



<b>Full Council</b>	<b>Tuesday, 31 July 2018</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Interim Review of Polling Districts and Polling Places**

**Report Author(s):** **Steven Tucker (Democratic & Electoral Services Manager)**

<b>Purpose of Report:</b>	To advise the Council on the final arrangements being proposed by the (Acting) Returning Officer for the Harborough Constituency in respect of the polling districts and polling places to be used at all relevant future elections and referendums that take place within the Borough. The proposals have taken into account the views of all relevant stakeholders that responded to the interim review consultation carried out between 13 April 2018 to 25 May 2018.
<b>Report Summary:</b>	This report brings forward proposals to change the designated polling place in polling districts A (Oadby St Peters) and L (Wigston Meadowcourt). It is proposed that the arrangements for the remaining polling districts in the Borough remain unchanged at the current time. The next scheduled elections to take place within the Borough are the local Council elections on Thursday 2 May 2019. Any changes to the existing polling arrangements agreed by the Council will be implemented in time for these elections.
<b>Recommendation(s):</b>	<b>That Council approves the revised polling district and polling place arrangements as proposed by the (Acting) Returning Officer and as set out at Appendix 3.</b>
<b>Responsible Strategic Director, Head of Service and Officer Contact(s):</b>	<p>Anne Court (Interim Chief Executive / Returning Officer) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>David Gill (Head of Law &amp; Governance / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Steven Tucker (Democratic &amp; Electoral Services Manager) (0116) 257 2605 <a href="mailto:steven.tucker@oadby-wigston.gov.uk">steven.tucker@oadby-wigston.gov.uk</a></p>
<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1) Effective Service Provision (CP2)
<b>Vision and Values:</b>	Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	The implications are as set out in the report (see paragraph 7).
Financial:	The implications are as set out in the report (see paragraph 6).
Corporate Risk Management:	Regulatory Governance (CR6)

Equalities and Equalities Assessment (EA):	The legislation governing this review requires that representations are sought from persons who are considered to have an expertise in access for persons with different forms of disability. In order to fulfil this requirement, representations were sought from various local organisations including Age UK, Scope and Vista.  EA not applicable.
Human Rights:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	See paragraph 3.1.
<b>Background Papers:</b>	<a href="#">'Guidance on the Review of Polling Districts and Polling Places' The Electoral Commission</a>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Returning Officer's Proposals (For Consultation)</li> <li>2. Consultation Responses Received</li> <li>3. Returning Officer's Final Proposals</li> </ol>

## 1. Background Information

- 1.1 The Electoral Registration and Administration Act 2013 amended the Representation of the People Act 1983 by including a new provision altering the timing of compulsory reviews of Parliamentary polling districts and polling places. The change meant that all local authorities have a duty to complete a compulsory review of their polling districts and polling places every five years. The aim of this was to reflect the move to fixed-term Parliaments and to ensure that all polling places had been reviewed in time for a Parliamentary election.
- 1.2 Whilst the legislative changes outlined at 1.1 above were aimed to coincide with the Parliamentary election scheduled for May 2020, this is now out of sync due to the snap Parliamentary election held in June 2017.
- 1.3 The Council's polling districts and polling places were last reviewed in 2013. Once a review is completed, subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. Therefore the next compulsory review is due between 1 October 2018 and May 2020.
- 1.4 By delaying the review process until the statutory period commences in October 2018, this would not provide sufficient time for any required changes and the booking of venues to be completed in time for the scheduled local elections in May 2019. Because of uncertainty about the long-term viability of some existing polling places, and to make sure that suitable and convenient polling arrangements are provided for local electors before the next scheduled elections take place, an interim review was carried out between April to May 2018.
- 1.5 The Electoral Commission issued guidance in its bulletin dated 31 January 2018 stating that "in order to meet legislative requirements, local authorities must carry out all the required steps of a formal review at some point in the period between 1 October 2018 to 31 January 2020 (inclusive)". This interim review does not, therefore, replace the need for a statutory

review to be conducted before January 2020. However, the statutory review should have minimal impact when it is carried out, on the basis that all issues raised during this interim review have been appropriately considered and addressed.

- 1.6 The current polling arrangements within the Borough are predominantly satisfactory and have been shown at elections conducted in recent years to be practicable given the circumstances that prevail within the areas that they serve. The approach throughout this interim review has been to only propose changes where a clear conclusion has been reached that the new arrangements will:
- Better serve the affected electors by offering superior polling facilities, accessibility and/or location in comparison with existing arrangements; and/or
  - Reduce inconvenience caused by polling day arrangements for local residents without any substantive detrimental effect upon the voting arrangements for affected electors.

## **2. Terminology**

- 2.1 **Polling District:** The area created by the division of a constituency, ward or European Parliamentary electoral region into smaller parts, within which a polling place can be determined, which is convenient to electors. In Oadby & Wigston, each Borough ward is divided into a number of polling districts which each have an alphabetical code running from 'A' to 'S', based on the ward in which they are located.
- 2.2 **Polling Place:** The building or area in which polling stations will be selected by the (Acting) Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district.
- 2.3 **Polling Station:** The room or area within the polling place where voting takes place.
- 2.4 It should be noted that the terms 'polling place' and 'polling station' are often used interchangeably and most people consider the polling place (such as a community centre) to be the polling station. However, it is possible to have more than one polling station per polling place (i.e. a double polling station) and this is the case in several polling districts in Oadby & Wigston with a large number of electors.

## **3. Consultation and Engagement**

- 3.1 Public notice of the interim review, which invited representations to be made regarding the existing polling arrangements within the Borough, was published and displayed at the Station Road Council Offices and Bell Street Customer Service Centre on 06 April 2018. In addition, a copy of the review notice was placed on the Council's website and electronic copies were sent to:
- All 26 Oadby & Wigston Borough Councillors (including the 6 Leicestershire County Councillors representing the Oadby & Wigston County Divisions);
  - The Member of Parliament for the Harborough constituency;
  - The 5 MEPs serving the East Midlands Region;
  - Political Parties with known contact details operating within the Harborough constituency; and
  - Organisations operating within Oadby & Wigston having knowledge of, or special expertise in, access for persons with different disabilities.
- 3.2 The initial proposals of the (Acting) Returning Officer (as set out in **Appendix 1** to this report) were received on 06 April 2018 and had to be published within 30 days of receipt. The proposals were published at the Council Offices, the Customer Service Centre and on the Council's website on 06 April 2018.

- 3.3 All representations received in response to the published Notice of Review are contained within **Appendix 2**.
- 3.4 No objections were received to the Returning Officer's proposal to change the designated polling place for polling district A (Oadby St Peters Ward) from Oadby Community Centre to Trinity Methodist Church. A letter of support for the proposal was received from Councillor Miss A R Bond.
- 3.5 An objection to the Returning Officer's proposal to split Brocks Hill Ward into two polling districts (G1 and G2) and to use Parklands Leisure Centre as the designated polling place for the proposed G1 polling district was received from Councillors M L Darr and J Kaufman. Given the lack of any other suitable alternative venues within the ward boundary for polling use, the proposal has been deferred in favour of retaining the existing arrangement of using Coombe Park Pavilion as a double polling station for the 2019 Borough Council elections. Efforts will be made achieve optimum use of the limited space available within the Pavilion to try to avoid any repeat of the known issues reported to the Returning Officer by polling station staff during the 2017 County and Parliamentary elections.
- 3.6 An objection to the Returning Officer's proposal to retain the use of Glenmere Community Primary School as the designated polling place for polling district I (Wigston St Wolstan's Ward) was received from Councillors Mrs L M Broadley and F S Broadley. However, there are no other suitable venues available for polling use within the polling district, and the suggested alternative venue of Parklands Leisure Centre is outside of both the Ward and County Division boundaries, thereby increasing the distance electors would have to travel in order to cast their vote. The Primary School remains the most suitable polling place for electors in the Ward, in terms of location, size and availability; therefore the Returning Officer's proposal remains unchanged. The use of schools for the purpose of taking the poll is lawfully permitted and ultimately it is the head teacher's decision (as opposed to the Returning Officer's decision) that the school closes for polling day; several other schools used as polling places in the Borough have successfully identified ways of remaining open whilst enabling voting to take place separately from the rest of the premises.
- 3.7 No objections were received to the Returning Officer's proposal to change the designated polling place for polling district L (Wigston Meadowcourt Ward) from the Girl Guide Club Room to South Leicester Rugby Club. A letter of support for the proposal was received from Councillor M H Charlesworth.
- 3.8 A letter of support for all of the Returning Officer's proposals was received from the Leader of the Opposition.
- 3.9 The Returning Officer's final proposals, including comments on the representations received, are contained within **Appendix 3**.

#### **4. Reasons for Recommendations**

- 4.1 Following the interim review, it is submitted to Council that the needs of affected electors will be best met at future elections and referendums within the Borough by adopting the proposed changes to polling arrangements detailed within **Appendix 3**.
- 4.2 As the Council must statutorily only undertake a review of polling districts and polling places within a defined period once every five years, in accordance with the provisions of the Representation of the People Act 1983 section 18A-18E (as amended by section 17 of the Electoral Registration and Administration Act 2013), there is an option for the Council to make no changes to any polling arrangements at the current time. This option is not recommended however, for the reason outlined at 4.1 above.

## **5. Implementation**

- 5.1 The polling districts and polling places as approved by Council will be used for the Borough Council elections in May 2019 and any by-elections or Borough-wide elections/referendums called before the next statutory review of polling districts and polling places takes place (by January 2020 at the latest).
- 5.2 Should the Council agree to the proposed changes of venue in polling districts A and L, electors within these polling districts will receive notification of the change of venue via their polling card, whilst signage will be placed at the former polling stations on polling day to redirect any electors that inadvertently attend the incorrect venue.
- 5.3 If any approved polling place becomes unavailable before an election, the polling place can be changed by the Council in accordance with its decision-making arrangements. Under the Council's Constitution, it is a function of Full Council to make decisions concerning electoral wards, therefore any further changes to the arrangements proposed within the report shall be brought back before Council for approval.

## **6. Financial Implications**

The Council is only responsible for the costs of conducting Borough Council elections, including when held, local by-elections that elect the Borough's own Councillors. At all other elections, all 'actual and necessary' costs are recovered by the Returning Officer from the relevant governing body for that particular election (e.g. Central Government for UK Parliamentary elections).

## **7. Legal Implications**

- 7.1 In carrying out any review of polling arrangements, the local authority must comply with the steps set out in Schedule A1 Representation of the People Act 1983.
- 7.2 By approving the outcomes of this interim review the Council will be complying with its statutory duty to keep under review its polling districts and polling places as designated under the Representation of the People Act 1983 section 18A-18E (amended by section 17 of the Electoral Registration and Administration Act 2013).
- 7.3 Rule 20(1)(a) of The Local Elections (Principal Areas) (England and Wales Rules 2006), provides that the Returning Officer may use, free of charge, for the purpose of taking the poll, any room in a school maintained or assisted by the local authority, or in a school in respect of which grants are made out of monies provided by Parliament to the person or body responsible for the management of the school.
- 7.4 Following the conclusion of the local authority's review, certain persons have a right to make representations to the Electoral Commission. There are only two grounds on which a representation may be made. These are if:
  - The local authority has failed to meet the reasonable requirements of electors in the constituency; and/or
  - The local authority has failed to take sufficient account of accessibility to disabled persons of the polling station(s) within a polling place.

Representations based on any other premise will not be considered.

- 7.5 Provision is contained within Section 18E RPA 1983 to state that no election is to be questioned by reason of any informality relative to polling districts and polling places.