



Leicester
City Council

WARDS AFFECTED

All wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Council

14th November 2019

Review of Polling Districts, Polling Places and Polling Stations

Report of the Director of Delivery, Communications and Political Governance (*Acting Returning Officer for Parliamentary elections*)

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 be implemented with the publication of a revised electoral register from 1 February 2020.

2. SUMMARY

In accordance with the Representation of the People Act 1983, the Council has a duty to divide the City into polling districts and to designate a polling place for each of these districts, and to formally review those arrangements periodically. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The legislation requires every local authority to complete a review of its polling districts and polling places by 31 January 2020. Subsequent reviews must be undertaken at least once every five years. The last review took place in 2014.

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 February 2020 when a revised electoral register will be published; and
- 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.
- 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 or the boundaries of the three parliamentary constituencies.

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The legislation requires every local authority to complete a review of its polling districts and polling places by 31 January 2020. The City Council last undertook a review in 2014.

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.

In addition to the statutory requirements the following considerations are also important and have been used both in this review and previous reviews, and were promoted to consultees as key factors to consider in making any representations:

- Ideally, the polling place should be in its own polling district.
- Where possible, “natural” boundaries should be used such as railways, major roads, and waterways;
- All properties in a minor road or estate should, ideally, be in the same polling district and
- Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own.

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 on the 12th August 2019 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. The Council's social media profiles were also used to promote the notice of the review.

Following the publication of the formal notice the first stage of a two-stage consultation process commenced. The first stage consultation involved publication of the (Acting) Returning Officer's comments on the existing arrangements and invited consultees to comment on the current arrangements and put forward any suggestions for improvement on those arrangements. This first stage consultation ran between 12th August and 6th September 2019. The representations received were then reviewed and the (Acting) Returning Officer's proposals were then put forward for a second stage consultation which commenced on 30th September 2019 and closed on 18th October 2019.

Both consultations were publicised in the same way as the notice of the review; a letter 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 the Council's social media profiles used to promote the consultation. 39 responses were received overall.

4.5 Proposals

The final proposals for the new polling districts and polling places are detailed at Appendix A with the last column being the recommendation for each polling district for consideration by Full Council. Maps showing the proposed polling districts for each ward can be found on the Council's website at the following link:-

www.leicester.gov.uk/pollingdistrictreview

In drawing up these proposals full consideration has been taken of:

- All representations made which are summarised and set out in Appendix A; 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
 - Suitability of premises as a polling station (including maintaining the secrecy of the ballot), basic facilities (toilets etc) for polling staff

In addition, where possible, preference is given to using premises other than schools (to avoid the potential for closure and consequent disruption and impact on educational standards), 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 2020.

Due to the current timing of the Parliamentary elections to be held on 12 December 2019 it will not be possible to enact the necessary boundary changes and publish the revised register until 1 February 2020. The Electoral Commission have confirmed this is permissible as we have completed the review as required by 31 January 2020. However for the election on 12 December, where desirable and practical to implement changes with respect to individual polling stations those will be done.

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

Kamal Adatia, City Barrister, ext. 37 1401

5.3 Equality implications

Reference is made in the report to addressing and meeting disabled access needs and general accessibility. Local authorities have a duty to review the accessibility of all polling places to disabled voters and ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters 'so far as is reasonable and practicable'. Where, because of local circumstances, a polling place has been selected that is not fully accessible, then reasonable adjustments must be undertaken to provide access for all electors.

Surinder Singh, Equalities Officer ext. 37 4148

6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

- Electoral Registration and Administration Act 2013
- Schedule A1 to the Representation of the People Act 1983
- Electoral Commission guidance - Reviews of polling districts, polling places and polling stations

7. CONSULTATIONS

As described in section 4.4.

8. REPORT AUTHOR

Miranda Cannon, Director of Delivery, Communications and Political Governance