



## **AGENDA ITEM: 6**

**POLLING DISTRICTS AND POLLING  
PLACES REVIEW COMMITTEE:  
27 January 2016**

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**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Mr Thomas Lynan (Extn. 5013)  
(E-mail: [thomas.lynan@westlancs.gov.uk](mailto:thomas.lynan@westlancs.gov.uk))**

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**SUBJECT: INTERIM REVIEW OF POLLING DISTRICT AND POLLING PLACES  
FOR DERBY WARD - DISTRICT DEC - FINAL PROPOSALS**

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Wards affected: Derby Ward

### **1.0 PURPOSE OF THE REPORT**

1.1.1 To agree Final Proposals for the interim review of the Polling District and Polling Places for Derby Ward Polling District DEC.

### **2.0 RECOMMENDATIONS**

2.1 That the Final Proposals as detailed in Appendix B attached be approved as they provide all electors in the DEC Polling District with such reasonable facilities for voting as are practicable in the circumstances and, so far as is reasonable and practicable are accessible to all Electors including those who are disabled.

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### **3.0 BACKGROUND**

3.1 This matter was previously considered at Council on 16 December 2015 (related report and minute are at Appendix A).

3.2 On Tuesday, 10 November 2015 a consultation began on the current polling arrangements for Derby Ward Polling District DEC. This ended on Tuesday, 24 November 2015 and no representations were received.

- 3.3 Following the completion of the consultation on current polling arrangements, in line with the process reported to Council in December 2015, an initial proposal for Derby Ward Polling District DEC was drafted and the Returning Officer, the Managing Director (People and Places), provided representations on that proposal. The Initial Proposal (incorporating representations from the RO) split Derby Ward Polling District DEC in two, creating DEC1 (voting at Ormskirk Community Centre) and DEC2 (voting at 'The Hub' on Edge Hill University Campus) (the Initial Proposal).
- 3.4 This Initial Proposal was put out for consultation on Friday 11 December 2015. The consultation period ended on Tuesday, 5 January 2016. Four representations were received and these are provided in Appendix C.
- 3.5 Local authorities are required to divide their area into polling districts for elections and to designate a single 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. When conducting a statutory review of polling districts, places and stations, local authorities must follow rules set out in Schedule A1 and Sections 18A, 18B, 18C and 31 of the Representation of the People Act 1983 (Schedule A1 is included in Appendix A (Appendix 2 of Report to Council 16 December 2015)).

#### **4.0 DISABLED ELECTORS**

- 4.1 The Electoral Commission places great weight on making sure that the views of disabled electors or those with expertise in disability issues are sought and considered. As such, in addition to the wider consultation, the Edge Hill University Inclusion Team, the Edge Hill University Students Union Welfare Officer and the Manager of Disability Advice West Lancashire (DAWL) were contacted directly. This correspondence is noted in Appendix D.
- 4.2 In this regard, a response was received from Edge Hill University Disabled Students Officer who could "see only positive repercussions for disabled students" (Appendix C). No response was received from DAWL.

#### **5.0 CURRENT SITUATION**

- 5.1 Following conclusion of the consultation on the Initial Proposal, the Final Proposals have been drafted for consideration by this Committee. The Final Proposals are attached as Appendix B.
- 5.2 The Council must now decide upon the most appropriate Polling District and Polling Places for DEC, after taking into account the Returning Officer's representations, which are incorporated, and the responses submitted to the consultation.
- 5.3 The Interim Review has been undertaken in line with legislative requirements and with due regard to the latest guidance from the Electoral Commission.

## **6.0 TIMETABLE**

- 6.1 Should the Committee approve the Final Proposals then the timetable (as reported to Council on 16 December 2015) will continue as noted in Appendix A attached (see Appendix 1 of 16 December Report to Council).
- 6.2 Should the Committee not approve the Final Proposals then the publication of the review result will continue but the current arrangements for voting in Derby Ward Polling District DEC will remain.
- 6.3 The Council must give reasons for its decision, whether or not changes are made, and these must show that the Council has sought to ensure:
- That all the electors in the constituency have such reasonable facilities for voting as is practicable in the circumstances; and
  - That, so far as is reasonable and practicable, the Polling Places they are responsible for are accessible to all electors, including those who are disabled.

When considering the designation of a Polling Place, the Council must have regard to the accessibility needs of disabled persons.

- 6.4 It must be remembered that the responsibility of the Council is to determine Polling Districts and Polling Places. Whilst it is understandable that Members will consider actual Polling Stations when reaching their determination (as have Officers when producing the documentation associated with the proposals), responsibility for finalising the Polling Stations for each election rests with the Returning Officer for that election and no election can be petitioned on the basis of a Polling Station location.
- 6.5 With either outcome there is a mechanism for appeal to the Electoral Commission. This can be triggered by making representation, in writing, to the Electoral Commission in the following ways;
- Thirty or more registered electors within the Polling District;
  - Any individual who made representations to the authority during the consultation periods.
  - Any person who is not an elector in the Polling District but who the Electoral Commission believes has sufficient interest in the accessibility of disabled electors to Polling Places in the area or has expertise in relation to disabled access in general.
- 6.6 Any appeal can only be made on the grounds that;
- The local authority has failed to meet the reasonable requirements of electors in the Polling District; and/or
  - The local authority has failed to take sufficient account of accessibility of disabled electors.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 There is no significant impact on crime and disorder. The report does impact on accessibility of services as it affects the location and accessibility of where electors vote.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 With careful planning and prioritisation of work, the financial and resource implications arising from this report will be met from within existing budgets. Dr John Cater has indicated that use of Edge Hill's facilities for a Polling Place and Station would be free of charge.

## **9.0 RISK ASSESSMENT**

- 9.1 The review process enables the Council to carry out the Review, although no detailed prescribed review process is identified in legislation. However, the process described is robust and provides for input by interested parties and a mechanism for an appeal.

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### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and or stakeholders. Therefore an Equality Impact Assessment is required. A formal Equality Impact Assessment is attached as Appendix E to this report, the results of which have been taken into account when undertaking the actions detailed within this report.

### **Appendices**

- A. Council Report and Minute – 16 December 2015
- B. Interim Review of Polling District and Polling Places for Derby Ward District DEC - Final Interim Review Proposals
- C. Representations received to the Consultation on Initial Proposals for Derby Ward Polling District DEC
- D. Correspondence sent to those parties with expertise in Disability Issues
- E. Equality Impact Assessment