

**Wards:** All

**Portfolio:** Finance, Governance and Corporate Service

**FROM:** Deputy Chief Executive

**Date:** 13 May 2019

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

Internal Use Only: Please complete sign off boxes below prior to submission to Democratic Services			
<b>Report Sign off</b>	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	Legal	Lesley Dolan	24/04/19
	Finance	Paul Deal	24/04/19
	Chief Executive Officer	Stuart Brown	24/04/19
	Group Manager	David Clark	25/04/19
<b>Summary:</b>	Local authorities are statutorily required to divide every constituency into polling districts for the purposes of UK Parliamentary elections, to designate a polling place for each polling district, and to review these at least once every five years. The current review period is for 16 months which began 1 October 2018. Council is asked to establish a working group to progress the review and report back to the September meeting.		
<b>Recommendation:</b>	<ol style="list-style-type: none"> <li>1. That a cross party working group be established to progress the review on behalf of the Council.</li> <li>2. That the cross party working group include the Leader of the Council (or Deputy), Leader of Opposition (or Deputy), the Portfolio Holder and the Shadow Portfolio Holder for Finance, Governance and Corporate Service.</li> </ol>		
<b>Direct and/or indirect impact on service delivery to our customers and communities</b>	The purpose of the review is to ensure that electors are able to vote at the most convenient polling place at Parliamentary and local elections.		
<b>Financial Implications:</b>	There are no financial implications for the Council.		
<b>Legal Implications:</b>	There is a statutory responsibility to carry out the review. In conducting the statutory review, local authorities must follow the rules set out in Section 18C and Schedule A1, Representation of the People Act 1983 and Regulation 3, Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.		

<b>Crime and Disorder Implications:</b>	<p>There are no crime and disorder implications for the Council.</p>
<b>Equalities Implications:</b>	<p>When considering or reviewing the designation of a polling place, the authority must have regard to the accessibility needs of disabled persons. It must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the Acting Returning Officer's representations.</p>
<b>Risk Assessment and Adverse Impact on Corporate Actions:</b>	<p>If the Council does not undertake the review, or does not carry the review out in accordance with the statutory framework, it could be liable to judicial review.</p>

## **INTRODUCTION**

Local authorities are required to divide every constituency into polling districts for the purposes of UK Parliamentary elections, to designate a polling place for each polling district, and to review these at least once every five years. The current review period is for 16 months beginning with 1 October 2018. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the district.

## **DEFINITIONS**

A polling district is a geographical area created by the sub-division of a constituency, ward or division into smaller parts.

Each parish is to be a separate polling district unless there are special circumstances. This means that a parish must not be in a polling district which has a part of a different parish within it.

Within a polling district, the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station. A polling place is the building or area in which polling stations will be selected by the (Acting) Returning Officer.

A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the (Acting) Returning Officer for the election.

## **BACKGROUND**

In conducting the statutory review, local authorities must follow the rules set out in Section 18C and Schedule A1, Representation of the People Act 1983 and Regulation 3, Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006. The Electoral Commission also publishes guidance on the conduct of reviews, and revised guidance is anticipated later this year.

- The authority must publish notice of the holding of a review.
- The authority must consult the (Acting) Returning Officer in a constituency which is wholly or partly in its area.
- The (Acting) Returning Officer must make representations to the authority which must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).
- The local authority must publish the (Acting) Returning Officer's representations within 30 calendar days of receipt, in such manner as is prescribed.
- The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make

representations and to comment on the Acting Returning Officer's representations.

- Any elector in a constituency situated in whole or in part in the authority's area may make representations.
- Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places.
- On completion of a review, the authority must give reasons for its decisions in the review and publish such other information as is prescribed.

As part of the review process, local authorities must:

- Seek to ensure that all 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 are accessible to those who are disabled; and
- When considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons.

#### *Timetable*

The timetable which will be followed is:

Notice of Review (Commencement)	Wednesday 15 June 2019
End of consultation period	Wednesday 31 July 2019
Full Council	Monday 23 September 2019
Publication of review result	Friday 27 September 2019
Publication of the register	Sunday 1 December 2019

The Council has to give notice of the commencement of the review. In addition to displaying the notice on notice boards, it will be sent to:

- MDC Councillors
- Local disability groups
- Local political parties
- Parishes
- Contacts for buildings used as polling places

After considering all of the representations, the Council must decide on the most appropriate polling districts and polling places. This could be a matter for Full Council, the Executive or a Committee to which the review function has been delegated.

The Council should consider the following as part of the assessment of the suitability of polling district boundaries:

- Whether the boundaries are well defined.

- Whether there are suitable transport links within the polling district, and how do they relate to the areas of the district that are most highly populated?

There are a number of factors that the Council must be consider when reviewing existing polling places or when assessing new polling places, including whether:

- The location is reasonably accessible within the polling district.
- The building is able to accommodate more than one polling station if required.
- The building is readily available in the event of any unscheduled elections.
- The building may be demolished as part of a new development.
- The building is accessible to all those entitled to attend the polling place.

Once the Council has agreed on 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 Council offices, in at least one conspicuous place in the constituency, and on the Council's website. The reasons for choosing a particular polling district and polling place must be given. 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 authority 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 or polling places within its area as a result of the review.
- Details of the places where the results of the review have been published.

Any changes will be incorporated in the revised version of the Register of Electors to be published by the Electoral Registration Officer on 1 December 2019.

## **OPTIONS CONSIDERED**

The Council has no option but to carry out the review. It is important that everyone who wants to comment should have the opportunity to do so, and therefore it is considered important to involve as many people as possible in the process.

## RECOMMENDATIONS

1. That a cross party working group be established to progress the review on behalf of the Council.
2. That the cross party working group include the Leader of the Council (or Deputy), Leader of Opposition (or Deputy), the Portfolio Holder and the Shadow Portfolio Holder for Finance, Governance and Corporate Service.

## REASONS FOR RECOMMENDATIONS

The timescale to carry out the review is relatively short, and there may be a need for meetings at short notice, therefore a working group would give the flexibility to deal with issues quickly.

This is a cross party matter, and it is important to have cross party views from the Council.

Contact Officer: Steven Lake  
Extension: 41236  
E-mail: [steven.lake@mendip.gov.uk](mailto:steven.lake@mendip.gov.uk)

### **Background Papers:**

Electoral Commission Guidance – Review of polling districts, polling places and polling stations