

**Report of: Chief Officer Elections and Regulatory**

**Report to: General Purposes Committee**

**Date: Monday 12 December 2018**

**Subject: Review of polling districts, polling places and polling stations**

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Armley, Ardsley & Robin Hood, Beeston & Holbeck, Bramley & Stanningley, Middleton Park, Pudsey, Temple Newsam, Weetwood.	
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: N/A	
Appendix number: N/A	

**Summary of main issues**

1. A review of polling districts, polling places and polling stations commenced in Leeds on 2 October 2018. A full review timetable can be found at Appendix A.
2. The first consultation period ended on 6 November 2018.
3. A meeting of Electoral Working Group (EWG) was held on 20 November 2018 to discuss representations made during the first consultation stage.
4. This report details EWG's recommendations for the Council's Initial Proposals.

**Recommendations**

1. Members are asked to:
  - (a) note that the summary of representations set out in Appendix B have cross party support and resolved whether in each case to confirm or revise as an initial proposal;

- (b) Consider the summary of representations set out in Appendix C which have been rejected by all parties, and resolve whether in each case to confirm or revise as an initial proposal
- (c) Note that the initial proposals agreed today will be published for further consultation from 13 December 2018 to 31 January 2019.

## **1 Purpose of this report**

- 1.1 To consider initial proposals for the polling district review.
- 1.2 To agree the initial proposals to be published on 13 December 2018 for the second consultation period of the review.

## **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, places and stations meaning the next compulsory review must take place between 1 October 2018 and 31 January 2020.
- 2.2 Officers therefore reported their intention to carry out a review of polling districts, places and stations at the meeting of General Purposes Committee on 1 October 2018. Members approved the review which commenced on 2 October 2018 marking the start of the first consultation period.
- 2.3 The consultation period ended on 6 November 2018. Consideration of representations made took place at a meeting of Electoral Working Group on 20 November 2018.

## **3 The review process**

- 3.1 Guidance for the conduct of such a review has been published by the Electoral Commission<sup>1</sup>. Officers recommend the following stages: -
  - 3.1.1 Stage 1 - 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 6 weeks.
  - 3.1.2 Stage 2 - 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 Stage 3 - To receive representations and comments on the authority's Initial Proposals. This would be the second consultation period and will last 7 weeks. This needs to be in two parts: -

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<sup>1</sup> Electoral Commission's Guidance - Reviews of polling districts, polling places and polling stations

- 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 Stage 4 - When the authority must produce Final Proposals, taking into consideration any further representations made.

3.1.5 Stage 5 - General Purposes Committee will decide the Final Proposals of the review and the decision and background material will be published.

3.2 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.

3.3 General Purposes Committee approved the timetable for the review at their meeting on 1 October 2018. To allow more time for consultation at Stage 3 the timetable was subsequently revised (copy at Appendix A).

3.4 The final review notice is due to be published in February 2019. Any revisions to the electoral register as a consequence of the review will be made on 1 March 2019 and will be used for the Local Government elections and Parish/Town Council elections to be held on 2 May 2019.

3.5 Stage 1 is now complete, and this report sets out the results of the public consultation and representations received so that General Purposes Committee can agree the authority's Initial Proposals for further public consultation during Stage 3.

## 4 The Review

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: -

- 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 or polling stations. 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: -

- 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.

## **5 Results of Stage 1**

5.1 16 representations were received in response to the authority's Notice of Review published on 2 October 2018. The closing date for receipt of representations was 6 November 2018.

5.2 EWG considered the criteria at section 4 when reviewing all representations made during the preliminary stage.

The representations can be grouped into:

- a) Representations with all party agreement (Appendix B)
- b) Representations rejected by all parties that expressed a view (Appendix C)

## **6 Returning Officers Comments**

6.1 The Returning Officer is required to make a submission on the initial proposals with regard to the location of polling stations and polling places and has said:

*"At this stage, I am content with the representations, but reserve the right to revise and/or add to my views on the basis of officer inspections or expressions of support or objection received in response to further consultation during the proposal stage".*

## **7 Equality and Diversity / Cohesion and Integration**

7.1 The notice of 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.

7.2 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.

7.3 The equality and cohesion documents can be found at Appendix D.

## **8 Council Policies and City Priorities**

8.1 The process for conducting a review of polling districts and places is set out in legislation.

8.2 The review does not affect the Council's budget and policy framework, although ensuring electors have accessible polling stations 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.

## **9 Resources and Value for Money**

- 9.1 There is no separate budget for provision for the costs of carrying out a review of polling districts, places and stations. The costs of carrying out the consultation process will be met from within the existing budget for Electoral Services.
- 9.2 Staff resources will be available to conduct this review in accordance with the timetable.

## **10 Legal Implications, Access to Information and Call In**

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

- 10.2 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.”

- 10.3 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.
- 10.4 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.
- 10.5 The Chief Executive has chosen to refer the need to undertake a review of polling districts and polling places to General Purposes Committee.

## **11 Risk Management**

- 11.1 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: -

- 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.

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

## **12 Conclusions**

- 12.1 The process being followed by officers meets the statutory requirements for a review of polling districts, places and stations.

## **13 Recommendations**

- 13.1 Members are asked to: –

- (a) note that the summary of representations set out in Appendix B have cross party support and resolved whether in each case to confirm or revise as an initial proposal;
- (b) Consider the summary of representations set out in Appendix C which have been rejected by all parties, and resolve whether in each case to confirm or revise as an initial proposal
- (c) Note that the initial proposals agreed today will be published for further consultation from 13 December 2018 to 31 January 2019.

## **14 Background documents**

- (a) Full details for all representations.

## **14 Appendices**

- (a) Appendix A – review timetable
- (b) Appendix B – representations with all party agreement
- (c) Appendix C – representations rejected by all parties
- (d) Appendix D - equality and cohesion documents