

Meeting of the Council – 15th October, 2007

Report of the Cabinet

Review of Polling Districts, Polling Places and Access Arrangements

Purpose of Report

1. To consider the proposals of the Cabinet regarding a statutory review of polling districts, polling places and polling stations. This report informs members of the aims of the review and the procedures involved.

Background

2. To understand the scope of the review, it is helpful to explain what the above terminology means:
 - A **polling district** is a geographical sub-division of an electoral area. An electoral area can either be a United Kingdom Parliamentary Constituency (e.g. Dudley North), a European Parliamentary electoral region (e.g. West Midlands), a Ward (e.g. Castle and Priory).
 - A **polling place** is a geographical area in which a polling station is located. However, as there is no legal definition of what a polling place is, the geographical area could be defined as tightly as a particular building or as widely as the entire polling district. An example of a polling place might be a particular school, where the actual polling station within the school might vary from year to year.
 - A **polling station** is the actual area where the process of voting takes place and must be located within the polling place designated for the particular polling district.
3. Under new legislation, the Council now has a statutory duty to conduct this review, which must be completed by 31st December 2007. The review procedure is set out at Appendix A.
4. We must now review our existing polling districts and polling stations and prepare proposals for changes if appropriate. There is no requirement to change any existing arrangements. However any change or decision to make no change must be supported by a reason.
5. On consideration of this report, the Cabinet, at its meeting held on 12th September, 2007, noted the statutory duty to undertake the review of polling districts, polling stations and access arrangements and endorsed the process and timescales as set out in Appendix A. The Council is requested to consider the

recommendation in paragraph 9 below.

Finance

5. Public consultation is an essential part of the review. Costs can be met from the existing budget.

No additional resources are required to carry out the review.

Law

7. Section 18C (1), Representation of the People Act 1983, as inserted by Section 16, Electoral Administration Act 2006 requires that each relevant authority must complete a review of polling districts and places before 31st December 2007 (see Appendices B and C – Section 18 of the Representation of the People Act 1983).

Equality Impact

8. The aim of the review is to seek to ensure that
 - (a) all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) so far as is reasonable and practicable, the polling places are accessible to all electors, including those who are disabled.

When considering the designation of a polling place, we must have regard to the accessibility needs of disabled persons.

Recommendations

9. That the Cabinet be authorised to take any necessary action in connection with the review and that a further report be submitted to the Cabinet at its meeting to be held on 31st October, 2007.

David Caunt

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Leader of the Council

**Timetable for review of polling districts, polling places
and polling stations**

<p>Preliminary Stage (1st August to 14th September)</p>	<p>The Council to publish notice of review and invite interested parties to submit comments in writing. The proposed list of interested parties is as follows:</p> <p>All members of the Council Members of Parliament for Dudley North, Dudley South, Halesowen & Rowley Regis and for Stourbridge Constituencies All MEP's for the West Midlands European Parliamentary region All political groups who fielded candidates in the most recent Borough Council elections Action for disabled people and carers</p>
<p>Proposal Stage (1st August to 14th September)</p>	<p>The Council must devise a proposal for new polling district and polling place arrangements. There is no requirement to change any existing arrangements. However any change or decision to make no change must be supported by a reason.</p> <p>The Returning Officer must comment on all existing polling stations used at elections and any proposed new polling stations, focusing on the suitability of the polling stations in relation to:</p> <ul style="list-style-type: none"> • Access for all electors including those with any disability • Facilities for the required staff, tables, booths and notices
<p>Consultation stage (17th September to 30th September)</p>	<p>The consultation stage is for representations and comments on the local authority proposals for polling districts and places, including a compulsory submission from the Returning Officer of the parliamentary constituency and submissions from other persons and bodies.</p>
<p>Conclusion stage (1st October to 31st October)</p>	<p>The Council must produce final proposals for the new polling districts and places. The final proposals must be made after taking into consideration all of the representations made.</p>
<p>Publishing stage (1st November to 1st December)</p>	<p>The new polling districts and polling places must be made available to the public and must state the reasons for the choice of every polling district and polling place must be given.</p> <p>The Register of Electors must be altered to show the changes in polling districts. As implementation must occur in 2007, if the 1st December register is missed the change would have to be implemented by an additional revised register being published before 31st December 2007.</p>

Extract from the Representation of the People Act 1983 (as inserted by Section 16 of the Electoral Administration Act 2006)

18A Polling districts at parliamentary elections

- (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must –
 - a) divide its area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in its area, and
 - b) keep the polling districts under review.
- (3) The following rules apply –
 - a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - b) in England, each parish is to be a separate polling district;
 - c) in Wales, each community is to be a separate polling district;
 - d) in Scotland, each electoral ward (within the meaning of Section 1 of the Local Governance (Scotland) Act 2004) is to be divided into two or more separate polling districts.
- (4) Subsection (3)(b) to (d) does not apply if, in any case, there are special circumstances.
- (5) If an alteration of polling districts in an area is made under this section-
 - a) the registration officer who acts for the area must make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration, and
 - b) the alteration is effective on the date on which the registration office publishes a notice stating that the adaptations have been made by him.

18B Polling places at parliamentary elections

- (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if 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 or any body of them.
- (3) A relevant authority must-
 - a) designate the polling places for the polling districts in its area, and
 - b) keep the polling places in its area under review.
- (4) The following rules apply-

- a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - b) the authority must 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.
 - c) the authority 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;
 - d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;
 - e) the polling place for a polling district must be small enough to indicate to electors in the different parts of the district how they will be able to reach the polling station.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

18C Review of polling districts and places

- (1) Each relevant authority must complete a review under sections 18A and 18B of all of the polling districts and polling places in its area before the end of the period of 12 months starting with the date on which section 16 of the Electoral Administration Act 2006 comes into force.
- (2) Subsection (1) does not apply in the case of a polling district or polling place (as the case may be) which is designated for the first time during that period.
- (3) In such a case, the first review of the polling district or polling place must be completed before the end of the period of four years starting with the date on which that designation is made.
- (4) The authority must complete a review of each polling district and polling place in its area before the end of the period of four years starting with the completion of the previous such review.
- (5) Subsections (1) to (4) do not prevent a relevant authority carrying out at any time a review of a particular polling district or polling place.
- (6) Schedule A1 has effect in relation to a review.

18D Review of polling districts and places: representations to Electoral Commission

- (1) This section applies if in relation to a constituency in the area of a relevant authority a relevant representation is made to the Electoral Commission by-
 - a) an interested authority in England and Wales;
 - b) not less than 30 electors in the constituency;
 - c) a person (other than the returning officer) who has made representations under schedule A1;
 - d) a person who is not an elector in a constituency in the authority's area but who the Commission think 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.

- (2) A relevant representation is a representation that a review under section 18A or 18B has not been conducted by a relevant authority so as to-
 - a) meet the reasonable requirements of the electors in the constituency or any body of those electors, or
 - b) take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- (3) The returning officer for the constituency may make observations on representations made under this section.
- (4) The Electoral Commission must consider such representations and observations and may, if they think fit-
 - a) direct the relevant authority to make any alterations to the polling places designated by the review which the Commission think necessary in the circumstances;
 - b) if the authority fails to make the alterations before the end of the period of two months starting on the day the direction is given, make the alterations themselves.
- (5) Alterations made by the Electoral Commission under subsection (4) have effect as if they had been made by the relevant authority.
- (6) An interested authority in relation to a constituency in England and Wales is-
 - a) in England, the council of a parish, or where there is no such council the parish meeting of a parish, which is wholly or partly situated within the constituency;
 - b) in Wales, the council of a community which is so situated.
- (7) The reference in subsection (1) (b) to electors does not include persons who have an anonymous entry in the register of parliamentary electors or local government electors.

18E Sections 18A to 18D supplemental

- (1) This section applies for the purposes of sections 18A to 18D
- (2) No election is to be questioned by reason of-
 - a) any non-compliance with the provisions of those sections, or
 - b) any informality relative to polling districts or polling places.
- (3) Each of the following is a relevant authority-
 - a) in relation to England, the council of a district or London borough;
 - b) in relation to Scotland, a local authority;
 - c) in relation to Wales, the council of a county or county borough.

(4) The following do not apply to Northern Ireland-

- a) section 18A(2) to (5)
- b) section 18B(2) to (5)
- c) sections 18C and 18D

And in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962.

Extract from the Representation of the People Act 1983 (as inserted by Section 16 of the Electoral Administration Act 2006)

SCHEDULE A1

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 officers 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.