



Leicester
City Council

WARDS AFFECTED
All wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Council

13th November 2014

Review of Polling Districts, Polling Places and Polling Stations

Report of the Director of Delivery, Communications and Political Governance

1. PURPOSE OF REPORT

To seek Council agreement to proposals for a revised scheme for Polling Districts, Polling Places, and Polling Stations, within the City of Leicester which will take effect formally on 1 January 2015 following the enactment of the LGBCE recommendations, and then used for the elections to be held on 7 May 2015 and subsequent elections until any further review is undertaken.

2. SUMMARY

In accordance with Schedule A1 to the Representation of the People Act 1983, a review of polling districts, polling places and polling stations has been undertaken. The review has been prompted by the changes arising from a separate review of Leicester City Council's electoral arrangements which was carried out by the Local Government Boundary Commission for England (LGBCE). The Commission has presented recommendations that have been laid before Parliament, and which are due to be formally enacted in December 2014. Those recommendations, when enacted, will change the number of wards and the boundaries of those wards in the city.

Irrespective of the need for a review due to the LGBCE ward boundary changes, the Council is required by the Electoral Registration and Administration Act 2013 to undertake a review of UK Parliamentary polling districts and polling places sometime in the period between 1 October 2013 and 31 January 2015 (inclusive). The last review took place in 2011.

3. RECOMMENDATIONS

Council is recommended to:

- Approve the Scheme of Polling Districts, Polling Places and Polling Stations for the City of Leicester as detailed as Appendix A to be formally adopted on 1 January 2015. These new arrangements will be used for the elections which are due to take

place on 7 May 2015 (and subsequent elections until such time that a further review is undertaken), along with the new ward boundaries to which these polling districts and polling stations are aligned. This is subject to the LGBCE recommendations being formally enacted by Parliament. (Should for any reason the order not be made by Parliament to enact the recommendations, then the Council would be required to review existing polling districts and polling places based on current arrangements and a further report would need to be brought to Council in early 2015).

- Note that the new individual electoral register which is required to be published on 1 December 2014 will be published on the basis of the existing polling districts and polling stations. Following enactment of the LGBCE recommendations the register will then be formally republished as soon as is feasible, on the basis of the new arrangements; this is likely to be 2nd January 2015.
- Council is also recommended to delegate to the (Acting) Returning Officer any decision to designate an alternative polling place if a building becomes unavailable for any reason before an election, subject to appropriate consultation with relevant local stakeholders.

4. REPORT

4.1 Definitions

For reference:

- a Polling District is the geographical sub division of an electoral area. For voting purposes, each Parliamentary constituency and every local government ward is divided into one or more polling districts. From May 2015 on the basis of the LGBCE recommendations, Leicester City will have 21 wards divided up into Polling Districts, which vary in size and electorate;
- a Polling Place is the geographical area within which a polling station is located. However, there is no legal definition of what a polling place is. It could be as large as the polling district or as small as a particular building; and
- a Polling Station is where the voting actually takes place and must be located within the polling place designated for the particular polling district. When deciding which buildings to use as polling stations, the Council tries to make sure that they are located as conveniently as possible for the majority of electors and that they are accessible to everyone, particularly anyone with a disability.

4.2 Statutory requirements relating to this review

Local authorities are required to divide their area into polling districts for the purposes of parliamentary elections and to designate polling places for these polling districts and to keep them under review. It should be noted that the polling districts for UK Parliamentary elections and local government elections should always be the same and so the review covers polling arrangements for both types of election. The review does not affect the Council boundary, the boundaries of the three parliamentary constituencies, or the new ward boundaries proposed by the LGBCE.

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. This requires a compulsory review to be started and completed in the period between 1 October 2013 and 31 January 2015 (inclusive). The City Council last undertook a review in 2011 which put the existing arrangements in place with effect from the 1 December 2011 following a decision at Council in November 2011.

The timing of this particular review has therefore taken account of both the statutory requirement to conduct a review before 31 January 2015, and the need for alignment with the LGBCE review of ward boundaries; the outcome of which necessitates a review of polling districts and polling places.

It should be noted that the LGBCE review has put forward recommendations which have been laid before Parliament and which are currently subject to parliamentary scrutiny. It is scheduled for Parliament to make the order which enacts the recommendations in the week commencing 15th December.

Council has reserved to itself for determination substantive Council decisions relating to the preparation and maintenance of the electoral register and the conduct of local elections. The agreement of polling districts and polling places is therefore a decision taken by Full Council.

4.3 Conducting the review

In conducting a review of polling districts and polling places, authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:

- the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors;
- the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district); and
- 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.

Local authorities must also comply with the following 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; and
- 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.

In practice, a wish to provide a range of fully accessible buildings, conveniently located for electors has to be tempered by the actual circumstances and locations available. Where access is not ideal, then reasonable adjustments will be undertaken to help ensure access to all electors.

4.4 Consultation

The review of polling districts and polling places has involved consultation with the public and other interested stakeholders. There are two elements to this consultation:

- A compulsory submission from the (Acting) Returning Officer of the UK Parliamentary constituency (Director of Delivery, Communications and Political Governance), which must then be published by the local authority; and
- 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 review commenced with the publication of a formal notice, as required, which was placed on the Council's website, displayed at Customer Services and which was sent to all Council members, and also agents and political parties who have stood at recent elections, and to formal forums and groups representing people with disabilities. Details were also provided to the media, and the Council's social media profiles used to promote the notice of the review.

Following this the formal consultation commenced on 29th September 2014 and closed on 24th October 2014. The consultation involved publication of the (Acting) Returning Officer's proposals along with a consultation submission form for people to use to express their views. The consultation was publicised in the same way as the notice of the review; a letter along with the (Acting) Returning Officer's proposals and consultation submission form was sent to all Council members, and also agents and political parties who have stood at recent elections, and to formal forums and groups representing people with disabilities. The Council's on-line consultation hub was used to provide information and receive submissions, and in addition hard copies of the proposals and the submission form were sent to public facing buildings such as libraries, customer services and community centres along with posters to publicise the consultation. Details were again provided to the media and the Council's social media profiles used to promote the consultation.

4.5 Proposals

The final proposals for the new polling districts and polling places are detailed in the schedules at Appendix A. In drawing up these proposals full consideration has been taken of:

- All representations made which are summarised and set out in Appendix B, and which will be publicised on the Council's website along with other details of the review; and
- The (Acting) Returning Officer's submission. In making that submission the (Acting) Returning Officer took into account a range of factors, including the following:

- Size of electorate for each Polling District
- Electoral turnout
- Number of voters who have applied for a postal vote
- Topographical issues such as walking distance, hills or inclines to be negotiated and busy roads to be crossed.
- Travel to polling places
- Access to Polling Stations, including for those with children/pushchairs, wheelchairs, mobility difficulties. Assessments are made of stations based on formal guidance set out by the Electoral Commission
- Suitability of premises as a polling station (including maintaining the secrecy of the ballot), basic facilities (toilets etc.) for polling staff
- Appendix A includes the Acting Returning Officer's response to each point raised in the consultation.

In addition, where possible, preference is given to using premises other than schools (to avoid the potential for closure and consequent disruption), although it is not feasible to avoid use of schools in some areas due to the lack of other suitable premises. Faith based/religious premises have been used provided that sacred areas are not affected and that use by electors would not compromise the values and practices of that faith.

The use of mobile facilities has been considered only where there is no other viable alternative.

4.6 Timetable for implementation

The current regulations require this review to be completed by 31 January 2015.

The new individual electoral register is due to be published on 1 December 2014. This is prior to the enactment of the LGBCE recommendations by Parliament which is scheduled for mid-December. This review has been conducted prior to the LGBCE recommendations being enacted in order to provide sufficient time for both political parties and electoral services to make the necessary preparatory arrangements for the elections to be held in May 2015. Whilst there is a risk that the order may not be made by Parliament, this risk is deemed to be low as there are no recent examples of Parliament disagreeing with the LGBCE recommendations. However this risk does exist and therefore until the LGBCE recommendations are enacted the existing polling districts and polling places must remain in place and the new individual electoral register which has to be published on 1 December 2014 will be published on the basis of those existing arrangements. Following enactment of the LGBCE recommendations the register will then be formally republished as soon as is feasible, on the basis of the new arrangements. It is expected that this will be 2 January 2015.

Taking into account the above it is therefore proposed that the new polling districts and polling places set out in Appendix A are formally adopted on 1 January 2015 by which time the new ward boundaries should have been formally agreed by Parliament. These new arrangements will then be used for the elections which are due to take place on 7 May 2015, along with the new ward boundaries to which these polling districts and polling stations are aligned.

Should for any reason the order not be made by Parliament to enact the recommendations, then the Council would be required to review existing polling districts and polling places based on current arrangements and a further report would need to be brought to Council in early 2015.

4.7 Appeal process

Following the conclusion of the authority's review, certain individuals have a right to make representations to the Electoral Commission. The following may make representations:

- 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; and
- 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.

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

All representations must be made in writing and be as specific as possible stating 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; and
- the local authority has failed to take sufficient account of accessibility to disabled persons of the polling station/ polling stations within a polling place.

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

4.8 Making amendments to polling places

If a polling station becomes unavailable, the (Acting) Returning Officer should consider whether another polling station could be designated within the polling place. Changing the polling station within the polling place would not require a review.

As noted earlier, Full Council has reserved to itself any substantial decisions relating to the preparation and maintenance of the electoral register and the conduct of local elections. For practical purposes it is proposed that should there be a need to change a polling place for example where a building becomes unavailable before an election, then this decision is delegated to the (Acting) Returning Officer provided they undertake appropriate consultation with relevant stakeholders in that local area.

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.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

No significant financial implications are expected to arise from this report.
Colin Sharpe, Head of Finance, ext. 37 4081

5.2 Legal Implications

The legal implications are detailed within the body of this report
Sarah Khawaja, Principal Solicitor (Regulatory & Property), ext. 37 1448

5.3 Equality Implications

Reference is made in the report to addressing and meeting disabled access needs.
Irene Kszyk, Corporate Equalities Lead, ext. 37 4147

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the Report
Equal Opportunities	Yes	Requirements to meet as far as is practical the needs of disabled people as outlined in section 4 of the report
Policy	No	
Sustainable and Environmental	Yes	Having regard to travel accessibility to polling stations by voters as outlined in section 4 of the report
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	Yes	Having regard to travel accessibility to polling stations by voters as outlined in section 4 of the report
Corporate Parenting	NO	

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

8. CONSULTATIONS

As described in section 4.4.

9. REPORT AUTHOR

Miranda Cannon, Director of Delivery, Communications and Political Governance