

Report of the Head of Licensing and Registration

Report to General Purposes Committee

Date: 28 May 2014

Subject: Review of all Polling Districts, Polling Places and Polling Stations

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Although having just recently completed a full Polling District Review in 2013, according to a change in legislation, the council must conduct its next full Review of Polling Districts, Places and Stations by 1 February 2015.
2. Shorter consultation periods have been proposed for this review, in recognition that the council has only recently completed a comprehensive review in 2013, and General Purposes Committee's wish that the 2014 Review be a "light touch" exercise.
3. Officers also recommend that the first consultation period commences after completion of the joint European and Local Government Elections on 22 May 2014, to allow an opportunity for any polling issues arising as a result of that election to be considered as part of this review.

Recommendations

5. Members are asked to: –
 - i. Agree the process for the Review of Polling Districts, Places and Stations as set out in this report;

- ii. Agree the timetable for the Review as set out at Appendix A to this report; and
- iii. Agree that Elections Working Group will be used as a working group to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration as set out in this report.

1 Purpose of this report

- 1.1 To agree the process and timetable for the Review of Polling Districts, Places and Stations.

2 Background information

- 2.1 The Council, for a number of years, by virtue of s18 Representation of the People Act 1983, has had a duty to divide the parliamentary constituencies within its area into polling districts¹ and to designate a polling place² for each district. The Returning Officer then nominates a polling station³ within each polling place.
- 2.2 Section 16 of the Electoral Administration Act 2006 introduced a number of changes to the 1983 Act and particularly with regard to the way reviews of polling districts, places and stations must be undertaken. The most important change is that the Council was obliged, by that Act, to conduct a full review in its area within 12 months of the coming into force of the Act, and then complete a further review of each polling district and polling place every four years thereafter.
- 2.3 The 2006 Act came into force on 1 January 2007 and the first review was completed by the Council in November 2007. Further full reviews were completed in October 2009 and October 2013.
- 2.4 Section 17 of the Electoral Administration Act 2013, which came into force on 31 January 2013, requires the Council to carry out further reviews of polling districts and polling places as follows:
 - (a) during the period of 16 months beginning with 1 October 2013, and
 - (b) during the period of 16 months beginning with 1 October of every fifth year after that.
- 2.5 The change to the legislation effectively increases the period between each review from four to five years. However, due to the timing of the introduction of the change to the legislation, this means the council's next full review must be completed by the end of 1 February 2015. Any amendments to polling districts, places or stations will be included in the Register for the expected parliamentary and local elections if they take place in May 2015.

¹ The area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

² The building or area in which polling stations will be selected by the Returning Officer

³ The room or building chosen by the Returning Officer where the poll takes place for each election.

3 Main issues

3.1 Guidance for the conduct of a full polling district review has been published by the Electoral Commission⁴. Following that guidance, officers recommend the following stages: -

3.1.1 A Preliminary Stage - When notice is given of the Review and advises that representations would be welcome, particularly (with regard to polling stations) from those with expertise in access for persons with any type of disability. It also sets out the reference documents which should be made available. This would be the first public consultation period and will last 4 weeks. The council will consider any representations received and form Initial Proposals for further consultation.

3.1.2 A Proposals Stage - When the council considers representations received and forms its Initial Proposals. The Returning Officer must comment, at this stage, on all existing polling stations used and any new polling stations which would probably be chosen if the new proposals were accepted by the authority. The Guidance suggests that the polling district review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations).

3.1.3 The Consultation Stage - To receive representations and comments on the authority's Initial Proposals. This would be the second consultation period and will last 4 weeks. This needs to be in two parts: -

- i. a compulsory submission from the Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and
- ii. submissions from other persons and bodies which can be referenced to the Returning Officer's proposed polling stations as well as the authority's Initial Proposals.

3.1.4 Conclusion of the Joint Review - When the authority must produce Final Proposals, taking into consideration any further representations made.

3.1.5 The Decision of the Council on the proposals. General Purposes Committee will decide the Final Proposals of the Review.

3.1.6 The Publishing Stage - When the decision and background material is published.

3.1.7 Right of Appeal - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission in respect of the outcome of the Review (see section 5.6 of this report).

3.2 Involvement of Elections Working Group (EWG) – During past Reviews, General Purposes Committee have asked EWG to act as a dedicated Working Group for

⁴ Electoral Commission's Guidance EC19/2010 - Review of polling districts, places and stations

each review, recommending proposals to General Purposes Committee for their consideration. It should be noted that the EWG has an extensive knowledge of electoral procedures and is the main consultation forum for officers and Members to discuss electoral issues. It is proposed that EWG again co-ordinate representations from the political Groups, consider representations made by the public or other stakeholders, and be used as a vessel to discuss representations submitted. The views of EWG will be presented to General Purposes Committee for their consideration before any decision is made regarding the Council's Initial or Final Proposals.

3.3 Proposed Timetable for the Joint Review – A proposed timetable is attached at Appendix A.

4 **The Process for Reviewing Polling Districts and Places**

4.1 A reasonable methodology must be demonstrated if a successful appeal (with its consequential reputational damage) is to be avoided. The Guidance stresses the need for all decisions made to have been consulted upon and to be measured and practical: **'The whole process should be as transparent and open as possible to avoid possible conflict.'** The Initial Proposals document should set out the considerations taken into account in drawing up the proposals and such an approach reduces the suggestion that decisions may have been politically motivated.

4.2 The primary considerations for every review are a requirement of Electoral law, and are: -

- i. The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances; and
- ii. The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.

4.3 There is no scientific formula or set of rules for the division of a constituency into polling districts, nor for the selection of polling places. The choice will often be a balance between a number of competing considerations, for example between the quality (access, facilities, etc) of a building and the distances between the residents and that building, compared to other options for polling places. Judgment needs to be exercised, e.g. when comparing the potential disturbance to voters as against other factors. However, in carrying out the balancing exercise, the approach should be **voter-centred**.

4.4 Officers propose that the same criteria used for the last polling district review is used again for this review: -

- i. Disparities between polling districts to make them more comparable in terms of number of polling places and number of electors per polling place;
- ii. Current levels of satisfaction / dissatisfaction as expressed by or on behalf of electors;

- iii. The cost / elector ratio of providing a polling place, so there is broad comparability between districts;
- iv. The availability of postal votes on demand;
- v. Disturbance to electors which would be caused by alteration of polling places which have been used for a long period of time;
- vi. A polling place should be in its own polling district, unless it is not possible to find a suitable place in the district;
- vii. There should not be major barriers between the voters and their polling place. Major roads, rivers and the like can therefore be considered as starting points for polling district boundaries unless there is good quality, accessible crossing points;
- viii. The polling place should not be difficult to locate and should be close to where most of the electors in the polling district live;
- ix. The topography of the area should be taken into account including availability of public transport for electors having to travel distances to the polling place;
- x. Facilities for polling staff, who will be on duty for at least 16 hours and cannot leave the polling place;
- xi. That each parish should be a separate polling district save in exceptional circumstances;
- xii. If there appears to be a need in all or particular elections (considering, for example, UK Parliamentary elections may have a higher turnout than local government elections) for multiple polling stations in a polling place, it will need to be considered if the polling place can accommodate them; and
- xiii. Capability of the polling place to cope with peaks of electors allocated to it.

4.5 It should be noted that the considerations are not weighted, as proposals need to be voter-centred and the exercise of judgment and the balancing exercise needs to have this at the forefront of consideration. Each proposal/representation will have circumstances peculiar to it and the differing considerations relating to those circumstances must be balanced to allow the outcome to be voter centred.

4.6 General Purposes Committee originally agreed the above review criteria at their meeting on 20 November 2008. It has been used in every Review since and it is proposed to use the same criteria again for the purposes of this Review.

5 Corporate Considerations

5.1 Consultation and Engagement

5.1.1 The proposed consultation arrangements are outlined as follows. These arrangements are the same as used for previous Reviews and will follow the timetable set out at Appendix A. The only main difference to this timetable is the

reduced consultation periods, which are proposed as a consequence of only having completed a comprehensive Review last year, and General Purposes Committee's desire to conduct a "light touch" review in 2014 to meet the requirements of the new legislation.

- 5.1.2 Members will note that the first consultation period commences after completion of the joint European and Local Government Elections on 22 May 2014, to allow an opportunity for any polling issues arising as a result of those elections to be considered as part of this review.
- 5.1.3 The Notice of Review will be published in local press. Full details of how to make a representation will be given in the Notice of Review and on the Council's website. In addition to the website notice we will be writing to all MPs and councillors as well as making the information available to relevant Parish Clerks and at local public buildings in all areas.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 As explained previously, the notice of the review will invite representations from stakeholders and in particular from those with expertise in access for persons with any type of disability. According to law, the authority must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. The process outlined in this report meets that requirement.
- 5.2.2 An Equality and cohesion screening has been completed for this review and has concluded that the consultation arrangements will help ensure all people affected by the review are given an opportunity to comment which will address any equality, diversity, cohesion or integration issues raised. The screening document is available as a background document to this report.

5.3 Council Policies and City Priorities

- 5.3.1 The process for conducting a review of polling districts, places and stations is set out in legislation. It is a requirement that the authority completes its next full polling district review by 1 February 2015.
- 5.3.2 The Review does not affect the council's budget and policy framework, although ensuring electors have accessible polling places or parish and town councils does support the council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

5.4 Resources and Value for Money

- 5.4.1 There is no separate budget provision for the costs of carrying out any Review of Polling Districts or Community Governance Review. The costs of carrying out the consultation process will be met from within the existing budget for Electoral Services.
- 5.4.2 Staff resources will be available to conduct this joint review in accordance with the timetable outlined at Appendix A.

5.5 Legal Implications, Access to Information and Call In

5.5.1 Under the Constitution, the Council has delegated authority to the Chief Executive to discharge the following Council (non executive) functions namely: -

“ ...

- (c) to divide a constituency into polling districts⁵
- (d) to divide electoral divisions into polling districts at local government elections”

5.5.2 If the Chief Executive chooses not to exercise that delegated authority, he may refer the matter to General Purposes Committee, who have authority: -

“to consider and determine Council (non executive) functions delegated to a Director where the Director has decided not to exercise the delegated authority and has referred the matter to the committee.”

5.5.3 There is no provision similar to that regarding executive functions that allows the relevant Executive Member to require the “Director” to not exercise the delegated authority but to take a matter to Executive Board.

5.5.4 However, the Chief Executive has the opportunity to consult with the relevant Member(s), before deciding whether to exercise his delegated authority or alternatively himself choose to refer the matter to General Purposes Committee.

5.5.5 The Chief Executive has chosen to refer the need to undertake a Polling District Review to General Purposes Committee.

5.6 Risk Management

5.6.1 There is an appeal mechanism for polling district reviews. On conclusion of any polling district review, the Electoral Commission can consider representations that the review process has not been conducted correctly. There are only two grounds on which a representation may state that a local authority has failed to conduct a proper review, namely: -

- the local authority has failed to meet the reasonable requirements of the electors in the constituency; or
- the local authority has failed to take sufficient account of accessibility to disabled persons of the polling place.

5.6.2 If the appeal is upheld, the Commission can, ultimately, make alterations to the polling places.

6 Conclusions

6.1 That the arrangements outlined in this paper meet the statutory requirements for a Review of Polling Districts, Places and Stations.

⁵ The area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors

7 Recommendations

7.1 Members are asked to: –

7.1.1 Agree the process for the Review of Polling Districts, Places and Stations as set out in this report;

7.1.2 Agree the timetable for the Review as set out at Appendix A to this report; and

7.1.3 Agree that Elections Working Group will be used as a working group to discuss the results of any representations received in response to both consultation exercises, and provide recommendations for General Purposes Committee's consideration as set out in this report.

8 Background documents

8.1 The Electoral Commission's Guidance on the conduct of a review of polling districts, places and stations (EC19/2010)

8.2 Equality Screening Assessment

Appendices

A. Timetable for Joint Review