

Report of:	Chief Executive
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Portfolio Leader:	Leader of the Council
Key Decision:	No
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COUNCIL
6 NOVEMBER, 2013
**COMPULSORY AND INTERMEDIATE REVIEWS 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 and local authority polling districts, polling places and polling stations to be started and completed between 1 October, 2013 and 31 January, 2015.
- 1.2 Council is requested to grant delegated authority to the Chief Executive, as (Acting) Returning Officer, to approve changes to polling places, as required, outside of the formal review process.

2 Recommendations

- 2.1 That the review process be noted.
- 2.2 That the (Acting) Returning Officer be granted delegated authority to make changes to polling districts and polling places, as may be required, in between formal reviews.

3 Key Issues and Reasons for Recommendation

- 3.1 Council is required to undertake periodic compulsory reviews of polling districts and polling places for both Parliamentary and local authority elections. Cannock Chase is fortunate that the Parliamentary Constituency and local authority District boundaries are coterminous enabling the reviews to be combined. This report provides Council with an overview of the processes that will be followed

when the review(s) are undertaken. A further report will be brought back to Council on conclusion of the review.

- 3.2 As a result of amendments to the annual canvass timetable, including revised dates for publication of the register of electors in 2014, plus other factors, such as combined polls for the European Parliamentary elections and local government elections on 22 May, 2014, it is unlikely that the formal review process will start until June, 2014. In the interim, some of the associated aspects of the review can be started in readiness, such as visits by Building Control Officers to some of the current venues to make preliminary assessments in respect of access and basic suitability requirements.
- 3.3 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. While polling stations can be redesignated within a polling place by the (Acting) Returning Officer without further reference, the new legislation requires that changes to polling places follow the same process as for a full review, unless the Council has in place an alternative delegated procedure.
- 3.4 Although the Council doesn't have in place such a formally delegated procedure, it does have an established process, whereby the Chief Executive, as (Acting) Returning Officer, consults with the local Ward Members and the respective Group Leaders, in respect of any proposed changes to polling places. This process adopts a common sense approach to the matter, avoiding the unnecessarily burdensome and time consuming prescribed procedure. It is, therefore, proposed that the process be formalised with authority delegated to the Chief Executive, or Officer(s) so nominated by him, in his capacity as (Acting) Returning Officer, following consultation with local Ward Members and Group Leaders.

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 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. The Electoral Registration and Administration Act, 2013 (ERAA 2013), amended this requirement to bring the reviews in line with revised five year UK Parliamentary terms, and the reviews are now required to be completed within the period of 16 months beginning from 1 October, 2013, and ending 31 January, 2015, and every fifth year thereafter.
- 5.2 Reviews of polling districts and polling places for local government elections are prescribed under Section 31 of the Representation of the People Act, 1983 (RPA

1983). As Cannock Chase has the benefit of a coterminous Parliamentary Constituency and local authority District boundary, the two reviews are able to be conducted simultaneously.

5.3 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.

5.4 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.)

5.5 Formal Review Process

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

6 Implications

6.1 Financial

Undertaking the review will incur additional costs to the authority. It is not possible to quantify these fully at this time; however, these are likely to include additional Officer time; and costs of engaging the Council's shared Building Control service to undertake access surveys for the identified polling places / stations. The Building Control service effectively operates as contractor in this regard, recharging Officer's time. An initial estimate by the Building Control Manager suggests a figure in the region of £5,000. The costs will 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

None.

6.8 Equality & Diversity

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

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1 The Formal Review Process

Previous Consideration

Background Papers
Representation of the People Act, 1983
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 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, MSPs, AMs, 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, MSPs, AMs, 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

(NB Hereafter, references to "we" indicates the Electoral Commission)

- 7.1 Following the conclusion of the local authority's review, certain persons have a right to make representations to the Commission. If, on receipt of such representations, we 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 we (the Commission) may direct the authority to make any alterations to the polling places that we think necessary and, if the alterations are not made within two months, we may make the alterations ourselves.

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 us.

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, we 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 us 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 We may seek advice from persons with expertise on accessibility issues when making our decision.
- 7.12 We will set out in writing our conclusions and the reasons for our decision. Our 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 our 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 We may direct the local authority to consider any alterations to the polling places that we deem necessary under the review. After two months, if the local authority has failed to make the alterations, we can itself make the alterations as if the local authority had implemented them.