



AGENDA ITEM: 9

COUNCIL : 16 DECEMBER 2015

Report of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

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SUBJECT: REVIEW OF POLLING DISTRICT, POLLING PLACES AND POLLING STATIONS FOR DERBY WARD - DISTRICT DEC

Wards affected: Derby Ward

1.0 PURPOSE OF THE REPORT

1.1 To consider a report on how to currently action the (Acting) Returning Officer's proposal of November 2013 to site a Polling Place/Station at Edge Hill University, while retaining a Polling Place/Station at the Community Centre.

2.0 RECOMMENDATIONS

2.1 That the outline timetable and process for the review of Derby Ward District DEC (the Review) as set out in Appendix 1 of this report be noted.

2.2 That the Borough Solicitor be authorised to administer the Review.

2.3 That the Returning Officer be consulted on the Review and report on the existing Polling Stations and any new Polling Stations within Derby Ward District DEC.

2.4 That a Polling Districts and Polling Places Review Committee be established by Council, with the membership, Chairman and Vice Chairman now indicated, terms of reference and delegations set out at Appendix 4, and the Leaders of the Political Groups nominate their respective representatives.

- 2.5 That following the outcome of the consultation on the Review the Borough Solicitor reports to the Polling Districts and Polling Places Review Committee with Final Review Proposals for determination.
 - 2.6 That the Managing Director (People and Places) be authorised to designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).
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3.0 BACKGROUND

- 3.1 At its meeting on 21 October 2015 Council resolved as follows:

“That this Council requests a report to the December Council meeting on how to currently action the (Acting) Returning Officer’s proposal of November 2013 to site a Polling Place/Station at Edge Hill University, while retaining a Polling Place/Station at the Community Centre and authorise the Managing Director (People and Places) to take any preliminary steps in this regard.”

- 3.2 In the 2013/14 statutory review (the 13/14 Review) the issue of siting a polling place/station at Edge Hill was considered. The final recommendations presented to Council suggested, on balance, providing a polling place/station at Edge Hill University and retaining the polling place/ station at the Community Centre on St Helens Road. Council on the 16th April 2014 determined that the final review proposals be approved *with the exception of the changes at DEC (Derby Ward)* as the arrangements provided all electors in the relevant constituencies to have such reasonable facilities for voting as are practicable in the circumstances and that “with regard to those electors in Polling District DEC who are registered at addresses on the Edge Hill University Site, they may continue to vote in person conveniently at the Ormskirk Community Centre in St. Helens Road, Ormskirk.”
- 3.3 The Representation of the People Act 1983 (as amended) (Section 18C (5) and Section 31) allows a local authority to conduct an interim review of any Polling District, Polling Place or Polling Station within its area, outside of the timescales for a compulsory review. In this instance the Council is not intending to consider a review of all of its Polling Districts, Polling Places or Polling Stations within its area. Having recently considered the 13/14 Review, which was, as noted, determined in 2014, the current review is confined to consideration of Polling District DEC.
- 3.4 The Electoral Commission has produced guidance in its document ‘Reviews of Polling Districts, Polling Places and Polling Stations’, which states that the Council can carry out an interim review outside of the 5-year cycle for a compulsory review. The process for an interim review is not stated in legislation. The Electoral Commission guidance suggests that not following a full review process leaves an authority open to potential challenge, as it could

be difficult to evidence the decision and show how the views of disabled persons and the reasonable requirements of electors were taken into account. The process described in this report will allow requirements to be met.

3.5 To aid understanding of the report and appendices the following definitions will assist:-

- **Polling District:** a geographical area created by the sub-division of a constituency, ward or division into smaller parts;
- **Polling Place:** the building or area in which the Returning Officer will select polling stations.
- **Polling Station:** Chosen by the Returning Officer for the election, a polling station is the room or building within the polling place where the poll takes place.

3.6 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. Section 18A, B, C and 31 of the Representation of the People Act 1983. Schedule A1 is included in Appendix 2.

3.7 The responsibility for finalising the polling stations for each election rests with the Returning Officer for that election.

3.8 Polling District DEC was a point of focus in the 13/14 Review. The Polling District has what may be considered an unbalanced provision for polling in terms of the electorate it serves, as the polling place is located just beyond the western boundary of the polling district DEC. The current electorate is 1625. This comprises non-Edge Hill University campus based electorate of 1009, with numbers at Edge Hill campus being 616. In 2013 the electorate was 2414, with Edge Hill University campus electorate being 1362. The effects of the Individual Electoral Registration exercise have reduced electoral numbers generally, as is reflected nationwide, and this is also true at Edge Hill University. Over time, given the development of residential accommodation at Edge Hill University, it is anticipated the numbers will be increased.

4.0 STAGED PROCESS OF THE REVIEW

4.1 There are five potential stages to this particular individual review (these are described in further detail in Appendix 3):-

- Notification of the review
- Administering the review
- Consultations
- Conclusion
- Appeal

Apart from the requirement for the Returning Officer's representations to be published within 30 days of receipt, there are no prescribed timescales for a review.

5.0 TIMETABLE

- 5.1 An outline timetable for the work to be carried out in order to undertake the Review is attached as Appendix 1. This involves giving notice of the Review, seeking comments on the existing arrangements; preparing and publishing initial proposals and the Returning Officer's recommendations in relation to the proposals and comments on polling stations, consultation on these, the Council (through a Committee, if agreed) determining final proposals, publishing these and altering the register. Notice of the Review has been given under delegated arrangements in order to allow timely delivery of the process.
- 5.2 As the proposal is for a partial review of one district within a single ward, the proposed timescales have been adjusted from those used for the statutory review in 2013/14, regard is also had to the recent full compulsory review undertaken.
- 5.3 The Council may wish to establish a Committee of Council to consider the determination of interim reviews, as this allows a more flexible approach where interim reviews are to be considered. Proposed membership, terms of reference and delegations are given in Appendix 4. Relevant views including those of ward councillors would be taken account of in any review. The establishment of this Committee at this stage would allow implementation of any revised arrangements arising from this Review for the elections in May 2016 (subject to any request being made to the Electoral Commission for a review of that decision). Such a delegation to a Committee is recognised under the Electoral Commission's guidance.

6.0 FUTURE REVIEWS

- 6.1 West Lancashire will undergo another full statutory review in 2018/19. Legislation requires that all polling stations be kept under consideration and evaluation. If changes are identified as being desirable then the interim review process should be initiated.
- 6.2 A delegation to the Managing Director (People and Places) for the designation of Polling Places would allow changes to Polling Places and Polling Stations outside of the compulsory review exercise or any principal all area reviews. This may be necessary, e.g. in the event that a polling place becomes unavailable before an election or where premises become unsuitable having regard to the statutory requirements (such as where changes to the building make its facilities unreasonable for voting). The proposed changes are reflected in the wording set out in Recommendation 2.6, above. For clarity, this would not cover arrangements for changes in polling districts.

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 The financial and resource implications arising from this report will be met from within existing budgets.

9.0 RISK ASSESSMENT

- 9.1 The review process proposed 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 should there be a challenge.

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 4 to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

Appendices

1. Timetable - Polling Districts, Places & Stations Review 2015 – Review of Derby Ward - `District DEC.
2. Schedule A1 of the Representation of the People Act 1983.
3. Staged Process of the Review.
4. Polling Districts and Polling Places Review Committee – membership and terms of reference.[TBC – 5 members – 3:2]
5. Equality Impact Assessment.

Polling Districts, Places & Stations Review 2015 –Review of Derby Ward -District
DEC

Timetable
(Subject to change)

Resolution from Council providing for commencement of the review.	Wednesday 21 October 2015
Leader and Opposition Leader given advance notice of review.	Monday 9 November 2015
Notice of Review Published in relevant areas and elected members for the area notified.	Tuesday 10 November 2015
Commencement of Consultation on current provision	Tuesday 10 November 2015
End of Consultation period on current provision	Tuesday 24 November 2015
Consider comments and work up proposals for Derby Ward - District DEC in light of these	By Monday 7 December 2015
Share Proposals with Returning Officer and seek representations. Publication of Proposals and Returning Officer's Representations in relation to these	By Friday 11 December 2015
Commencement of Consultation on Proposals and Returning Officer's Representations in relation to these.	By Friday 11 December 2015
End of Consultation Period	Tuesday 5 January 2016
Report to Committee with Final Proposals taking into account representations received.	Wednesday 27 January 2016
Committee decision	Wednesday 27 January 2016
Publication of review result (subject to Committee approval) (See 6.13-6.19 of Polling Review Guidance)	Wednesday 3 February 2016

Notice of Republishing the Register	Tuesday 16 February2016
ERO includes changes to the Register and Republishes	Tuesday 1 March 2016
Notice of Republished Register	Tuesday 1 March 2016

"SCHEDULE A1

Section 18C

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

- 1 The relevant authority must publish notice of the holding of a review.
 - 2 The authority must consult the returning officer for every parliamentary election held in a constituency which is wholly or partly in its area.
 - 3 (1) Every such returning officer must make representations to the authority.
(2) The representations must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).
(3) The representations must be published in such manner as is prescribed.
 - 4 (1) 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.
(2) Such persons must have an opportunity—
 - (a) to make representations;
 - (b) to comment on the returning officer's representations.
 - 5 Any elector in a constituency situated in whole or in part in the authority's area may make representations.
 - 6 Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places.
 - 7 On completion of a review the authority must—
 - (a) give reasons for its decisions in the review;
 - (b) publish such other information as is prescribed."
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APPENDIX 3 - Staged Process of the Review

1.0 STAGE 1 – NOTIFICATION OF THE REVIEW

- 1.1 The formal commencement of the review requires the local authority to give notice of the holding of a review. The notice must be published using the following methods:
- notice to be displayed at the council's office and in at least one conspicuous place within the authority;
 - on the Council's website
- 1.2. Additionally, the Council could publish the notice in a council newsletter and display copies in other public buildings.

The Electoral Commission recommends that the notice should state:

- that the Council is conducting a review of polling districts and polling places;
 - that the Returning Officer will make a comment on proposed polling stations;
 - that electors in the Council's are or within a UK Parliamentary constituency which has any part in the authority may make a representation;
 - that the Council would welcome any person or body with expertise in access for persons with any type of disability to make a representation or to comment on the authority's proposals, (Acting) Returning Officer's representation or any other matter;
 - that persons or bodies making representations should, if possible, give alternative places that may be used as polling places;
 - the postal address, e-mail address and website address at which documents can be inspected and representations made;
 - an indication of the timetable of the review and a deadline for representations
- 1.3 The Electoral Commission also suggests that the Council should send a copy of the notice to interested parties such as councillors, disability groups and other stakeholders. Officers will prepare a press release drawing attention to the review and the process as well as posting details on the Council's website.

2.0 STAGE 2 – ADMINISTERING THE REVIEW

- 2.1 The Council should undertake a preliminary review of the current polling districts and polling places with a view to establishing their suitability. There is no requirement to change any of these districts and polling places, but any 'no change' decision must be fully justified as part of the overall proposals.
- 2.2 The review process should be transparent, structured and conducted formally with supporting documentation – to ensure a complete "audit trail" for all the decisions arising from it, including justification for each decision, even if this is for "no change".
- 2.3 The legislation suggests an approach starting with polling districts, followed by choosing polling places and then considering polling stations. In practice, however, it is important that good quality polling places are identified first, which can then be used as part of the process of defining suitable polling district arrangements that comply with the requirements set out in the legislation. The Electoral Commission guidance contains template checklists to assist with the evaluation of current/proposed polling places and stations.

- 2.4 The following should be considered as part of the assessment of the suitability of polling district boundaries:
- Boundaries: Are they well defined? For example, do they follow the natural boundaries of the area? If not, is it clear which properties belong in the polling district?
- Location: Are there suitable transport links within the polling district, and how do they relate to the areas of the district that are most highly populated? Are there any obstacles to voters crossing the current polling district and reaching the polling place e.g., railway lines, rivers?
- 2.5 There are a number of factors that must be considered when reviewing existing polling places or when assessing new polling places, including:
- Location: Is it reasonably accessible within the polling district? Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc.? Are there any convenient transport links?
- Size: Can it accommodate more than one polling station if required? If multiple polling stations are required, is the polling place ample enough to accommodate all voters going into and out of the polling stations, even where there is a high turnout?
- Suitability: Is the building readily available in the event of any unscheduled elections? Is there any possibility that the building may be demolished as part of a new development? Is the building accessible to all those entitled to attend the polling place?
- 2.6 Ideally, there would be the choice of a range of fully accessible buildings, conveniently located for electors in the area within which to establish polling stations. In practice, however, the choice of polling places will often be a balance between the quality of a building (access, facilities, etc.) and the proximity of the building to the electors. When making a decision, all factors will need to be considered and the Council will need to be able to demonstrate the reasoning behind the decision.
- 2.7 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. Alternatively, the local authority should consider whether it would be appropriate to designate a polling place that falls wholly or partly outside the polling district.
- 2.8 It should be noted that for the purpose of taking the poll in England and Wales, the Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament.
- 2.9 Part of the decision-making process involves assessing if the polling place is capable of accommodating more than one polling station together with the necessary staff and equipment, particularly in circumstances where the number of electors allocated to a polling place is high.
- 2.10 The suitability of a room or area for use as a polling station, will reflect whether the size and layout allows for the most effective throughput of voters, including those where there is a high number of electors in the polling station at any one time on polling day. Each polling station should be designed to provide suitable conditions

for the elector to vote in private, for staff to conduct elections in an efficient and effective manner and for those entitled to observe the voting process to do so without compromising the secrecy of the ballot.

3.0 STAGE 3 - CONSULTATION

- 3.1 The consultation stage is for representations and comments on proposals for polling districts and places to be considered. There are two parts to this:
- a compulsory submission from the Returning Officer of the parliamentary constituency – this must be published (see below); and
 - submissions from other persons and bodies, including those with expertise in relation to access for disabled people.
- 3.2 The Returning Officer must comment on existing and proposed polling stations and must contain information on where polling stations will be placed within a polling place. The Returning Officer's submission must be published within 30 days of receipt, in a conspicuous place at the council offices and in at least one place within each parliamentary constituency. It should also be published on the council website. It is also suggested that the response could be made available in other council offices, libraries, community centres or other places where residents may visit.
- 3.3 The Council must consult widely on the review and seek out the views of interested groups or bodies including electors, candidates and agents, political parties and members of the council. Consultees should be asked for comment both in general and if appropriate about the particular buildings within the Council's district.
- 3.4 It will be particularly important to consult with those who have experience of assessing access for persons with different disabilities. These could include local disability groups and also national groups such as charities who have guides on access.
- 3.5 Each of the bodies consulted and any elector for a parliamentary constituency either within or partly within the Council's area may comment on any of the recommendations within the whole area. Any person or body making a comment has the right (and, indeed should be encouraged) to suggest an alternative polling place/station and to give a reason for the alternative proposal so that it may be given appropriate consideration.

4.0 STAGE 4 - CONCLUDING THE REVIEW

- 4.1 After considering the representations the Council must decide on the most appropriate polling districts and polling places. The final proposals must be made after taking into consideration all of the representations made. The Council must agree on the proposals for polling districts and places.
- 4.2 If the review results in the alteration of polling districts, the Electoral Registration Officer must make the necessary alterations to the electoral register. Any alteration is effective on the date on which the Electoral Registration Officer publishes a notice stating that the alterations have been made. If the review is concluded before publication of the annual revised register, the changes can be incorporated in the revised register to be published by 15 February 2014. Otherwise, alterations

can be made by the publication of another revised register or on a notice of alteration.

- 4.3 Where the Electoral Registration Officer has decided to republish to incorporate the changes, they will need to publish a notice fourteen calendar days before the publication of the revised version of the register in a local newspaper, at his or her office and at some other conspicuous place or places in the area.

5.0 PUBLISHING THE CONCLUSIONS OF THE REVIEW

- 5.1 Once the Council has agreed on the proposals, following consideration of representations the new polling districts and polling places must be made available to the public. These should also be made available at the Council offices, in at least one place in each constituency and on the council's website. The reasons for the choice of every polling district and polling place must be given.
- 5.2 Along with the reasons for the final decision of the review, there is a range of other details that must also be published, including all correspondence and representations received, details of the designation of polling districts and places as a result of the review and details of where the results of the review have been published.

6.0 THE APPEALS PROCESS

- 6.1 Following the conclusion of the Council's Review, there is a right to make representations to the Electoral Commission.
- 6.2 The Commission must set out in writing its conclusions and the reasons for its decision. The Commission's decision will be issued to the person(s) who made the representation, the Council and the Returning Officer. The decision and related documents will also be published on the Commission's website. Councils are advised to publish the outcome of the appeal in the same way as the results of the review are published.
- 6.3 The Commission may direct the Council to consider any alterations to the polling places that the Commission deems necessary under the review. After two months, if the Council has failed to make the alterations, the Commission can itself make the alterations as if the Council had implemented them.

APPENDIX 4

Polling Districts and Polling Places Review Committee – Membership, Delegations and Terms of Reference (5 Members – 3:2)

Polling Districts and Polling Places Review Committee

(5 Members – 3 Lab 2 Con)

Membership

Labour: **(Chairman) Councillor Dowling**
 (Vice-Chairman) Councillor Owen
 Councillor Dereli

Conservative: Councillors Westley and Greenall

Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

Equality Impact Assessment Form	
	
Directorate: People and Places	Service: Legal and Democratic Services
Completed by: Thomas Lynan	Date: 16/11/2015
Subject Title: Review of Polling District, Polling Places and Polling Stations for Derby Ward district DEC	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	Partial review of the Polling District DEC and its constituent Polling Place and Station
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups:	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	There is a direct impact on members of the public, employees, elected members and or other stakeholders.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All groups are affected but special consideration is required for disabled electors.

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members of the public, employees, elected members and or other stakeholders currently use the service because it is a universal service integral to the function of the Council.
What will the impact of the work being carried out be on usage/the stakeholders?	Potential changes to voting arrangements.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	All relevant stakeholders will get the opportunity to express their views through consultation.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The views of those with expertise in disability issues will be sought through consultation.
If any further data/consultation is needed and is to be gathered, please specify:	All relevant stakeholders will get the opportunity to express their views through consultation.
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	No changes are proposed at this stage.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	There are no changes at this stage.
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	This assessment will be reviewed before any further report on this issue is released.