



Licensing and General Purposes Committee

Title	Electoral Services - Overview Report 2023
Date of meeting	8 February 2024
Report of	John Hooton - Chief Executive (and Barnet's Electoral Registration Officer (ERO) and Returning Officer (RO))
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A - Annual Electoral Services Report - 2023
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Summary

The report provides details on the current Register of Electors and gives an overview of the activities and performance of the Electoral Registration Service throughout 2023.

Information is provided about the regular registration work that is undertaken throughout the year, including the preparation and delivery of the Annual Canvass between July and December. The report details the range of activities that have been undertaken to promote democratic engagement across the borough with specific groups that are typically under-registered. As an addition this year, the report shows extra activities and changes to procedures which needed to be brought in to comply with the Elections Act 2022.

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.

This report helps to provide the Licensing 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.

Recommendations

1. That the Committee consider and comments on the Electoral Services report attached at Appendix A.
2. That the Committee notes the implications and new burdens, brought in by the Elections Act, 2022 upon the Returning Officer (RO), Electoral Registration Officer (ERO), the core Electoral Services team and the wider council.

1. Reasons for the Recommendations

- 1.1 To ensure the Committee are provided with details on the current Register of Electors and an overview of the activities and performance of the Electoral Services Team over the past year.

2. Alternative Options Considered and Not Recommended

- 2.1 None - electoral registration and the delivery of elections within the borough must be undertaken in compliance with relevant legislation. This report is for noting only so no decisions are required from committee.

3. Post Decision Implementation

- 3.1 The Electoral Services Team will continue to deliver all necessary work required to ensure that the ERO complies with his statutory duties and Performance Standards on behalf of the Council.
- 3.2 Preparations are already underway for the upcoming Mayor of London and Greater London Authority election schedule for 2nd May 2024, as well as a pending General Election which will be held at some point in 2024.
- 3.3 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.

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'.

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 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. 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, change of legislation for overseas voters etc.) there is also an implication on core Electoral Services staffing resources, especially during election and other key periods.

6. Legal Implications and Constitution References

6.1 Following Royal Assent on 28 April 2022, the Elections Act 2022 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.

6.3 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.

- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 In accordance with Part 2B of the London Borough of Barnet's Constitution, the Terms of Reference & Delegation of Duties to the Licensing and General Purposes Committee include oversight of elections and electoral registration performance.

7. Consultation

- 7.1 There is no local consultation process for the Elections Act as the legislation is set by Parliament.
- 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.

8. Equalities and Diversity

- 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).

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).

9. Background Papers

- 9.1 The Elections Act 2022 legislation can be viewed at <https://www.legislation.gov.uk/ukpga/2022/37/contents/enacted>
- 9.2 Guidance and information from the Electoral Commission can be viewed at <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/elections-act>
- 9.3 Electoral Services Overview Report - Constitution and General Purposes Committee - Monday 4th October, 2021 7.00 pm - Agenda Item 7 - [Agenda for Constitution and General Purposes Committee on Monday 4th October, 2021, 7.00 pm \(modern.gov.co.uk\)](#)
- 9.4 Elections Act: Implementation Update - Licensing and General Purposes Committee - Wednesday 8th November, 2023 7.00 pm - Agenda Item 5 [Agenda for Licensing and General Purposes Committee on Wednesday 8th November, 2023, 7.00 pm \(modern.gov.co.uk\)](#)