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**Report of the Chief Legal Services Officer**

**Corporate Governance and Audit Committee**

**Date: 29<sup>th</sup> November 2006**

**Subject: Review of Polling Districts and Places**

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**Electoral wards affected:**

**Specific implications for:**

Equality and Diversity

Community Cohesion

Narrowing the gap

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**Executive Summary**

This Report draws to the attention of the committee the work that has been done to date to carry out a review of polling districts and places and outlines the changing framework for the conduct of such reviews in light of the Electoral Administration Act 2006. It notes that the relevant statutory procedure is not yet in force and will not be until January 2007. Accordingly any changes introduced as a result of the current review would need to be reviewed again in accordance with legislation and the soon to be issued guidance from the Electoral Commission. It may be considered that there is some scope for making changes where there is unopposed support for proposals, but not otherwise. It is recommended that the committee note the content of this report, consider what changes, if any, they would wish to implement immediately, and call for a further report following the issue of the guidance from the Electoral Commission

## **1.0 Purpose of Report**

- 1.1 To draw to the attention of the committee the work carried out to date with regard to possible changes to the designation of polling districts and places, the recent changes in legislation affecting such reviews, and for the committee to consider what changes to designations, if any, it wishes to implement prior to a full statutory review.

## **2.0 Background Information**

- 2.1 The Council has always had a duty under the provisions of the Representation of the People Act 1983 (the RPA) to keep the designation of polling districts and places within its area under review.
- 2.2 Constitutionally decisions on any changes to the designations following such a review are council functions which stand delegated to the Chief Executive. In the event that the Chief Executive does not, for any reason, feel it is appropriate to exercise such delegated authority then he may refer the matter to the Corporate Governance and Audit Committee.
- 2.3 In 2005 as part of their remit to improve democratic engagement, Scrutiny Board (Thriving Communities) set up a Working Group to consider current arrangements for voting across the city, with a view to improving access and facilities for all electors.
- 2.4 As a result of the findings of the Working Group, Scrutiny Board (Thriving Communities) submitted a report to the Chief Executive recommending that a city wide review of polling districts and polling places be undertaken as soon as possible. The Board themselves put forward some specific suggestions for consideration.
- 2.5 Subsequently a review of polling districts and polling places commenced in August this year. A letter was sent to all potential stakeholders explaining the terms of reference for the review, including a proposed timetable for the receipt of proposals recommending any changes to existing polling district boundaries or polling station designations, and for the conduct of the customary consultations.
- 2.6 Appendix 1 to this Report summarizes the various proposals and the responses to those proposals.
- 2.7 In order for any agreed changes to the designation of polling district boundaries to take effect for the May 2007 local elections they would need to be implemented by 1 December 2006.
- 2.8 However, any proposals for change to the designation of existing arrangements for polling places requiring no boundary changes can be submitted up until the end of February.
- 2.9 Appendix 3 to this report summarizes the total number of proposals submitted in response to the current review and gives the details of those submitting proposals, together with a breakdown of the level of support for the proposed changes, which have been received from those responding to the consultation exercise.

### **3.0 Legal Background**

- 3.1 The Electoral Administration Act 2006 (the Act) has made amendments to the Representation of the People Act 1983 with particular reference to the timing of reviews and the way that the reviews of polling districts and places are conducted. Section 16 of the Act provides that a first full review must be completed before the end of a period of one year starting with the date that section 16 comes into force and every four years thereafter. It is anticipated that section 16 will come into force in January 2007.
- 3.2 The Act has inserted a Schedule A1 into the RPA 1983. That Schedule which is set out at Appendix 2 of this Report sets out how a review is to be conducted. It will be noted that there is a requirement upon the Returning Officer to make representations to the authority. That is a significant departure from previous arrangements.
- 3.3 Guidance is expected from the Electoral Commission prior to January, and the coming into force of section 16 of the Act which will inform the Returning Officer in his preparation of the proposals he is required to make under the Act.

### **4.0 Implications for council policy and governance**

- 4.1 There are no particular issues for council policy and governance.

### **5.0 Legal and resource implications**

- 5.1 There are clearly resources issues in conducting a full statutory review as the process requires the Returning Officer to come forward with proposals for consideration. That is a different approach to previous reviews and to fulfill this new responsibility the Returning Officer will require additional support.

### **6.0 Conclusions**

- 6.1 Any changes to the designation of polling districts and places based on the work done to-date and in advance of the legislative changes and guidance run the risk of being further revised as a result of the subsequent review under the new regime.
- 6.2 Consideration could be given to implementing changes to the current designated polling places where there is unopposed support for such a change subject to confirmation that any premises recommended have appropriate facilities for the conduct of the poll. For the assistance of Members appendix 4 lists those proposals that are unopposed and provides comments as to why the proposed changes are considered more suitable than the existing arrangements that are currently in place.
- 6.3 Where proposals do not meet the criteria set out it may be thought that changes should not be made but that the proposals are formally submitted to the Returning Officer for him to take into account when formulating his proposals under the statutory review.

### **7.0 Recommendations**

The Corporate Governance and Audit Committee are asked to:

- 7.1 note the content of this report

- 7.2 Indicate which, if any, changes to the designation of polling districts and places it would wish to implement with immediate effect
- 7.3 call for a further Report following the issue of Electoral Commission guidance