

<b>Report of:</b>	<b>Managing Director</b>
<b>Contact Officer:</b>	<b>Steve Partridge</b>
<b>Telephone No:</b>	<b>01543 464588</b>
<b>Portfolio Leader:</b>	<b>Leader of the Council</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Council: 23/01/19</b>

**COUNCIL**  
**23 JANUARY, 2019**  
**COMPULSORY REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS**

**1 Purpose of Report**

- 1.1 Council is requested to note the process for the compulsory review of UK Parliamentary polling districts and polling places, which is required to be started and completed between 1 October, 2018 and 31 January, 2020 (inclusive).

**2 Recommendations**

- 2.1 That the review process be noted.
- 2.2 That a further report be brought back to Council on completion of the review

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Electoral Registration and Administration Act, 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places, requiring that they must be started and completed within the period of 16 months of every fifth year after 1 October, 2013. This means that the next compulsory review must be started and completed between 1 October, 2018 and 31 January, 2020 (inclusive).
- 3.2 Although the start and end of the period in which the review must be undertaken and completed is defined, the length of the review process is not prescribed and individual local authorities can start the process at any point within the period 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.

- 3.3 Good practice recommends that the Council should also undertake periodic reviews of polling districts and polling places as required for local elections. However, Cannock Chase Council has the benefit that the Parliamentary Constituency and local authority District boundaries are co-terminous and the same polling places are utilised for both national and local elections. Accordingly there is no requirement to conduct a separate local elections review.
- 3.4 This report provides Council with an overview of the processes that will be followed when the formal review is undertaken. A further report will be brought back to Council on conclusion of the review.

#### **4 Relationship to Corporate Priorities**

- 4.1 The Council through its democratic process supports all of the Council's Corporate Priorities.

#### **5 Report Detail**

- 5.1 Section 18 of the Representation of the People Act, 1983, placed a responsibility on local Councils to divide their area into polling districts for the purpose of Parliamentary elections and to designate the polling places for those polling districts. The Electoral Administration Act, 2006 (EAA 2006), introduced a duty on all local authorities to review their UK Parliamentary polling districts and polling places at least once every four years. This requirement was subsequently amended by the Electoral Registration and Administration Act, 2013 (ERAA 2013), which brought the reviews in line with revised five year UK Parliamentary fixed terms.
- 5.2 The new regime required that the first review be completed within the period of 16 months beginning from 1 October, 2013, and ending 31 January, 2015, in time for the May, 2015 Parliamentary elections, and subsequent reviews must then take place every five years thereafter. This means that the next compulsory review must be started and completed between 1 October, 2018 and 31 January, 2020 (inclusive). Unfortunately, an extraordinary ('snap') Parliamentary General Election held in June, 2017, means that the timing of the reviews is no longer synchronous with the ongoing timing of the General Elections, the next of which - subject to no further extraordinary elections - is scheduled for May, 2022.
- 5.3 Section 31 of the Representation of the People Act, 1983, makes similar provisions in respect of reviewing polling places for local government elections. As referred to in 3.3, above, Cannock Chase benefits from having co-terminous Parliamentary Constituency and local authority District boundaries, and undertaking the compulsory review of UK Parliamentary polling districts and polling places also, effectively, satisfies the local review requirements.
- 5.4 The review requires the Council to:
- Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.

- Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.

The following is not considered as part of the review:

- The changing of any District ward boundaries (which can only be done by statute following an electoral review carried out by the Local Government Boundary Commission). The review is concerned only with the administrative subdivision of a ward into polling districts which are then assigned polling places; or
  - The changing of polling districts in areas which are also aligned with parish boundaries and therefore cannot be amended during this review (these can only be amended during a Community Governance Review).
- 5.5 The Council has scheduled local elections in May, which are combined with Parish / Town Council elections. Preparatory work for the elections typically commences in late February / early March. It is, therefore, unlikely that the formal review process will start until June, 2019.
- 5.6 In the interim, some of the associated aspects of the review will be undertaken anyway, i.e. as part of the regular pre-election processes, such as pre-election visits to the current venues to make preliminary assessments in respect of access and basic suitability requirements. Polling station staff will also be asked to assist by completing suitability questionnaires from observations they make on the day of the elections in May.
- 5.7 This Council elects its Members by thirds, i.e. thirteen or fifteen Members are elected in three out of every four years, and County elections are held in the 'fallow' year, i.e. every fourth year. Additionally, there are planned periodic Parliamentary General Elections; Police, Fire and Crime Commissioner; and Parish elections, which may be combined with the District or County Council elections depending on when the cycles overlap.
- This means that there is an ongoing cycle of (informal) review across the duration of every electoral event, taking account of any issues that arise both on the day, and in the pre and post election periods. Consideration is also given to feedback from polling station staff and others, including members of the public.
- 5.8 The Electoral Services team are already familiar with the polling places that are utilised at elections. On occasion, there might be a requirement to change the locations of polling stations and, more rarely, polling places, to address particular needs between formal reviews. Polling stations can be redesignated within a polling place - e.g. changing which room that is used within a venue - by the (Acting) Returning Officer without further reference. However, the legislation requires that changes to polling places (venues) follow the same process as for a full review, *unless the Council has in place an alternative delegated procedure*.
- 5.9 The Council has such a procedure in place, which forms part of the Council's Scheme of Delegations and was confirmed by Council at its meeting of 14 January, 2015. The Managing Director, as (Acting) Returning Officer, has

delegated authority (26.3.10) “To make changes to polling districts and polling places, as may be required, in between formal reviews.” In so doing, the Managing Director consults with the local Ward Members and the respective Group Leaders, to make them aware of the reasons for the proposed changes to polling places. This also gives the Ward Members an opportunity to suggest alternative venues for the affected polling places. This process adopts a common sense approach to the matter, avoiding the unnecessarily burdensome and time consuming prescribed procedure.

#### 5.10 Definitions

- **A polling district** is a geographical area created by the sub-division of a UK Parliamentary constituency, an electoral division; or a District ward into smaller parts. In England, each parish is a separate polling district, unless there are special circumstances.
- **A polling place** is the *particular building or area* in which a polling station(s) will be selected by the (Acting) Returning Officer.
- **A polling station** is a *room or area within the polling place* where voting takes place. Unlike polling districts and polling places which are determined by the local authority as part of the review, polling stations are chosen by the (Acting) Returning Officer, and may be redesignated within the polling place by him without the need for further review.

#### 5.11 The Requirements of the Review

Local authorities are required to divide every constituency into polling districts for the purposes of UK Parliamentary elections and to designate a polling place for each polling district. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the district. (This does not affect Cannock Chase.)

#### 5.12 Accessibility

Local authorities must also comply with access requirements. As part of the review, they must:

- Seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances.
- Seek to ensure that, so far as is reasonable and practicable, every polling place for which it is responsible is accessible to electors who are disabled.

The Council must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing.

For this reason, the Electoral Services team has been actively working to reduce the number of portable / temporary polling stations in use, and to ensure that where they are used, they are situated in such a way as to minimise access issues. It should also be noted that costs associated with portable / temporary

polling stations are substantially more than those for fixed premises polling stations.

### **5.13 Use of schools**

By law, for the purpose of taking the poll in England and Wales, the (Acting) Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament. This includes academies and free schools. The County Council sends annual reminders to Head teachers and Chairs of Governing Bodies of the rights of (Acting) Returning Officers in this regard.

While this is generally not popular with Head teachers, provision exists for them to use INSET days in order to minimise the impact of the elections, which normally fall on the first Thursday in May. Therefore, this should have been factored in when planning the academic year. Where possible / practicable to do so, a small number of polling places have been relocated from schools. However, there is a shortage of suitable / available alternative facilities in the District, and as a result, schools premises remain one of the default locations. Using alternative venues is also likely to result in additional costs to the Council. Nonetheless, the Electoral Services team continues to work with schools to try to minimise any inconvenience.

The Managing Director, as (Acting) Returning Officer, has requested that use of schools be revisited as part of the process.

### **5.14 Formal Review Process**

There is a prescribed process for conducting the review; a summary of which is included as Appendix 1 to this report. Briefly, the process requires publication of a notice in advance of the start of the review; consultation with a variety of interested parties, including elected Members; consideration of the feedback; and conclusions. The final conclusions and recommendations from the review will subsequently be brought back to Council for approval.

## **6 Implications**

### **6.1 Financial**

Undertaking the review will incur indirect additional costs to the authority in respect of Officer time. It is not possible to quantify these. No additional grant funding is available for this purpose, and the costs will have to be met from existing budgetary provisions.

### **6.2 Legal**

The legal implications are set out in the report.

### **6.3 Human Resources**

None.

**6.4 Section 17 (Crime Prevention)**

None.

**6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

Council is at risk of not fulfilling its statutory obligations should it fail to undertake the compulsory review of UK Parliamentary polling districts and polling places.

**6.8 Equality & Diversity**

Equality and diversity considerations are embedded within the requirements of the review.

**6.9 Best Value**

None.

<b>7 Appendices to the Report</b>
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Appendix 1      The Formal Review Process

**Previous Consideration**

Compulsory and Intermediate Reviews of Polling Districts, Polling Places and Polling Stations	Council	6 November, 2013
Outcome of Compulsory Review of Polling Districts, Polling Places and Polling Stations	Council	14 January, 2015

**Background Papers**

Representation of the People Act, 1983

The Electoral Administration Act, 2006

The Electoral Registration and Administration Act, 2013

The Electoral Commission Guidance: Reviews of Polling Districts, Polling Places and Polling Stations

**THE FORMAL REVIEW PROCESS**

(Extracted from Sections 6 and 7 of The Electoral Commission Guidance)

**6 The Review Process****Stage 1 – Notification of the review**

6.1 The formal commencement of the review requires the local authority to give notice of the holding of a review. The notice must:

- be displayed at the local authority's office and in at least one conspicuous place within the authority
- be published on the local authority website

6.2 Additionally, the authority could display copies in other public buildings and, in particular, those buildings frequented by disabled residents. The authority's disability officer should be able to give guidance on the most suitable places for reaching disabled residents.

6.3 The content of the notice is not prescribed, but should state:

- that the local authority is conducting a review of polling districts and polling places
- that the (Acting) Returning Officer will make a comment on proposed polling stations, and an indication of when and where the (Acting) Returning Officer's representations will be made available
- that electors within the authority or within a UK Parliamentary constituency which has any part in the authority may make a representation
- that the authority would welcome the views of all residents, particularly disabled residents, on the authority's proposals, the (Acting) Returning Officer's representation or any other matters
- that the authority would welcome any person or body with expertise in access for persons with any type of disability to comment on the authority's proposals, the (Acting) Returning Officer's representation or any other matters
- that persons or bodies making representations should, if possible, give alternative places that may be used as polling places
- the postal address, e-mail address and website address at which documents can be inspected and representations made
- an indication of the timetable of the review and a deadline for representations

- 6.4 The authority should also send a copy of the notice to interested parties such as elected representatives (Councillors, MPs, MEPs, etc.), political parties, disability groups and other stakeholders. Additionally, the authority could issue a press release and use social media feeds to draw attention to the review and the process.

### Stage 2 – Consultation

- 6.5 The consultation stage is for representations and comments to be made on the existing and proposed arrangements for polling districts and polling places. There are two aspects of this stage:
- A compulsory submission from the (Acting) Returning Officer of the UK Parliamentary constituency or constituencies, which must then be published by the local authority.
  - Submissions from electors and other interested persons and bodies, including elected representatives and those with expertise in relation to access to premises or facilities for disabled people.

### The (Acting) Returning Officer's submission

- 6.6 The (Acting) Returning Officer's submission must comment on both the existing polling stations and the polling stations that would likely be used based on any proposed polling places. The (Acting) Returning Officer's report must also contain information as to the location of polling stations within polling places. Completing the templates at Appendix A may help to form a basis for this report.
- 6.7 The local authority must publish the (Acting) Returning Officer's comments within 30 calendar days of receipt. The comments should be published at the local authority offices and in at least one conspicuous place within each UK Parliamentary constituency contained wholly or partly in the local authority area. They should also be published on the local authority's website. Additionally, the (Acting) Returning Officer's response could be copied and made available in council offices, libraries, community centres or other places where residents may visit.

### Consultees

- 6.8 The authority should consult widely on the review and should seek out the views of interested groups or bodies, including electors, candidates and agents, political parties and Members of the Council, as well as other elected representatives (MPs, MEPs, etc.).
- 6.9 It will be particularly important to consult with those who have specific experience of assessing access for persons with different disabilities. These could include disability sections or occupational health departments within the council, as well as local and national disability groups. The authority should give consideration to the different types of disability which may make voting in person more difficult, and should also consider the council's own policy on disabled

access. Consultees should be asked for comment both in general and, if appropriate, about particular buildings or areas within the authority.

- 6.10 Any persons involved in the consultation have the right to comment on the recommendations proposed by the (Acting) Returning Officer.
- 6.11 Any elector for a UK Parliamentary constituency either wholly within or partly within the local authority area may comment on any of the recommendations within the whole local authority area.
- 6.12 Any person or body that makes a comment should be invited to suggest alternative polling districts/polling places and should be encouraged to give a reason for the alternative proposal so that it may be given appropriate consideration. As mentioned above, the notice published by the local authority should provide a deadline for the submission of comments.

#### Stage 3 – Concluding the review

- 6.13 After considering all of the representations, the local authority must decide on the most appropriate polling districts and polling places, which must be approved by the council.
- 6.14 If the review results in the alteration of one or more polling districts, the Electoral Registration Officer must make the necessary alterations to the electoral register. Depending on the timing of the review and the extent of the changes, the ERO has three options to ensure the register reflects the new polling districts:
  - update the register on publication of the revised register following the conclusion of the annual canvass
  - re-publish a revised register at another point in the year
  - publish a notice of alteration
- 6.15 Where the Electoral Registration Officer has decided to revise their register by republishing it to incorporate the changes, the law requires that the ERO publish a notice 14 calendar days before the publication of the revised version of the register in a local newspaper, at their office and at some other conspicuous place or places in the area. The legislation does not allow for a part publication of the register – a revised register can only be published for the whole of the local authority area.
- 6.16 Any alteration is effective on the date on which the Electoral Registration Officer publishes a notice stating that the alterations have been made, which should be published at the same time as the register is revised or a notice of alteration published, as appropriate.

#### Stage 4 – Publishing the conclusions of the review

- 6.17 Once the council has agreed the proposals, details of the new polling districts and polling places must be made available to the public. These should be made

available at the local authority offices, in at least one conspicuous place in the constituency (or constituencies), and on the local authority's website. The reasons for choosing each particular polling district and polling place must be given.

6.18 Along with the reasons for the final decision of the review, the following must also be published:

- all correspondence sent to the (Acting) Returning Officer in connection with the review
- all correspondence sent to any person whom the authority contacted because they had particular expertise in relation to access to premises or facilities for disabled people
- all representations made by any person in connection with the review
- the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
- details of the designation of polling districts and polling places within its area as a result of the review
- details of the places where the results of the review have been published

6.19 It is important that electors are made aware of any changes made to the place they must attend to vote. For example, the poll card for the next election they are entitled to vote at could indicate if their station has changed.

## **7 The Appeals Process**

7.1 Following the conclusion of the local authority's review, certain persons have a right to make representations to the Electoral Commission. If, on receipt of such representations, the Commission find that a local authority's review did not:

- meet the reasonable requirements of the electors in the constituency, or a body of them, or
- take sufficient account of the accessibility for disabled persons of a polling station/ polling stations within a designated polling place

then it may direct the authority to make any alterations to the polling places that the Commission thinks necessary and, if the alterations are not made within two months, the Commission may make the alterations themselves.

Who is entitled to make representations to the Commission?

7.2 The following may make representations:

- in England, any parish council which is wholly or partly situated within each constituency, or parish meeting where there is no such council
- in Wales, any community council which is wholly or partly situated within each constituency

- thirty or more registered electors in each constituency (although electors registered anonymously cannot make a representation)
- a person (except the (Acting) Returning Officer) who made representations to the authority when the review was being undertaken
- any person who is not an elector in a constituency in the authority's area but who the Commission thinks has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons

7.3 In addition, the (Acting) Returning Officer may make observations on any representations made to the Electoral Commission.

#### Format for all representations

7.4 All representations must be made in writing, either by post, e-mail or fax. The representation must be as specific as possible and should clearly state the manner in which it is alleged that the local authority has failed to properly conduct the review. There are only two grounds on which a representation may be made. These are:

- the local authority has failed to meet the reasonable requirements of the electors in the constituency
- the local authority has failed to take sufficient account of accessibility to disabled persons of the polling station/ polling stations within a polling place.

7.5 Representations based on any other premise will not be considered.

7.6 The representation should include the location of the polling place and any other relevant information regarding the polling place at issue, stating specifically why it is inaccessible or does not meet the reasonable requirements of the electors.

7.7 A representation may also include for consideration specific proposals for changing the place that has been designated as the polling place.

#### The decision-making process of the Commission

7.8 Upon receipt of a representation, the Commission will request all relevant documentation from the local authority and will show the authority the representation.

7.9 The (Acting) Returning Officer is entitled to make observations on the representation submitted to the Commission and should give a report on the polling station(s) which would likely be used should the representation be successful.

7.10 The documentation from the local authority, the observations of the (Acting) Returning Officer and any other relevant information will be taken into consideration, in conjunction with the representation.

- 7.11 The Commission may seek advice from persons with expertise on accessibility issues when making its decision.
- 7.12 The Commission will set out in writing its conclusions and the reasons for its decision. The decision will be issued to the person(s) who made the representation, the local authority and the (Acting) Returning Officer. The decision and related documents will also be published on the Electoral Commission's website. Local authorities are advised to publish the outcome of the appeal in the same way as the results of the review were published.
- 7.13 The Commission may direct the local authority to consider any alterations to the polling places that it deems necessary under the review. After two months, if the local authority has failed to make the alterations, the Commission can itself make the alterations as if the local authority had implemented them.
- 7.14 Representations should be sent to:
- Legal Counsel,  
The Electoral Commission  
3 Bunhill Row  
London EC1Y 8YZ  
Tel: 020 7271 0500  
Fax 020 7271 0505  
Email: [appeals@electoralcommission.org.uk](mailto:appeals@electoralcommission.org.uk)
- 7.15 Further information on previous appeals, including the decisions made by the Commission can be found on its website.