

	<h2>Constitution and General Purposes Committee</h2> <h3>6 October 2022</h3>
Title	Electoral Services - Overview Report
Report of	John Hooton - Chief Executive (and Barnet's Electoral Registration Officer (ERO) and Returning Officer (RO))
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Review of project for Barnet's Local Elections on 5 May 2022
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Summary

The report provides a review of Barnet's project work to prepare, implement and deliver the Local Government elections in Barnet on 5 May 2022.

The report summarises the work undertaken, highlights learning from the 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 review of the Local Elections May 2022 report attached at Appendix A.
2. That the Committee note the recommendations detailed in section 8 of the attached report.

1. WHY THIS REPORT IS NEEDED

- 1.1 So that the Constitution and General Purposes Committee have oversight of the of work, undertaken and delivered on behalf of Barnet's Electoral Registration Officer and Barnet's Returning Officer, to deliver the Local Government Elections in Barnet on 5 May 2022. This includes:
- Barnet's project work and delivery of all activities required to deliver the statutory elections that took place on 5 May 2022
 - Work to maintain the accuracy and completeness of the Register of Electors ahead of the various election registration deadlines, thus ensuring that eligible electors are able to vote and do so in their manner of choosing.
 - Recommendations to inform the work of Barnet's Electoral Services team (and wider council where appropriate), ahead of future statutory elections within the borough.
- 1.2 The Council has a duty to provide the authority's Electoral Registration Officer (ERO) with appropriate resources to ensure that the Register of Electors (often known as the Electoral Register) is compiled and maintained to be as complete and up to date as possible. The ERO also has responsibility for publishing a full revised version of the Register of Electors on 1st December each year, as well as monthly updates (known as a Notice of Alteration, or 'NOA') monthly between January and September. The ERO also has a duty to publish additional NOAs in the immediate run-up to a statutory election.
- 1.3 The Council also has a duty to provide the authority's Returning Officer (RO), who has overall responsibility for the preparation and conduct of all statutory elections within the borough, with appropriate resources to ensure the efficient and legislatively compliant conduct of all statutory elections. Further to this, the costs of local government elections are met in full by the Council.
- 1.4 This report helps to provide Constitution and General Purposes Committee with relevant information to:
- ensure that the Council has met its obligations as per 1.2 and 1.3 above.
 - ask 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 continue to be successfully delivered.
- 2.2 The next elections scheduled to be taking place in Barnet are those for the Mayor of London and Greater London Assembly on 2 May 2024. In addition, and relevant legislation, a Parliamentary General Election must be held by January 2025. The report details recommendations that are intended to mitigate 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 Returning Officer and Head of Electoral Services (supported by the Executive Director of Assurance and the Assistant Director of Assurance) will action the recommendations ahead of future election delivery projects.
- 4.2 Barnet's 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.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The current corporate plan (Barnet Plan 2021-2025) was adopted in March 2021. Following the May 2022 elections, the council now has a new administration and a new corporate plan, consistent with the new administration's priorities will be brought forward shortly.
- 5.1.2 Project workstreams will be delivered in accordance with new Corporate Plan priorities once agreed, but the use of post-election reviews has been firmly established as an effective way of ensuring that improvements to the conduct of future elections are identified. Where viable and legally compliant, these identified improvements are introduced for future elections in order to benefit electors and other stakeholders.
- 5.1.3 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 and Returning Officer, the Constitution and General Purposes Committee can ensure that appropriate resources are being made available and that they are used in an appropriate and cost-effective manner.

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 directorate and service budgets as appropriate.
- 5.2.2 In accordance with electoral legislation, all 'actual and necessary' costs for Parliamentary elections or by-elections within the borough are reimbursed to the Council from central government. Similarly, costs for elections for the Mayor of London and the Greater London Assembly are reimbursed to the Council from the Greater London Authority.
- 5.2.3 The Council is responsible for the costs of delivering Local Government elections (including any by-elections) within the borough. To this end, the Council places funds (set at £175k as from 2022/23) into a reserve each year that is then drawn down every four years to pay for the Local Government elections as per the statutory timetable. The full cost of the May 2022 Local Elections is currently forecast to be circa £698,000.

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 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 purpose of the election review is to assess the most recent performance and suitability of Barnet's election preparations, planning and delivery. Further to that it is designed to identify where improvements can be made to reduce the risk of poor performance or outcomes at future elections so the actions proposed by the full review report will identify and minimise risks at future elections.

5.5.2 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 section 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), including in-person at their allocated polling venue, by post or via a proxy voting arrangement.

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**

5.6.4 Not applicable.

5.8 **Consultation and Engagement**

5.6.5 Following the publication of the RO's proposed polling arrangements for the London Borough of Barnet, a statutory public consultation, asking for views and suggestions on the polling arrangements ran from 11 October to 19 November 2021. The public notice of consultation was published and displayed at Hendon Town Hall and on the Council's website. In addition, the consultation was promoted widely through methods usually used for such purposes, including website, news articles and social media.

5.6.6 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

5.6.7 All representations received during the consultation period were reviewed by the Head of Electoral Services and the Returning Officer and subsequently contributed to the final proposals for polling district and polling places. The final proposals were agreed at meetings of the Constitution and General Purposes Committee and full Council in January 2022.

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

6. **BACKGROUND PAPERS**

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

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

6.3 Council meeting 25 January 2022, Agenda Item 12.3, [Report of the Returning Officer -](#)

[Polling District and Polling Place proposals for Four New Barnet Wards.](#)