



Council
25 January 2022

Title	Polling District and Polling Place Proposals – Approval of Four New Barnet Wards
Report of	John Hooton - Barnet Returning Officer (RO)
Enclosures	Appendix 1: Polling Proposals for Barnet Vale ward Appendix 2: Polling Proposals for Garden Suburb ward Appendix 3: Polling Proposals for Whetstone ward Appendices 4 and 5: HB Option A and HB Option B - Polling Proposals for High Barnet ward Appendix 6: Equalities Impact Assessment on the two polling proposals for High Barnet ward
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Summary

Following publication of the Returning Officer's Final Polling District and Polling Place proposals for the new Barnet wards (effective from May 2022), ahead of the Constitution and General Purposes (CGP) Committee on 6 January 2022, additional representations were made by Ward Members on the proposals for four wards (Barnet Vale ward, Garden Suburb ward, High Barnet ward and Whetstone ward).

The committee approved the Returning Officer's proposals for all other wards.

The committee resolved to allow for limited further consultation (with relevant Ward Members and Barnet's represented political groups) on the proposals in these four wards and for alternate proposals in these four wards to be brought to Council (as a matter of urgency), along with the Returning Officer's Final Proposals (reported to committee on 6 January 2022) for a final decision by Council.

During this further consultation, general agreement was reached between all consulted members and groups on the polling district and polling place proposals for Barnet Vale ward, Garden Suburb ward and Whetstone ward.

In High Barnet ward, there are two different polling district and polling place proposals and agreement could not be reached during the further consultation period on which should be designated as approved for use at elections.

A decision must be made on the final designation of polling districts and polling places in these four wards to allow the Returning Officer's staff time to administer the substantial changes required within the Register of Electors, so that it may be republished in full, in good time for effective and legally compliant delivery of the Local Government elections in Barnet on 5 May 2022.

Officers Recommendations

- 1. That Council note that on 6 January 2022 the Constitution & General Purposes Committee approved the Returning Officers proposed polling arrangements for May 2022 onwards, except in the following four wards: Barnet Vale, High Barnet, Garden Suburb and Whetstone**
- 2. That Council approve the polling district and polling place proposals for:**
 - Barnet Vale ward (appendix 1),**
 - Garden Suburb ward (appendix 2), and**
 - Whetstone ward (appendix 3)****as the official polling arrangements to be used in these wards at future elections within the borough.**
- 3. That the Council decides whether to HB Option A (appendix 4) or HB Option B (appendix 5), be designated as the polling district and polling place arrangements for use within the High Barnet ward.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Following publication of the papers for the Constitution and General Purposes (CGP) Committee on 6 January 2022, which included the Final Returning Officer Polling District and Polling Place proposals for the 24 new Barnet wards that will come into effect at the Local Government elections on 5 May 2022, representations were made by current councillors on the specific proposals in four wards (Barnet Vale ward, Garden Suburb ward, High Barnet ward and Whetstone ward).
- 1.2 Due to the timing of the CGP Committee, the papers were published shortly before the Christmas and New Year break, with the committee then taking place almost immediately after the break. There was little time and limited officer availability to review and address the representations that were received in relation to the four wards.
- 1.3 It was therefore resolved at the committee to allow a specific and limited level of further consultation to be undertaken by officers, with relevant Ward Members and representatives of the political groups represented on the Council. The aim of this limited consultation being to consider whether alternate polling district and polling place proposals could be created that would resolve the representations received, whilst also being acceptable to the Returning Officer (RO) for the conduct of elections within these wards.
- 1.4 As an urgent decision is required to designate the polling districts and polling places within these four wards (as the Register of Electors for the whole borough must undergo significant administrative change for it to be republished in good time ahead of the elections on 5 May 2022), it was resolved that the decisions on these four ward polling arrangements would be taken at any of: Constitution and General Purposes Committee; Council; or at an Urgency Committee (dependent upon which allowed for the earliest decision to be taken).
- 1.5 In three of the four wards (Barnet Vale ward, Garden Suburb ward and Whetstone ward), general agreement was reached on the polling districts and polling place arrangements to be used for the Local Elections on 5 May 2022 and beyond. These proposals are attached as appendices 1, 2 and 3.
- 1.6 In the High Barnet ward, agreement was not reached on the polling district and polling place proposals to be used for the Local Elections on 5 May 2022. Therefore, two proposals have been developed for this ward which the Returning Officer and his staff are satisfied can be used to effectively for voting in this ward. Proposal 'HB Option A', originally included in the report for Constitution and General Purposes committee on 6 January 2022 (Appendix 4) and the alternative proposal 'HB Option B' (Appendix 5) are attached to this report.
- 1.7 Council is asked to approve the proposals for Barnet Vale ward, Garden Suburb ward and Whetstone ward attached and to select which proposal is designated as the polling arrangements for use within High Barnet ward.

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is critical that the new polling district and polling place arrangements for these four wards is decided upon at Council on 25 January 2022. Although polling

arrangements were finalised at CGP committee on 6 January 2022 for 20 of the 24 new wards, the Register of Electors cannot be changed until all 24 wards have final polling arrangements officially designated

- 2.2 The new polling arrangements will immediately be used to implement significant administrative changes to the Register of Electors for the London Borough of Barnet, ahead of being republished in full, with a new roll number allocated to every elector. This work must be completed before any preparations for the forthcoming local government elections on 5 May 2022 can properly commence.

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 and then at future elections within the borough.
- 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.
- 3.3 In addition, to have adopted the Returning Officer's Final proposals, as submitted to Constitution and General Purposes Committee on 6 January 2022, without consideration of the late representations received from elected members could also have been perceived as unfair and lacking transparency.

4. POST DECISION IMPLEMENTATION

- 4.1 Following Council's decision on the polling arrangements for Barnet Vale ward, Garden Suburb ward, High Barnet ward and Whetstone ward, these will be used to enable the statutory administrative changes to be made to Barnet's Register of Electors and for it to be republished in full. Subsequently, this will enable all eligible electors across all of Barnet's 24 new wards to be sent poll cards and to vote under the officially designated polling arrangements at future elections within the borough.
- 4.2 The list of all designated polling places and maps detailing the designated new polling districts will be published on the website. These resources will then be used to inform electors, residents, election candidates and other relevant stakeholders of the polling arrangements in place across the borough.
- 4.3 The designated polling arrangements will be used for the conduct of future statutory elections within the borough.
- 4.4 An 'interim' review of the polling arrangements in Barnet will continue to be conducted by the Head of Electoral Services each year, to supplement the statutory review of Polling Districts and Polling Places that is required every five years (the next statutory review must take place during the period 1 October 2023 to 31 January 2024).

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

5.6.1 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, which was provided as an appendix to the report presented to Constitution and General Purposes Committee on 6 January 2022.

- 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. To fulfil this requirement, the Head of Service for Health, Safety and Wellbeing at the London Borough of Barnet was consulted on the proposed new polling venues and 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).
- 5.6.5 In addition to the wider Equalities Impact Assessment that was provided as an appendix to the report presented to Constitution and General Purposes Committee on 6 January 2022, the Head of Electoral Services has completed an Equalities Impact Assessment specifically on the two proposals for High Barnet ward (HB Option A and HB Option B) – this is attached as Appendix 6.

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 were included as an appendix to the paper presented to Constitution and General Purposes Committee on 6 January 2022
- 5.8.6 Following publication of the Returning Officer's Final Proposals to Constitution and General Purposes committee, ahead of its meeting on 6 January 2022, further 'late' representations were received from elected members, relating to the polling arrangement proposals in four of the new wards (as outlined in the summary to this report on page 1).
- 5.8.7 At the meeting of the Constitution and General Purposes Committee on 6 January 2022, the committee resolved that limited additional consultation be undertaken with the members raising these late representations, as well as with relevant ward councillors and the party groups represented on the Council.
- 5.8.8 A summary of the late representations is attached at appendix 10.

5.9 **Insight**

5.9.1 None

6. **BACKGROUND PAPERS**

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](#)

Constitution and General Purposes Committee Thursday 6 January 2022, Agenda Item 8, [Final Proposals for new Polling Districts and Polling Places](#)