



REGULATORY AND GENERAL PURPOSES COMMITTEE

23 NOVEMBER 2023

REPORT TITLE	CONCLUSION OF STATUTORY REVIEW OF POLLING DISTRICTS AND PLACES 2023
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE AND MONITORING OFFICER

REPORT SUMMARY

The purpose of this report is to advise Members of the consultation outcome following the statutory polling place and polling district review which was undertaken in September/October 2023 following approval to undertake a consultation by the Committee on 07th September 2023.

The Electoral Registration Officer (ERO) must conduct a statutory review of polling places and polling districts every five years. Statutory reviews can commence 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.

RECOMMENDATIONS

The Regulatory and General Purposes Committee is recommended to consider the outcomes of the consultation and agree that it is not necessary to change any of the current polling places as a result of the review.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1** The local authority has a statutory duty to undertake a full review of their Parliamentary polling districts and polling places 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** This statutory review determines that it must be started and completed between 1 October 2023 and 31 January 2025 (inclusive).
- 3.5** Local government election arrangements are not automatically part of this review, however, as they are the same for both Parliamentary and local government elections within the Wirral area, it is considered sensible to conduct both reviews together.
- 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 commenced on 02nd of October 2023 and concluded on the 10th of November 2023. Any proposed changes to the Electoral Register will be made and effective upon the publication of the Register on 1st December 2023 (subject to Committee decision) .

3.11 Notification of the Review

The review formally commenced on 02nd of October 2023 with the publication of a formal notice at Birkenhead Town Hall and a publication on the Council's website. Notices were also published on the Council's social media and online channels.

Notification of the review and how to participate was sent to elected representatives, local political party offices and local disability and community groups, and a press release was issued to provide general notification of the review.

Representations and comments were sought from electors, Councillors, MPs, the (Acting) Returning Officer and those with expertise in relation to access to premises or facilities for disabled people with regards to existing Polling Districts and Places.

3.12 Outcome of Consultation

Electoral Services received representations from electors and Ward Councillors. Representations were received in the form of 39 'Have your say' responses and one email from a Ward Councillor.

- Twenty respondents commented that overall, they were satisfied with the current arrangements.
- Seven respondents commented on the general dissatisfaction with using schools as polling places.
- Three respondents commented that they found it difficult to park at their polling station.
- Two respondents' comments did not relate to areas considered to be part of the review.
- An email received from a Ward Councillor requested that a review of the northern boundary of polling district's VA and VC be undertaken to allow for the consideration of moving the polling place at Oldershaw Rugby Club to the Wallasey Cricket Club. Officers visited the Wallasey Cricket Club and determined it to be unsuitable for use as a polling station. The only available room for use as a polling station at the cricket club was accessed via a flight of stairs. No disabled access was available. As a result, the Ward Councillor has requested that we do not proceed any further with the request to review the polling district boundaries in that area.
- One elector responded to request that their property, which is currently located in polling district CE, be moved to polling district CD along with three neighbouring properties. This request was made to enable the electors at these properties to vote at a closer polling station. The request will be considered as part of the wider Local Ward Boundary review.
- The Council's (Acting) Returning Officer submitted comments on 02 October 2023, as required on existing polling stations. The comments stated that the current arrangements offer the most reasonable facilities for voting.

3.13 Conclusion and recommendations

The review and consultation has been useful in that it has demonstrated that the public and elected representatives are largely satisfied with the current arrangements and so it is recommended that the existing polling districts and polling places remain unchanged.

In relation to using schools as polling places, the electoral services team continually review the use of schools. Wirral has one hundred and three polling places. In 2019 forty-five schools were used as polling places, this number has been reduced to thirty-four at the May 2023 election. This equates to less than one third.

The rules that govern the conduct of elections give the (Acting) Returning Officer a statutory right to use, free of charge, schools maintained or assisted by a local authority as well as those schools that receive grants made from moneys provided by Parliament. This includes academies and free schools.

The decision to close the school falls on the headteacher and 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 (Acting) 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.

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 for polling station use. 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.

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 suffer from a disability.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The Acting Returning Officer (ARO) published notice of this review and consulted 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.

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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
Regulatory & General Purposes Committee	Thursday 7th September 2023

