



CHILDREN YOUNG PEOPLE AND EDUCATION COMMITTEE

MONDAY 31 JANUARY 2022

REPORT TITLE:	POLLING PLACES REVIEW: SCHOOLS
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report sets out the findings following a review undertaken in respect to the use of Schools which are currently used as polling places within Wirral for the purposes of Local Authority, Parliamentary and other elections.

The report details guidance on selecting polling places, the number of Schools currently used in the borough and outlines alternative polling places which have been identified by the Returning Officer. Local ward members have been consulted in respect to options and costs associated with the hire of alternative venues detailed in the exempt appendix 2 to the report.

This report has been considered by The Regulatory and General Purposes Committee on 20 January 2022. The Returning Officer has asked for this report to be presented to the Children, Young People and Education committee for information.

RECOMMENDATION/S

The Children, Young People and Education Committee is recommended to note the report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A full review of those schools within Wirral which are used as Polling Places has been undertaken by the Returning Officer. It is good practice to regularly review polling places and following the elections held in May 2021, the Returning Officer has carried out a comprehensive programme of area inspections and visits. Options, associated costs, and member consultation responses are detailed in appendix 1 of the report. The Returning Officer has asked for this report to be presented to the Children, Young People and Education committee for information.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 An option would be to continue to use all those Schools which are currently used as Polling Places. Alternative options have been presented to the Regulatory and General Purposes Committee for consideration and discussion. Where no alternative or viable options could be identified, this has been clearly identified in the report.

3.0 BACKGROUND INFORMATION

- 3.1 All Local Authorities in Great Britain must review their polling districts and places every four years. Wirral completed a statutory review of all polling districts and places in 2019. This review has been requested by the Returning Officer and is in addition to the statutory review.

When considering the overall suitability of a polling place or polling station the following criteria are considered:

External areas access and facilities:

Location:

- Is it reasonably accessible within the polling district?
- Is the building clearly identifiable?
- Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc.?
- Does the building have level access or an alternative disabled route?
- Are the doors wide enough, and light enough, to be opened by someone using a motorised scooter / wheelchair?
- Are there convenient transport links?
- Are there adequate parking facilities for disabled people and polling station staff?

Internal areas access and facilities:

Entrance doors & Corridors:

- Are all external and internal doors easy to open?
- Are there any internal steps or hazards?
- Is the floor covering nonslip?
- Is there adequate heating and lighting?
- Are there toilet facilities for staff?
- Are there kitchen facilities for staff?

Size:

- Is there sufficient space inside to comfortably accommodate staff, voters, polling agents and observers?
- Is there suitable furniture available for staff and voters, where required?
- Can it accommodate more than one polling station if required?
- If multiple polling stations are required, is the polling place capable of accommodating all voters going into and out of the polling stations, even where there is a high turnout?

Availability:

- 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?

Accessibility:

- Is the building accessible to all those entitled to attend the polling place?

- 3.2 Wirral has 103 polling places of which 41 are schools. Of those 41 schools, 28 utilise an In-Service Training (INSET) day for the poll. The use of an INSET day is agreed well in advance with Head teachers. The remaining 13 schools can stay open to pupils.
- 3.3 The Returning Officer has a statutory right to use, free of charge, schools maintained or assisted by the Council as well as those schools that receive grants made out of moneys provided by Parliament. The decision to close a school, due to use of the school or part thereof as a polling place, falls on the headteacher and this will usually depend upon whether arrangements can be made for voting to take place separately from the rest of the school premises. Where possible, the Returning Officer and the school will make such arrangements for the school to remain open, however, pupil safety must always be considered as paramount and if the school decides to close on the day of the poll and it is not reasonably practicable to arrange an alternative day to try and make up the lost education, the school will be treated as if it had met the requisite 190 days for the purposes of the school year regulations.
- 3.4 Clear guidance is provided to schools on this matter so there should be no misunderstanding about the legal position and the need for schools to co-operate in making rooms available as a polling place. Any reluctance to use schools as polling places despite the statutory position would lead to an increase in the use of private buildings or mobile units even where the most reasonable facilities could be provided within a school which would then incur additional costs.
- 3.5 Ideally, there would be the choice of a range of fully accessible buildings, conveniently located for electors in the area. In practice, however, the choice of polling place will often be very limited, and a school deemed the only suitable venue that complies with the Returning Officer's obligations.
- 3.6 The Government's; guidance is set out in the document "The Government's approach to elections and referendums during COVID-19: additional information for electoral administrators, candidates, campaigners and voters". This states as follows

“Use of schools as elections venues

The Government is working with partners to help to ensure that any disruption to children's education is kept to an absolute minimum whilst allowing Returning Officers to run polls effectively. Given the importance of avoiding any further disruption to education, schools should not be used where alternative venues are available. The use of schools is particularly discouraged where it would result in closure, and the Government has asked that Returning Officers work together with Head Teachers to explore all possibilities that would allow the school to remain open, such as by using only part of the premises, and taking adequate COVID-secure and safeguarding measures to allow pupils to remain on-site.

The Government is providing support to Returning Officers to explore the use of other community or commercial facilities, and to minimise disruption to schools where they are the only available option.

The Government appreciates however that in some cases the use of schools as polling stations is unavoidable.”

- 3.7 At the request of the Returning Officer a full review has been undertaken to see if there are any opportunities to reduce the number of schools used as polling stations. The Returning Officer has undertaken this review by initially contacting all the schools, that currently utilise an INSET day, to ascertain if there were any suitable venues within the vicinity of the schools. Relevant Ward Councillors have been consulted and offered suggestions for venues. Ward maps and google maps have been used to plan visits to polling districts to assess the suitability of venues. 26 potential alternative buildings have been identified. There were no suitable alternative buildings identified in 5 of the polling districts.
- 3.8 Further visits have been made to polling districts by election officers to investigate if any other buildings, such as parish centres, public houses, or commercial halls could be identified. Site visits have been conducted at the 26 alternative venues. Of the 26 visits it was determined that 7 venues could be suitable alternatives. The other 19 venues were either unsuitable as polling places, outside of the specific polling district / ward, the owners did not want to be used as a polling place or were the subject of objections by Ward Councillors.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The annual budget set for Elections is £341,400 (2021/2022).
- 4.2 Polling stations costs in 2021 were £27,000. The cost of polling stations increased from £21,000 to £27,000 in May 2021 due to changing 8 venues: 6 schools and 2 council venues (no longer in use) to private venues. Although an element of the increase can be attributed to Covid costs this must remain as a consideration for future elections. Covid cleaning may continue to form part of the hire charge. The hire cost for a school is between £0- £100. The hire charge for a private venue can be anywhere between £200- £1000.
- 4.3 If all proposals are implemented the anticipated additional cost will be an additional £3299.08, taking the cost of polling stations up to £30,299.08. Savings will have to

be made from other elements of the election budget. No external grants or Covid grants are expected from Central government for 2022 elections.

- 4.4 See appendix 2 for costs of additional hire charges. Appendix 2 is exempt information under Schedule 12A of the Local Government Act 1972.

5.0 LEGAL IMPLICATIONS

- 5.1 In accordance with the Representation of the People Act 1983 Wirral Borough is divided into Polling Districts and it has designated Polling Places for each Polling District. The term 'Polling District' refers to the area created by the division of a constituency, ward, or division into smaller parts, within which a polling place can be determined which is convenient to electors. The term 'Polling Place' refers to the building or area in which polling stations will be selected by the Returning Officer. The term 'Polling Station' refers to the room or building where the poll takes place for each election
- 5.2 In relation to using schools as polling places, the rules that govern the conduct of elections (Representation of the People Act 1983, Chapter 2, Schedule 1, Part III, paragraph 22) give the Returning Officer a statutory right to use, free of charge, schools maintained or assisted by a Council as well as those schools that receive grants made out of moneys provided by Parliament. This includes academies and free schools. Currently, forty-five of the one hundred and three designated polling places are schools. Therefore, schools must comply with any request for use of a school or part thereof for the purpose of a polling station.
- 5.3 Planned elections do not have an impact on the 190 statutory days of education (189 days for –2022) as the 28 schools that do not open to pupils set a planned INSET day. Education (School Day and School Year) (England) Regulations 1999.
- 5.4 In the exception of an unexpected school closure due to unscheduled elections, a school can mitigate by a move to online virtual learning where an INSET day has not been planned.
- 5.5 Polling stations must be accessible to all. The Returning Officer has a duty, under Section 20 (4) of the Equality Act 2010 to make adjustments where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage. Under Section 29 (1) of the Equality Act 2010 -The provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no direct resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 If a certain school or room is deemed to be the most suitable venue by the Returning Officer, then the school cannot refuse to allow it to be used. The benefit to the Returning Officer of designating a school (or part thereof) as a polling station ensures that the venue can be used, free of charge, for scheduled and unscheduled elections. All schools have appropriate disabled access. Schools can allocate an INSET day if they choose to close on polling day. Unscheduled elections, for schools that close, may cause disruption to staff, parents, and pupils.
- 7.2 There are several risks associated with moving from schools to private venues. Private venues have no legal responsibility for allowing electoral services to require the use of the venue for scheduled or unscheduled elections. Private venues can refuse the use of the room without explanation. Any access requirements that electoral services identify must be paid for by the Council. Buildings can be sold, renovated, or demolished without any prior notice being given to electoral services. The general upkeep and suitability of the building is only checked once a year by the elections team. Private venues dictate the hire charge and can increase the charge as they see fit.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Schools are not used as polling stations in the Hoylake & Meols, Liscard, or Moreton West & Saughall Massie wards. The ward Councillors representing these wards have not been consulted on the proposals within this report.
- 8.2 All ward councillors for the remaining 19 wards have been consulted by email and asked for comments, their comments are summarised within this report along with an officer response.
- 8.3 The Director, and the Assistant Director of Education have been consulted. They fully support the recommendations of this report.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has an ongoing responsibility under the Equality Act 2010 and the Public Sector Equality Duty (S149) to take equality implications into consideration in policy decision, implementation, and day to day activities. The impact on those with protected characteristics under the Act were taken into consideration during this exercise when assessing the overall suitability of a venue. Any changes to venues and or arrangements will be assessed with equality impacts in mind and other voting practices such as proxy and postal voting remains in place for those who wish to use it.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no significant environmental or climate implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The use of privately owned venues benefits local businesses financially, but it also promotes and enhances the social network in the local area. Furthermore, it redirects wealth back into the local community.

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APPENDICES

Appendix 1 – Summary findings doc

Appendix 2 – Cost implications (contains exempt financial information) Schedule 12A Local Government Act 1972- Access to Information: Exempt information

BACKGROUND PAPERS

Representation of the People Act 1983

Equality Act 2010

The Local Elections (Principal Areas) (England and Wales) Rules 2006.

Education Act 1996

Polling Place visit reports

The Government’s approach to elections and referendums during COVID-19: additional information for electoral administrators, candidates, campaigners and voters”.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Regulatory and General Purposes Committee	20 January 2022
Licensing Health and Safety and General Purposes Committee	23 January 2019
Licensing Health and Safety and General Purposes Committee	20 November 2019