

REGULATORY AND GENERAL PURPOSES COMMITTEE**07 SEPTEMBER 2023**

| | |
|----------------------|--|
| REPORT TITLE: | PARLIAMENTARY POLLING PLACE AND POLLING DISTRICT STATUTORY REVIEW |
| REPORT OF: | DIRECTOR OF LAW AND GOVERNANCE |

REPORT SUMMARY

The purpose of this report is to advise members of the arrangements for the statutory polling place and polling district statutory review 2023.

The Electoral Registration Officer (ERO) must conduct a statutory review of polling places and polling districts every five years. The statutory review can start no earlier than 1st October 2023 and must be completed within 16 months. It must be completed no later than 31 January 2025.

The statutory responsibility for reviewing UK Parliamentary polling districts and places rests with each relevant local authority in Great Britain for so much of any constituency as is situated in its area.

The recommendations contained within this report meet the objectives in the Wirral Plan 2021 – 26 in respect to the safe and pleasant communities and inclusive economy.

The recommendations in this report do not constitute a key decision.

RECOMMENDATION/S

The Regulatory and General Purposes Committee is recommended to agree that the Polling Place and Polling District review will be undertaken and that any proposed changes to current arrangements will be presented for consideration at the Regulatory and General Purposes Committee meeting on 23 November 2023.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Local Authority has a statutory duty to undertake a full review of their Parliamentary polling places and polling districts within the Borough and make such changes as are considered necessary to ensure they remain accessible to all electors.

2.0 OTHER OPTIONS CONSIDERED

2.1 No other options were considered. It is a statutory requirement to undertake the review.

3.0 BACKGROUND INFORMATION

3.1 The Local Authority has a duty under the Representation of the People Act 1983 to divide Wirral Borough into Polling Districts and to designate Polling Places for each Polling District.

3.2 The Electoral Administration Act 2006 placed a duty on all local authorities to undertake a full review of their Parliamentary polling districts and polling places every four years.

3.3 The Electoral Registration and Administration Act 2013 introduced a change to the timing of the reviews to five-yearly and, in line with this legislation, a full review was last undertaken by the local authority in 2019.

3.4 Whilst there is no statutory requirement to review polling districts and polling places in the years between such full reviews, the Council's Electoral Services evaluates the effectiveness and suitability of polling places and stations following each election and reports any issues/changes required to the Regulatory and General Purposes Committee as necessary, thereby ensuring that the Borough's electors continue to have the best facilities for voting which are practicable in the circumstances.

3.5 The next compulsory review must be started and completed between 01st of October 2023 and 31 January 2025 (inclusive).

3.6 The purpose of the review is to principally ensure that:

- all electors in the borough have such reasonable facilities for voting as are practicable in the circumstances; and,
- so far as reasonable and practicable, the polling districts, places and stations are accessible to all electors including those who are disabled and when considering the designation of a polling place to have regard to the accessibility needs of disabled persons; and,
- where there is no fully accessible building conveniently located for the electors in an area, where it is necessary to use a place where the access is not ideal then

every reasonable adjustment must be undertaken to provide access for all Electors.

- 3.7 The specific areas of focus for the review are polling districts and the location of polling places and polling stations within the Borough: -

Polling District is a geographical area created by the sub-division of an electoral area, for example a Parliamentary constituency, or a ward.

Polling Place is a building (for example, a school or community centre) or area in which a polling station is located.

Polling Station is the physical location (for example, the room) in which polling takes place and is designated by the Returning Officer.

- 3.8 Roles and responsibilities

The local authority has the statutory responsibility for reviewing polling districts and places rests with the local authority for so much of any constituency as is situated in its area.

The Electoral Registration Officer must, where there are any alterations to the polling districts within its area, amend the register of electors accordingly. This is done either on a notice of alteration or by publishing a revised register. The changes to the register take effect on the date the Electoral Registration Officer publishes a separate notice stating that the alterations have been made, which should be done to coincide with the publication of a notice of alteration/publication of a revised register.

The (Acting) Returning Officer must comment during any review of polling districts and polling places on both existing polling stations and the polling stations that would probably be used if any new proposal for polling places were accepted.

- 3.9 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within the time limit. The time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals, gather comments, and respond with any alternative arrangements that they may wish to submit.

- 3.10 The review will commence on 02nd of October 2023 and conclude on the 10th of November 2023. This will enable any proposed changes to the Electoral Register to be made and effective upon its publication on 1 December 2023.

- 3.11 There are four stages to the review process and the details are: -

Stage 1 – Notification of the review

The Local Authority is required to give notice of the holding of the review. The notice must be displayed at the local authority's office, in at least one conspicuous place within the authority, and on the local authority's website. Notification of the review and how to participate will be sent to elected representatives, local political party offices and local disability and community groups, and a press release will be issued to provide general notification of the review.

The notice will be published on 02nd of October 2023 and notification has been sent to the interested parties listed above.

Stage 2 – Consultation

There are two aspects of the consultation stage which is for representations and comments to be made on the existing and proposed arrangements.

The (Acting) Returning Officer's compulsory submission must comment on both existing and proposed polling stations. There is no requirement to change any existing arrangements, and any change or decision to make no change must be supported by a reason. The (Acting) Returning Officer's comments must be published within 30 calendar days of receipt to give consultees the opportunity to comment on them.

The (Acting) Returning Officer will publish his comments by 02nd of October 2023. The comments will be published at the local authority's office, in at least one conspicuous place within each constituency, and on the local authority's website.

Consultees – the Authority must consult widely on the review and seek out the views of interested groups, including those with expertise in relation to access to premises or facilities for disabled people, or bodies including electors, political parties, MPs, and members of the council. Consultees will be asked for general comments as well as any on specific buildings or areas. Any person or body which makes a comment will be encouraged to suggest an alternative polling place/station and give a reason for the alternative proposal, so that it may be given appropriate consideration.

The consultation period began on 02nd of October 2023 and will end on 10th of November 2023

Stage 3 – Concluding the review.

Subject to any representations received, the Council's Electoral Services will consider all the representations and make recommendations on the most appropriate polling districts and polling places. A report will be prepared and submitted to the Licensing, Health and Safety and General Purposes Committee meeting on 23rd of November 2023 for the members to consider for approval the recommendations and to allow for any alterations to the polling districts within its area to be effective from the publication of the revised register on 1 December 2023.

Stage 4 – Publishing the conclusions of the review.

Details of the agreed polling districts and polling places, and the reasons for them, must be made available to the public at the local authority office, in at least one conspicuous place in each constituency, and on the council's website. All correspondence, representations, minutes, and details of where to view the results must also be published.

- 3.12 Following the conclusion of the review, individuals have a right to make representations to the Electoral Commission. However, the Commission will only consider representations received indicating that a review has not been conducted correctly.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report. If alternative polling places are identified as part of this review, additional resources may need to be identified to fund the consequent building and staffing costs. Any such additional costs will be dealt with in the subsequent report and recommendations to Committee.

5.0 LEGAL IMPLICATIONS

- 5.1 The local authority has a duty under the Representation of the People Act 1983 to divide Wirral Borough into Polling Districts and to designate Polling Places for each Polling District.
- 5.2 The Electoral Administration Act 2006 placed a duty on all local authorities to undertake a full review of their Parliamentary polling districts and polling places every four years.
- 5.3 The Electoral Registration and Administration Act 2013 introduced a change to the timing of the reviews to five-yearly and, in line with this legislation, a full review was last undertaken by the local authority in 2019.
- 5.4 There is a legal duty on the local authority to provide accommodation for polling stations with the Representation of the People Act 1983, Chapter 2, Schedule 1, Part III, paragraph 22.
- 5.5 Polling stations must be accessible to all -Section 20, 29 and 31, Equality Act 2010.
- 5.6 Provision of polling stations. The Returning Officer must provide enough polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient - Rule 23(1-4), The Local Elections (Principal Areas) (England and Wales) Rules 2006.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Undertaking this review will impact on resources in respect of officer time, particularly as the period of this review traverses the annual canvass of the Electoral Register. It is anticipated that these requirements can be met from within existing resources.

7.0 RELEVANT RISKS

- 7.1 The Council has a statutory duty to complete a Polling Districts and Places Review by 31 January 2025. In addition, the Review provides a further opportunity for the Council to ensure accessibility to all Electors, mitigate any potential hazards and health and safety risks; and ensure that the Council addresses any identified risks affecting any potential Electors, particularly if they have from a disability.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Acting Returning Officer (ARO) will publish notice of this review and consult with interested groups, including those with expertise in relation to access to premises or facilities for disabled people, or bodies including electors, political parties, MPs and members of the council.

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 will be 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 known environmental or climate implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no known community wealth implications arising from this report.

REPORT AUTHOR: **Kris Cureton**
 Civic & Electoral Services Manager
 email: kriscureton@wirral.gov.uk

BACKGROUND PAPERS

Electoral Administration Act 2006
Representation of the People Act 1983
The Electoral Registration and Administration Act 2013
Equality Act 2010
The Local Elections (Principal Areas) (England and Wales) Rules 2006.

TERMS OF REFERENCE

This report is presented to Committee in accordance with section 8.2(i) of the Committees terms of reference.

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|--|---|
| Regulatory & General Purposes Committee | Thursday 20th Jan 2022 |
| Regulatory & General Purposes Committee | Wednesday 16th Nov 2022 |
| Regulatory & General Purposes Committee | Wednesday 01st Feb 2023 |

