



## Licensing and General Purposes Committee

<b>Title</b>	<b>Elections Act: Implementation Update</b>
<b>Date of meeting</b>	<b>8 November 2023</b>
<b>Report of</b>	<b>John Hooton - Chief Executive and Returning Officer</b>
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appendix A – Report on Implementation of Elections Act 2022 within the London Borough of Barnet
<b>Officer Contact Details</b>	Julie Carter, Electoral Services Manager John Bailey, Head of Electoral Services <a href="mailto:julie.carter@barnet.gov.uk">julie.carter@barnet.gov.uk</a> / <a href="mailto:john.bailey@barnet.gov.uk">john.bailey@barnet.gov.uk</a>

### Summary

The Elections Act 2022 received Royal Assent on 28 April 2022 and although not all of the act is in force yet, this legislation has so far introduced:

- requirement for voters to show photo ID at polling stations before a ballot paper is issued.
- requirement for Electoral Registration Officers to issue free 'Voter Authority Certificates' to eligible electors who apply for one.
- requirement for voters to provide evidence of their identity when applying for an absent vote (such as a postal vote or proxy vote)
- requirement that postal voters must *reapply* for a postal vote every three years (as opposed to *refreshing* postal vote arrangements every five years as at present).
- restrictions on handling of postal votes, including limiting the number of postal votes an individual can hand in at a polling station or council office.
- a reduction to the number of electors someone may act as a proxy for.
- further requirements on Returning Officers to take all reasonable steps to provide support for persons with a disability in polling stations.

The Department for Levelling Up, Housing and Communities (DLUHC) are still developing the policy and secondary legislation for further changes, due to take effect over the coming 18 months or so.

The report at Appendix A gives a high-level overview of the most recent and imminent changes that the Elections Act is bringing forward (and will therefore be in place for the first time ahead of the Mayor of London and Greater London Assembly elections on 2 May 2024).

## Recommendations

1. That the Committee note the implications and new burdens, brought in by the Elections Act, upon the Returning Officer (RO), Electoral Registration Officer (ERO), the core Electoral Services team and the wider council.
2. That the Committee note how the legislation impacts upon Electors, Elected Officials, Election Candidates and Election Agents at future elections.

### 1. Reasons for the Recommendations

- 1.1 Barnet Electoral Services, on behalf of the RO, the ERO, and the wider council, must implement all required changes to electoral activities and operating procedures (including relevant electoral registration and voting arrangement application decisions) to ensure full compliance with the new legislation.
- 1.2 To ensure that all relevant parties are fully informed about the new legislation and the implications that each separate element has all those involved with elections.

### 2. Alternative Options Considered and Not Recommended

- 2.1 This report is for noting only so no decisions are required from committee.

### 3. Post Decision Implementation

- 3.1 Barnet Electoral Services, on behalf of the Returning Officer, the Electoral Registration Officer and the wider council, will implement all required changes to electoral activities and operating procedures to ensure that the new legislation is complied with.
- 3.2 To support the implementation of the new legislation, Electoral Services works closely with all relevant stakeholders across the electoral sector, including: DLUHC, the Electoral Commission, the Association of Electoral Administrators and (specifically for the Mayor of London and GLA elections on 2 May 2024) the Greater London Authority.
- 3.3 The Chief Executive Officer (also acting as RO and ERO), along with the Executive Director of Assurance and the Assistant Director of Assurance, continue to have regular meetings with the Head of Electoral Services and the Electoral Services Manager to oversee the implementation activities required by the new legislation.

### 4. Corporate Priorities, Performance and Other Considerations

#### Corporate Plan

- 4.1 This report is aligned with the corporate plan pillar of 'An engaged and effective council'. The priority set out is to 'Transform our services to deliver the best outcomes we can, ensuring our services are easily accessible to residents and that their experience of contacting and engaging with the council is consistent, seamless, and focussed on their needs.'

#### Corporate Performance / Outcome Measures

- 4.2 The review supports delivery of the measure how "We act on concerns of local residents and involve them in decision making".
- 4.3 The RO/ERO is required to comply with Performance Standards that are issued by the Electoral Commission. The Electoral Commission periodically produce reports on the level of compliance that is achieved across the UK.

### **Sustainability**

4.4 N/A within this report.

### **Corporate Parenting**

4.5 N/A within this report.

### **Risk Management**

4.6 Ensuring compliance with the new legislative requirements mitigates the risk of challenges to the registration of electors and to the conduct of elections in Barnet.

4.7 By sharing information about the new legislation, the council will mitigate the risk of voters being disenfranchised or that other stakeholders will breach any new rules relevant to their involvement with elections.

### **Insight**

4.8 In accordance with statutory requirements, data from the Register of Electors and relating to the results of elections (including postal voting data, turnout data and polling station information etc.) can be used to review and evaluate electoral registration and elections activity within the London Borough of Barnet, as well as more widely at regional or national level.

### **Social Value**

4.9 N/A within this report.

## **5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

5.1 The Council is responsible for the costs of conducting local government (local) elections, including, when held, local by-elections that elect the Borough's own councillors. To cover the cost of these elections, the council contributes £0.178m per annum to an election reserve, which is then used to finance the local government elections every four years (c.£0.712m).

5.2 For 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).

5.3 The Government has committed that where changes in the Act will result in a new burden on local authorities, these costs will be initially covered in line with new burdens principles by a 'new burdens grant' or a Justification Led Bid.

5.4 In particular, with new Voter ID procedures, the Elections Act has introduced a requirement for extra staff to be employed within all polling stations on election day.

5.5 Due to extra administrative burdens (e.g. to produce Voter Authority Certificates, new online postal vote application identity checking procedures etc.) there is also an implication on core Electoral Services staffing resources, especially during election periods.

## **6. Legal Implications and Constitution References**

6.1 Following Royal Assent on 28 April 2022, the Elections Act 22 is now part of UK legislation, with different elements being brought into force via individual statutory instruments.

6.2 The Returning Officer and the Electoral Registration Officer of the London Borough of Barnet is required by law to comply with all elements of the Elections Act as they are brought into force.

<p>6.3 In accordance with Part 2B of the London Borough of Barnet’s Constitution, the Terms of Reference &amp; Delegation of Duties to the Licensing and General Purposes Committee include oversight of elections and electoral registration performance, and polling places and polling district boundaries;</p>
<p><b>7. Consultation</b></p>
<p>7.1 There is no local consultation process for the Elections Act as the legislation is set by Parliament.</p> <p>7.2 However it will be important to provide information as widely as possible to all residents and electors about the legislative changes in requirements and processes.</p>
<p><b>8. Equalities and Diversity</b></p>
<p>8.1 No separate equalities impact assessment has been undertaken as the delivery of all 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).</p> <p>8.2 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).</p> <p>8.3 It will be important to ensure that residents and electors with protected characteristics, that may mean using online ‘digital’ ways of registering or applying for voting arrangements (e.g. completing an online application for postal votes) is challenging or impossible, are assisted so far as is practicably and legally possible.</p>
<p><b>9. Background Papers</b></p>
<p>9.1 The Elections Act 2022 legislation can be viewed at <a href="https://www.legislation.gov.uk/ukpga/2022/37/contents/enacted">https://www.legislation.gov.uk/ukpga/2022/37/contents/enacted</a></p> <p>9.2 Guidance and information form the Electoral Commission can be viewed at <a href="https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/elections-act">https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/elections-act</a></p>