

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL - TUESDAY, 12 SEPTEMBER 2017

Report Title	INTERIM REVIEW OF POLLING DISTRICTS AND POLLING PLACES
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Purpose of report	To propose that an interim review of polling districts and polling places be commenced prior to the local elections in 2019.
Council priorities	Homes and Communities
Implications:	
Financial/Staff	This will be resourced within existing staffing and budgets.
Link to relevant CAT	No direct implications.
Risk Management	Failure to undertake a compulsory review will see the Council failing in its duties under the Representation of the People Act 1983, as amended by the Electoral Registration and Administration Act 2013. There is no risk attached to undertaking an interim review save for the duplication of work within a short timeframe.
Equalities Impact Screening	In determining where polling places should be located, the Council must seek to ensure that all electors have reasonable facilities for voting and that as far as is reasonable and practical, polling places which are accessible to all electors. These issues will be considered when making the recommendations.
Human Rights	No direct implications.
Transformational Government	No direct implications.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.

Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	Consultations will be carried out with the MP, all elected members of the Council, polling station staff, parish councils, the Equalities and Access Group and the electorate of North West Leicestershire.
Background papers	The Electoral Registration and Administration Act 2013
Recommendations	<p>IT IS RECOMMENDED THAT COUNCIL AGREES THAT:</p> <ol style="list-style-type: none"> 1. AN INTERIM REVIEW OF POLLING DISTRICTS AND POLLING PLACES FOR NORTH WEST LEICESTERSHIRE BE COMMENCED; 2. THE FINAL RECOMMENDATIONS BE CONSIDERED BY COUNCIL NO LATER THAN NOVEMBER 2018; 3. THE REVISED POLLING DISTRICTS AND POLLING PLACES ORDER BE IMPLEMENTED AHEAD OF THE 2019 LOCAL ELECTIONS.

1.0 BACKGROUND

- 1.1 The Electoral Registration and Administration Act 2013 amended the Representation of the People Act 1983 by including a new provision altering the timing of compulsory reviews of parliamentary polling districts and polling places. The change meant that all local authorities have a duty to complete a compulsory review of their polling districts and polling places every five years. The aim of this was to reflect the move to fixed term parliaments and to ensure that all polling places had been reviewed in time for a parliamentary election.
- 1.2 Once a review is completed, 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. Therefore the next one is due between 1 October 2018 and May 2020.
- 1.3 Whilst this was aimed to coincide with the next scheduled parliamentary election, this is now out of sync due to the recent snap parliamentary election. This time frame would not allow any changes to be made in time for the scheduled local elections in 2019.
- 1.4 Between compulsory reviews, all polling places and polling stations used should be kept under consideration, and an evaluation of their suitability carried out after each election. If any changes are identified as being desirable, the same steps should be followed as for conducting the compulsory review.
- 1.5 Therefore, the council can carry out an interim review and change some of their polling districts and polling places before the end of the 5-year cycle, but the same processes should be undertaken for the affected areas as for the compulsory review. Without going through these processes, the council will have difficulty evidencing their decision making and explaining how they took into consideration the reasonable requirements of electors.

2.0 PROPOSALS

2.1 As already stated, the next compulsory review is not scheduled to commence until after 1 October 2018 to be completed by no later than 31 January 2020. This does not allow sufficient time to have it completed in time for the local elections in May 2019. Given that

- The recent general election has put the five year cycle out of sync;
- There have been a number of elections over the past couple of years following which some issues around accessibility and location have been identified;
- There are no planned elections for 2018; and
- There are district and parish elections (and an EU Parliamentary election until informed otherwise) scheduled in 2019

it would be an opportune time for officers to undertake an interim review and have the final recommendations agreed by council ahead of the planning for the local elections.

2.2 Booking of the polling stations for the local elections will need to be undertaken by no later than December 2018. The aim therefore is to have the final recommendations of the review agreed by council by no later than November 2018.

2.3 In view of the recent snap general election, and the original intent of the timing of the reviews, confirmation has been sought from the Electoral Commission that a compulsory review would still need to be undertaken if a full interim review was carried out only a few months before. The response is as follows

“As you point out the next compulsory review of polling places must be undertaken in the period between October 2018 and January 2020. As we understand it there are no plans to amend this timetable. So if you undertake an interim review before October 2018 you will still need to undertake the compulsory review”

2.4 Therefore, until legislation is changed, a compulsory review will still need to be undertaken before January 2020 but this should have minimal impact if all the concerns and issues raised as part of the interim review have been considered and addressed.

3.0 AIMS OF THE REVIEW

3.1 In conducting an interim review the council must:

- (a) Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
- (b) Seek to ensure that so far as is reasonable and practicable, the polling places it is responsible for are accessible to all electors;
- (c) Have regard to the accessibility of disabled persons to potential polling stations in the polling place;
- (d) Other than in special circumstances, locate the polling place in the polling district it serves; and
- (e) Ensure the polling place is small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station.

3.2 The focus of the review will be to identify wherever possible polling places/polling stations which meet set criteria, relating to:

- Location
- Facilities
- Accessibility
- Health and Safety

4.0 TERMINOLOGY

- 4.1 **Polling district:** the area created by the division of a constituency, ward or European Parliamentary electoral region into smaller parts, within which a polling place can be determined, which is convenient to electors. In North West Leicestershire, each ward is divided into a number of polling districts which each have a two or three letter code e.g. AC, ABA based on the ward in which they are located.
- 4.2 **Polling place:** the location (normally the building) in which polling stations will be sited by the Returning Officer.
- 4.3 **Polling station:** the room where the poll takes place (e.g. community room), which must be located within the polling place. The polling station is chosen by the Returning Officer. It is publicised in the Notice of Situation of Polling Stations and communicated to electors via their poll cards and is also published on the council's website.
- 4.4 Where possible, every polling district should have its own dedicated polling place and all electors in that polling district are assigned to vote at the polling station located in that place.
- 4.5 It should be noted that the terms 'polling place' and 'polling station' are often used interchangeably and most people consider the polling place (such as a community centre) to be the polling station. However, it is possible to have more than one polling station per polling place (e.g. two sets of staff, two ballot boxes, two electoral registers) and these double stations are often provided in polling districts with a large number of electors or where there is a high turnout or a large number of people voting at certain times of the day.

5.0 THE DESIGNATION OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

- 5.1 The designation of the district's polling districts and places is the responsibility of the council.
- 5.2 The allocation of polling stations within polling places is not a council function and is the responsibility of the Returning Officer for the election concerned. However, in practice, the location of likely polling stations is a key consideration when identifying polling places and the boundaries of polling districts, particularly in those areas of the district where there are no suitable premises e.g. community venues or schools.
- 5.3 Polling districts for local government elections are not automatically part of the statutory review. However, the Electoral Commission advises that the polling districts for UK parliamentary and local government elections should always be the same, and it therefore follows that any review of parliamentary polling arrangements should be conducted simultaneously with one of local government arrangements. Consequently, polling districts and polling places adopted by the council for parliamentary elections will also be effective for local government elections.

6.0 USE OF SCHOOLS AS POLLING STATIONS.

- 6.1 Some of the reasons used for seeking alternative premises for polling stations involve the use of schools and the need for them to close. We do try not to use them where there is a suitable alternative but often this is not possible. To assist members, the advice of the Department for Education is set out below:-

“Under current legislation, Returning Officers (ROs) have the right to select schools as venues for polling stations. If there is an area which can be used with a separate entrance and isolated from the rest of the school, the school can continue to operate. If not, the school must close on the day of the poll. Schools which need to close as a result of being used as polling stations can move to alternative accommodation or make up the lost day by other means. The lost day could be made up at the beginning or end of a term, or a training day could be arranged on the day of the poll if the head teacher or governors so wish. There are currently no plans to change or amend this legislation which is found in the Representation of the People Act, 1983, Chapter 2, Schedule 1, Part III, paragraph 22. This paragraph effectively renders all mainstream schools liable for use by the RO of the local authority irrespective of how they were procured.”