

**Report of the Head of Licensing and Registration**

**Report to General Purposes Committee**

**Date: 16 February 2012**

**Subject: Interim Review of Polling Arrangements for Garforth & Swillington and Calverley & Farsley Wards – Final Proposals Report**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Garforth & Swillington, Calverley & Farsley	<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. Public consultation on the authority's Initial Proposals for the polling arrangements for Garforth & Swillington and Calverley & Farsley ended on 27 January 2012
2. Elections Working Group (EWG) discussed any representations received and considered them in accordance with the agreed review criteria and officer's inspection reports on 2 February 2012
3. This report gives details of EWG's recommendations for the authority's Final Proposals for consideration by General Purposes Committee

**Recommendations**

4. Members are asked to: –
  - i. Note that the proposals set out in Appendix A for Calverley & Farsley, that received representations for the Initial Proposal where all parties on EWG that expressed a view agreed, and resolve whether to confirm or revise as a Final Proposal;

- ii. Note that the proposals set out in Appendix C for Garforth & Swillington, where all parties on EWG that expressed a view agreed, and resolve whether to confirm or revise as a Final Proposal; and
- iii. Note Appendices B and D, which are maps for each proposal.

## **1 Purpose of this report**

- 1.1 To consider the representations received during the public consultation on the authority's Initial Proposals for the polling arrangements for Garforth & Swillington and Calverley & Farsley.
- 1.2 To consider Elections Working Group's recommendations for the authority's Final Proposals for the polling arrangements for Garforth & Swillington and Calverley & Farsley.
- 1.3 Having considered the above, and the background information available, to decide the authority's Final Proposals for the polling arrangements for Garforth & Swillington and Calverley & Farsley.

## **2 Background information**

- 2.1 The Council, for a number of years, by virtue of s18 of the Representation of the People Act 1983 (1983 Act), has had a duty to divide the parliamentary constituencies within its area into polling districts<sup>1</sup> and to designate a polling place<sup>2</sup> for each district. The Returning Officer then nominates a polling station<sup>3</sup> within each polling place.
- 2.2 Section 16 of the Electoral Administration Act 2006 (2006 Act) 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. A further full review was completed in October 2009. The next full review is required to be completed before the end of 2013. It is important to note that the new regime does not prevent changes being made to polling districts at any time before the next full review is due in 2013 (or at any time thereafter).

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<sup>1</sup> 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

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

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

- 2.4 As previously reported, at General Purposes Committee on 5 January 2012, officers received representations to alter the polling arrangements in Garforth & Swillington and Calverley & Farsley.
- 2.5 The current polling arrangements for Garforth & Swillington were decided by General Purposes Committee at the conclusion of the last full polling district review on 1 October 2009. As the current polling arrangements were agreed by General Purposes Committee as part of the last full polling district review, the council's Legal Services advised that these representations need to return to General Purposes Committee for that committee to reconsider its earlier resolution. General Purposes Committee decided the method and process to conduct an Interim Review to reconsider these polling arrangements at its meeting on 5 January 2012.
- 2.6 The current polling arrangements for Calverley & Farsley were unchanged during the last full polling district review on 1 October 2009. However, the Chief Executive has exercised his discretion to refer the matter to General Purposes Committee for a decision in accordance with section 6.5 of this report. General Purposes Committee agreed to consider an Interim Review of these polling arrangements at its meeting on 5 January 2012.
- 2.7 General Purposes Committee agreed to adopt the representations received as the authority's Initial Proposals for the polling arrangements for Garforth & Swillington and Calverley & Farsley at its meeting on 5 January 2012.

### **3 Main issues**

- 3.1 Guidance for the conduct of a full polling district review has been published by the Electoral Commission<sup>4</sup>. Legal advice is that an Interim Review should follow the process for a full review as far as it is possible. With that in mind, at its meeting on 5 January 2012 General Purposes Committee agreed the process for an Interim Review is as follows: -

- 3.1.1 A Proposals Stage - When notice is given of the Interim Review and the authority's initial proposals 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. 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 review by the authority (of districts and places) should be conducted jointly with the Returning Officer's review (of polling stations).

The authority gave Notice of the Review on 6 January 2012 and the closing date for any representations was 27 January 2012.

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

3.1.2 The Consultation Stage - To receive representations and comments on the authority's initial proposals for the polling districts and places affected by the initial proposals. This is in two parts: -

- i. a compulsory submission from the (Acting) Returning Officer of the parliamentary constituency with regard to the suitability of the designated polling stations; and
- ii. submissions from other persons and bodies including those with expertise in relation to access to premises or facilities for disabled people.

General Purposes Committee agreed the authority's Initial Proposals at their meeting on 5 January 2012. The Initial Proposals and Returning Officer's comments were published on 6 January 2012.

3.1.3 Conclusion of Review - When the authority must produce final proposals, taking into consideration the representations made.

Elections Working Group (EWG) considered all representations made at its meeting on 2 February 2012 and has recommended Final Proposals at section 5.5 and 5.6 of this report for General Purposes Committee's consideration.

3.1.4 The Decision of the Council on the proposals. General Purposes Committee to approve the final proposals.

This is the current stage of the process and the reason for this report.

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

3.1.6 Right of Appeal - Although the final decision is that of the Authority, there is a right of appeal to the Electoral Commission (see section 6.6 of this report).

3.2 Involvement of Elections Working Group (EWG) – At its meeting on 5 January 2012, General Purposes Committee agreed that EWG act as a dedicated Working Group for the review, recommending proposals back to General Purposes Committee for their consideration. It was agreed that EWG co-ordinate representations from the political Groups, consider representations made by the public or other stakeholders, and be used as a vessel to discuss any contentious representations submitted. EWG met on 2 February 2012 to consider all representations received during the public consultation. Their recommendations are included in section 5.5 and 5.6 of this report.

## **4 The Selection 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<sup>5</sup>, and are: -
- i. The authority must seek to ensure that all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
  - ii. The authority must seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled; and
  - iii. When considering or reviewing the designation of a polling place, the authority must have regard to the accessibility needs of disabled persons.
- 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 General Purposes Committee agreed at its meeting on 5 January 2012 that the same criteria used for the last full polling district review is used again for this interim review, namely: -
- 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;

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<sup>5</sup> Representation of the People Act 1983 (as amended by Electoral Administration Act 2006) sections 18A to 18C

- 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 last 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 EWG considered all representations received during the public consultation in accordance with this review criteria at its meeting on 2 February 2012.

## **5 Results of the Consultation Stage**

5.1 Five representations were received in response to the authority's Notice of Review published on 6 January 2012. The closing date for receipt of representations was 27 January 2012. Copies of all five representations are available as background documents.

5.2 Two of the representations received were in response to the authority's Initial Proposals for Calverley & Farsley. All the representations received were in support of the Initial Proposals.

5.3 Three of the representations received were in response to the authority's Initial Proposals for Garforth & Swillington. All the representations received were in support of the Initial Proposals.

5.4 At their meeting on 2 February 2012, EWG considered the review criteria at section 3 of this report when reviewing all representations made during the Consultation Stage. They also had summary information prepared by officers which included

electoral statistics for each ward and the results of officer inspections of all polling places. Large scale maps of each area were produced that also included contour lines to help identify hilly areas that could affect the accessibility of polling places for some voters.

## 5.5 EWG Recommendations for Calverley & Farsley.

5.5.1 Having considered all the information available to them, EWG recommend that the authority's Initial Proposals be adopted as the authority's Final Proposals with no amendments.

5.5.2 A copy of the recommended Final Proposals for Calverley & Farsley is included at Appendix A with a map of the recommended Final Proposals at Appendix B

## 5.6 EWG Recommendations for Garforth & Swillington.

5.6.1 Having considered all the information available to them, EWG recommend that the authority's Initial Proposals for the polling place at Astley Court be reinstated for the polling district as shown in the map at Appendix D.

5.6.2 EWG do not recommend that the authority's Initial Proposals for the polling place at Glencoe Gardens be reinstated. EWG further recommends that the Electoral Registration Officer writes to the residents of Glencoe Gardens to remind them of the availability of a postal vote.

5.6.3 A copy of the recommended Final Proposals for Garforth & Swillington is included at Appendix C with a map of the recommended Final Proposals at Appendix D.

## **6 Corporate Considerations**

### **6.1 Consultation and Engagement**

6.1.1 Consultation arrangements were agreed by general Purposes Committee at its meeting on 5 January 2012. The results of that consultation is detailed in section 5 of this report.

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

“Having seen the results of the inspections by officers of all buildings proposed as polling places, the Returning Officer is content with all the proposals.”

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

6.2.1 The notice of the review published on 6 January 2012 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. The council's Equality Unit were also asked to share details of the review with disability representatives.

- 6.2.2 Officers carried out detailed inspections of all polling places which includes consideration of access needs for disabled voters. A copy of the inspection reports are available as background documents.
- 6.2.3 An Equality Screening Assessment has been completed in respect of this interim review. The Assessment has been published and is available as a background document.

### **6.3 Council Policies and City Priorities**

- 6.3.1 The process for conducting a review of polling districts, places and stations is set out in legislation and the authority is not due to complete another full review until the end of 2013. However, it is important to note that the new regime does not prevent changes being made to polling districts at any time before the next full review is due.
- 6.3.2 Due to this, this interim 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.

### **6.4 Resources and Value for Money**

- 6.4.1 The costs of carrying out the consultation process have been met from within the existing budget for Electoral Services.
- 6.4.2 Officers' comments regarding any increased costs for conducting elections due the authority's Initial Proposals was considered by General Purposes Committee at its meeting on 5 January 2012 and EWG at its meeting on 2 February 2012.

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

- 6.5.1 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 districts<sup>6</sup>  
(d) to divide electoral divisions into polling districts at local government elections”

- 6.5.2 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.”

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<sup>6</sup> 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



- 6.5.3 General Purposes Committee can take the decision or alternatively, it can itself choose to refer the decision to Full Council.
- 6.5.4 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.
- 6.5.5 However, the Chief Executive has the usual 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.
- 6.5.6 Therefore any polling district review under the existing constitutional provisions can be determined by the Chief Executive, or he has the alternative to refer the matter to General Purposes Committee, who themselves have the alternative of making recommendations to Full Council.
- 6.5.7 In all previous polling district reviews, the Chief Executive has chosen to refer the matter to General Purposes Committee. The Chief Executive decided to refer both matters to general Purposes Committee as reported at the previous meeting on 5 January 2012.

## **6.6 Risk Management**

- 6.6.1 On conclusion of any 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.
- 6.6.2 If the appeal is upheld, the Commission can, ultimately, make alterations to the polling places.

## **7 Conclusions**

- 7.1 That representations received during the Consultation Stage have been properly considered by the Elections Working Group, taking into account the review criteria agreed at section 4 of this report, and other relevant information including the results of any inspections of polling places carried out by officers.

## **8 Recommendations**

- 8.1 Members are asked to: –
- 8.1.1 Note that the proposals set out in Appendix A for Calverley & Farsley, that received representations for the Initial Proposal where all parties on EWG that expressed a view agreed, and resolve whether to confirm or revise as a Final Proposal;

8.1.2 Note that the proposals set out in Appendix C for Garforth & Swillington, where all parties on EWG that expressed a view agreed, and resolve whether to confirm or revise as a Final Proposal; and

8.1.3 Note Appendices B and D, which are maps for each proposal.

## **9 Background documents**

- 9.1 Electoral Commission's Guidance (EC19/2010) on the conduct of a review of polling districts, places and stations
- 9.2 Papers and minutes to meetings of General Purposes Committee on 1 October 2009 and 5 January 2012
- 9.3 Counsel Opinion on criteria to be considered as part of any review
- 9.4 Equality Screening Assessment
- 9.5 Representations received during Consultation Stage
- 9.6 Inspection Reports of polling places

## **Appendices**

- A. Recommended Final Proposals for Calverley & Farsley
- B. Map of Recommended Final Proposals for Calverley & Farsley
- C. Recommended Final Proposals for Garforth & Swillington
- D. Map of Recommended Final Proposals for Garforth & Swillington