

Report of the Head of Licensing and Registration

Report to General Purposes Committee

Date: 25 November 2014

Subject: Polling District Review – Final Proposals Stage

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Adel & Wharfedale Ardsley & Robin Hood Armley Beeston & Holbeck Burmantofts & Richmond Hill Chapel Allerton Calverley & Farsley Farnley & Wortley Guiseley & Rawdon Garforth & Swillington Gipton & Harehills Horsforth Kirkstall Middleton Park Morley South Otley & Yeadon Rothwell Roundhay		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1 A polling district review commenced in Leeds on 30 May 2014. A full review timetable can be found at Appendix E.

- 2 The first consultation period ended on 27 June and the Council's initial proposals were published on 5 September marking the start of the second period of consultation.
- 3 The second consultation period ended on 3 October.
- 4 A meeting of the Electoral Working Group was held to discuss the comments received during the second consultation stage. This report details the outcome of that meeting and EWG's recommendations for the Council's Final Proposals.

Recommendations

- 1 Members are asked to:
 - a) Note the summary of initial proposals set out in Appendix A where comments were received during the second consultation stage and have all party support, and resolve in each case to confirm or revise as final proposals
 - b) Note the summary of initial proposals set out in Appendix B to which no further comments were received during the second consultation stage, and resolve whether in each case to confirm or revise as final proposals
 - c) Note the proposal set out in Appendix C where comments were received during the second consultation period and do not have all party support, and resolve whether to confirm or reject the proposal in order for it to be looked at under the ad hoc polling station review procedure
 - c) note that the final proposals agreed today for the polling district review will be published as part of the Council's Final Notice of Joint Review on 28 November 2014

1. Purpose of this report

- 1.1 To consider final proposals for the polling district review.
- 1.2 To agree the final proposals to be published on 28 November 2014.

2. Background information

- 2.1 The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. This change meant a compulsory review was required to be started and completed between 1 October 2013 and 31 January 2015 (inclusive).
- 2.2 Subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013.
- 2.3 A 'review' is all the steps set out in Schedule A1 to the Representation of the People Act 1983 (RPA 1983). Further information on what these steps are is included later in this report. The review process, from the publication of the notice of the review until the publication of the documents at the end, must take place within the specified period.
- 2.4 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within it. However, the time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals, gather comments and respond with any alternative arrangements that they may wish to submit.
- 2.5 It is not anticipated that in view of the requirements in 2.2. above, that the Council will conduct another full review of polling districts and polling places until after 1 October 2018.

3. The review process

- 3.1 Guidance for the conduct of a review has been published by the Electoral Commission. The guidance sets out the review process. The process takes place in a number of stages which are summarised as follows: -
 - a) **A Preliminary Stage** - When notice is given of the review and advises that representations would be welcome, particularly 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 stage is now completed.
 - b) **A Proposal Stage** - When the authority's initial proposals are consulted upon. 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 review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations).

- c) **The Consultation Stage** - To receive representations and comments on the authority's initial proposals for polling districts and places. This is in two parts i.e. (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 proposals.
- d) **Conclusion of Review** - When the authority must produce final proposals, taking into consideration the representations made.
- e) **The Decision of the Council** on the proposals. General Purposes Committee will approve the final proposals.
- f) **The Publishing Stage** - When the decision and background material is published.
- g) **Right of Appeal** - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission.

The 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.

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

3.2 General Purposes Committee approved the timetable for the review at their meeting on 28 May 2014. The final review notice is due to be published on 28 November 2014. The corresponding revised register will be published on 1 December 2014 and will be used for the Parliamentary Election, Local Government Elections and Parish/Town Council Elections to be held on 7 May 2015.

3.3 The Consultation Stage is now completed, and this report sets out the results so that General Purposes Committee can agree the authority's Final Proposals for publication.

4. The Review of 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 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: -
- a) The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances; and
 - b) 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 proposed that the same criteria used for the last polling district review was used again for this review:-
- a) Disparities between polling districts to make them more comparable in terms of number of polling places and number of electors per polling place;
 - b) Current levels of satisfaction / dissatisfaction as expressed by or on behalf of electors;
 - c) The cost / elector ratio of providing a polling place, so there is broad comparability between districts;
 - d) The availability of postal votes on demand;
 - e) Disturbance to electors which would be caused by alteration of polling places which have been used for a long period of time;
 - f) A polling place should be in its own polling district, unless it is not possible to find a suitable place in the district;
 - g) 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;
 - h) The polling place should not be difficult to locate and should be close to where most of the electors in the polling district live;

- i) 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;
- j) Facilities for polling staff, who will be on duty for at last 16 hours and cannot leave the polling place;
- k) That each parish should be a separate polling district save in exceptional circumstances;
- l) 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
- m) 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.

5. Results of the second consultation stage

5.1 Comments were received on 3 of the Council's 18 initial proposals.

5.2 These comments were in response to the authority's Notice of Review (Initial Proposals) published on 5 September. The closing date for receipt of representations was 3 October.

5.3 EWG considered the criteria at section 4.0 when reviewing all further comments received during the first and second consultation stage.

5.4 The representations can be grouped into:

- a) Proposals where comments were received at the second consultation stage and have all party support
- b) Proposals where no comments were received at the second consultation stage
- c) Proposals where comments were received at the second consultation stage and do not have all party support

6. Equality and Diversity / Cohesion and Integration

6.1 The notice of the review invited 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. We have been careful to ensure the review process meets that requirement.

- 6.2 An equality and cohesion screening document 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 can be found at Appendix D.

7 Council policies and City Priorities

- 7.1 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 this polling district review by 31 January 2015.
- 7.2 The review does not affect the council's budget and policy framework, although ensuring electors have accessible polling places 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.

8. Resources and value for money

- 8.1 There is no separate budget provision for the costs of carrying out any Review of Polling Districts. The costs of carrying out the consultation process will be met from within the existing budget for Electoral Services.
- 8.2 Staff resources are available to conduct this interim review in accordance with the timetable which is available at Appendix E.

9. Legal Implications, Access to Information and Call In

- 9.1 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 districts¹
- (d) to divide electoral divisions into polling districts at local government elections”

- 9.2 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.”

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

- 9.3 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.
- 9.4 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.
- 9.5 The Chief Executive has chosen to refer the need to undertake a Polling District Review to General Purposes Committee.

10. Risk Management

- 10.1 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: -
- a) the local authority has failed to meet the reasonable requirements of the electors in the constituency; or
 - b) the local authority has failed to take sufficient account of accessibility to disabled persons of the polling place.
- 10.2 If the appeal is upheld, the Commission can, ultimately, make alterations to the polling places.

11. Conclusions

- 11.1 That the processes being followed by officers meet the statutory requirements for a Review of Polling Districts, Places and Stations

12. Recommendations

- 12.1 Members are asked to:
- a) Note the summary of initial proposals set out in Appendix A where comments were received during the second consultation stage and have all party support, and resolve in each case to confirm or revise as final proposals
 - b) Note the summary of initial proposals set out in Appendix B to which no further comments were received during the second consultation stage, and resolve whether in each case to confirm or revise as final proposals
 - c) Note the proposal set out in Appendix C where comments were received during the second consultation period and do not have all party support, and resolve whether to confirm or reject the proposal in order for it to be looked at under the ad hoc polling station review procedure

- c) note that the final proposals agreed today for the polling district review will be published as part of the Council's Final Notice of Joint Review on 28 November 2014

13. Appendices

- a) Appendix A – Proposals where comments were received at the second consultation stage and have all party support
- b) Appendix B – Proposals where no comments were received at the second consultation stage
- c) Appendix C – Proposals where comments were received at the second consultation stage and do not have all party support
- d) Appendix D - Equality Screening Assessment
- e) Appendix E - Joint review timetable