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### Summary

The new electoral arrangements for Barnet Council will come into effect at the Local Government elections on 5<sup>th</sup> May 2022. Barnet will continue to have 63 councillors (the same as at present) but there will be an increase in the number of wards, from 21 to 24, with 15 three-councillor and 9 two-councillor wards.

This report includes the final proposals from the Returning Officer for new polling districts and their respective polling places to serve at local elections within the new wards.

# Officers Recommendations

1. That the Committee approves the Returning Officer's proposed polling arrangements from May 2022, detailed within appendices 1-26.

## 1. WHY THIS REPORT IS NEEDED

1.1 The Local Government Boundary Commission for England (LGBCE) completed a statutory review of the London Borough of Barnet's electoral arrangements in January 2020. The LGBCE's final recommendations mean that:

- Barnet will continue to have 63 councillors
- There will be an increase in the number of wards from 21 to 24
- Councillors will be elected to 15 three-councillor and 9 two-councillor wards across the borough
- The boundaries of all wards will change, none will stay wholly the same.



- 1.1 Following the outcome of the Local Government Boundary Commission for England (LGBCE) statutory review, extensive changes are required to the current polling district boundaries and to polling place locations throughout the borough. By law, the new ward boundaries (served by the new polling districts and polling places) come into effect at the local government elections on 5 May 2022. The Register of Electors must be re-published under the new wards ahead of the election (so that poll cards can be issued to electors within their new wards and relevant new polling districts).
- 1.2 In order 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), and to effectively prepare new polling arrangements as will be necessary due to the Electoral Review of Barnet (detailed in 1.1), the Head of Electoral Services, working on behalf of Barnet's Returning Officer has reviewed and created proposals for all polling districts and polling places in the borough.
- 1.3 Following the implications of the LGBCE review outlined in 1.1 above and to allow for the conduct of legally compliant elections in the future, electors within the new wards will need to be assigned to new polling districts that are wholly contained within and coterminous with the new wards. Each of the new polling districts will need to be served by polling places (and polling stations) that meet, so far as is practicable, the requirements for in-person voting, as laid out by the Electoral Commission.
- 1.4 The Constitution and General Purposes Committee terms of reference include: 'responsibility for overseeing the Council's governance arrangements including Electoral Services, including elections and electoral registration performance; and polling places and polling district boundaries.'

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Following the publication of the LGBCE's Electoral Review of Barnet (as detailed in 1.1 above), widespread changes must be made across Barnet's polling districts and polling places.
- 2.2 Electoral Services have completed assessment visits to every potential polling place that was identified or suggested as an alternative or additional venue to existing polling places through the Cross-Party Reference Group meetings.
- 2.3 When assessing the suitability of the polling venue, council officers have followed the guiding principles as agreed at the Cross-Party Reference group meetings:
  - To ensure that all electors within each ward are within as reasonable and equitable distance of their polling venue as is practicable (whilst taking into account the operating capacity and accessibility, particularly for those with disabilities, of individual venues)
  - To minimise the use of schools - seeking to use practical alternative arrangements for electors where these are available
  - To eliminate so far as possible the use of temporary, portable offices (which offer poor accessibility, poor facilities and can only serve very small numbers of electors at a time) – to eliminate excessive costs and highly problematic logistical issues

- 2.4 A proposal detailing polling districts and their designated polling places was designed for all 24 wards (see Appendices 1-26), which took into account polling place suitability and utilised analysis of direct-line distance and road network distance for all electors to identified potential polling places.
- 2.5 The formal consultation on the initial proposals ran from 11 October until 19 November 2021 inviting representations from a range of stakeholders.
- 2.6 All representations received during the consultation period (see Appendix 27) have been reviewed by the Electoral Services officers and Returning Officer and considered as part of the final proposals of polling district and polling places.
- 2.7 These final polling arrangements propose:
- A total of 96 polling districts - each with its own designated polling place
  - An expected reduction in polling stations from 156 to 151<sup>1</sup>
  - A reduction in number of schools venues used from 31 to 15<sup>2</sup>
  - A reduction in number of portable offices used from 11 to 0
- 2.8 Eliminating the use of portable offices will help to alleviate some polling costs, as on average they are more than twice as expensive to use as permanent buildings and require additional staffing and equipment costs to manage the planning, delivery and set-up of these offices and the facilities needed to support their use.
- 2.9 In addition, the elimination of portable offices as polling venues improves access to in-person voting in each of these locations for persons with certain disabilities or restricted mobility.

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

- 3.1 In accordance with the provisions of Statutory Instrument Order 2020 No. 1106: ***The London Borough of Barnet (Electoral Changes) Order***, the new wards within Barnet are legislated to come into effect from 5 May 2022. There is no lawful alternative to introducing new polling districts and polling places to serve these new wards at the elections on 5 May 2022.
- 3.2 To adopt the initial proposals without consideration to the representations received during the statutory public consultation could lead to an appeal being lodged by electors to the Electoral Commission. This in turn could have a negative effect on the perceived fairness and transparency of future elections within Barnet.

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

- 4.1 Following approval of the Returning Officer's final proposals by the Constitution and General Purposes Committee, Barnet's Register of Electors will be re-published in

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<sup>1</sup> Numbers of polling stations can change dependent on actual number of registered electors and postal voters at a specific election

<sup>2</sup> The Children's Centre which is located on the site of the Hyde School in West Hendon is also proposed

full to introduce new roll numbers for all electors based upon their new wards and polling districts.

4.2 The list of designated polling places and maps detailing the new polling districts will be published on the website.

4.3 The approved polling arrangements will be used for the conduct of all future statutory elections within the borough.

## **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 districts and polling places give all electors reasonable and accessible facilities for voting (so far as is practicable within the circumstances), ensures that the democratic rights of all registered electors within Barnet are protected.

5.1.3 In addition, by enabling electors to vote as easily and accessibly as possible, their views are expressed, and elected Councillors ensure that they are taken into account and acted upon throughout all aspects of the council's priorities, values, activities and outcomes.

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

5.2.1 The Council is 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 The impact of the changes to polling places across the borough brought in by this statutory activity are considered to be cost neutral. Although there will be an expected increase costs for hiring polling places instead of using schools, these costs will be more than offset by eliminating the use of portable offices for polling.

5.2.3 The costs of delivering borough-wide elections continues to rise year on year and additional provision has been made within the Council's budget setting process to allocate increase funds (placed in a dedicated reserve each year) to meet the cost of the next local government elections in 2026.

### **5.3 Social Value**

5.3.1 As stated at 5.1

## 5.4 Legal and Constitutional References

5.4.1 Following the Local Government Boundary Commission for England's 'Electoral Review' of Barnet, a draft order was laid before Parliament in July 2020. This has subsequently become Statutory Instrument 2020 No. 1106 'The London Borough of Barnet (Electoral Changes) Order 2020' made 12 October 2020. This legislates that the new wards within Barnet come into effect from 5 May 2022.

5.4.2 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

5.4.3 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.

5.4.4 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

- 5.5.1 By conducting 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).

## 5.6 Equalities and Diversity

Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that the committee has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) Tackle prejudice, and (b) Promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex

- Sexual orientation
- Marriage and Civil partnership

5.6.1 To review any potential equalities implications, the Head of Electoral Services completed an Equalities Impact Assessment on the final proposals (Appendix 28).

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, Safety and Wellbeing at the London Borough of Barnet will be given oversight of the proposed polling district and polling places arrangements across the borough.

5.6.3 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.

5.6.4 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).

## 5.7 **Corporate Parenting**

5.7.1 Not applicable

## 5.8 **Consultation and Engagement**

5.8.1 A statutory public consultation ran from 11 October to 19 November 2021.

5.8.2 The public notice was published and displayed at Hendon Town Hall and posted on the Council's website. In addition, the consultation was promoted widely through methods usually used for such purposes in Barnet, including website, news articles and social media.

5.8.3 In addition, invitations to submit a representation were sent to:

- All 63 Councillors of the London Borough of Barnet
- The three Members of Parliament that represent the constituencies within the London Borough of Barnet
- The London Assembly Member for the Barnet and Camden constituency
- All venues put forward for use as a polling place in the proposals
- Known election agents from recent elections within the borough

5.8.4 A total of 42 representations were received during the period of public consultation, of which 33 were resolved following the changes made to the Returning Officer's initial proposals. Of the remaining nine representations, two were considered to not need a resolution (the representation did not ask for a relevant change to the

proposals) and only seven were unable to be resolved within the final proposals that are detailed within the attached appendices.

5.8.5 All representations received during the consultation period were reviewed by the Head of Electoral Services and the Returning Officer and contributed to the final proposals for polling district and polling places. All representations received are included at Appendix 27.

## 5.9 Insight

5.9.1 None

## 6. BACKGROUND PAPERS

[Local Government Boundary Commission for England Review of LB Barnet ward boundaries](#)

**Constitution and General Purposes Committee** Thursday 16 January 2020, Agenda Item 8, [LGBCE New electoral arrangements for Barnet Council Final Recommendations](#)

**Constitution and General Purposes Committee** Monday 12 October 2020, Agenda Item 8, [Implementing the final recommendations from the Local Government Boundary Commission for England \(LGBCE\)](#)

**Constitution and General Purposes Committee** Monday 22 June 2021, Agenda Item 7, [Implementing the new warding arrangements for the London Borough of Barnet - Project Update](#)

**Constitution and General Purposes Committee** Monday 4 October 2021, Agenda Item 8, [Draft Proposals for New Polling Districts and Polling Places](#)