

PLEASE NOTE VENUE

GENERAL PURPOSES COMMITTEE AGENDA



Wednesday 25th July 2007

at 10.00am

in The Boardroom, Connexions, Tower Street, Hartlepool

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors Akers-Belcher, Fleming, Griffin, Henery, J Marshall, Dr Morris, Shaw, Wallace and Wistow

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 29TH JUNE 2007
(to follow))**
4. **ITEMS REQUIRING DECISION**
 - 4.1 Review of Polling Districts and Polling Places – *Chief Solicitor*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

29 June 2007

The meeting commenced at 10.00 a.m. at Belle Vue Community Sports and Youth Centre, Hartlepool

Present:

Councillors: John Marshall (in the Chair)
Stephen Akers-Belcher, Sheila Griffin and Gerard Wistow

In accordance with Paragraph 4.1 of the Council's procedure rules Councillor Carl Richardson attended as Substitute for Councillor Jane Shaw

Officers: Chris Little, Assistant Chief Financial Officer
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Fleming, Dr Morris and Shaw.

2. Declarations of interest by members

None.

3. Confirmation of the minutes of the meeting held on 23 March 2007

The minutes of the meeting held on 23 March 2007 were confirmed subject to the following addition:-

Minute 35, Page 3, 3rd Paragraph to be added to read:-

“Members discussed access to school governor's contact details following concerns raised by a resident at a Neighbourhood Consultative Forum meeting that the names and addresses of governors were not available to the public. It was suggested that Members be provided with clarification in relation to the feasibility of publicising this information.”

Minute 35, Page 4, Decision (c) to be added to read:-

- (c) That Members be provided with clarification of the current procedure in relation to access to school governor's contact details and the feasibility of publicising this information.

In view of the above, Members requested that a letter of clarification be submitted to all Members of the General Purposes Committee in advance of the next meeting relating to availability of school governor's details and that the issue be further discussed at the next meeting of this Committee.

4. **The 2006/2007 Statement of Accounts** *(Chief Financial Officer)*

Purpose of Report

To enable Members to approve the Council's 2006/2007 Statement of Accounts.

Issue (s) for consideration by the Committee

The report advised Members that the Council was required by statute to produce the 2006/2007 Statement of Accounts in a specified format within three months of the year-end ie by 30 June. The accounts were subject to audit prior to publication by 30 September.

The draft Statement of Accounts was attached to the report. The Assistant Chief Financial Officer gave background information and provided an explanation of the main financial statements included in the Statement of Accounts. It was highlighted that there was nothing included in the report which had not already been agreed by the Council or Cabinet. Pages 23 to 26 of the Cash Flow Statement had been amended, a copy of which was tabled at the meeting. In respect of the Council's cash flow, it was highlighted that collection rates for both Council Tax and Business Rates had increased for 2006/07 and were both above the average for all unitary councils.

Earmarked Reserves

Members expressed concerns regarding the value of the museums acquisitions reserves and the lotteries reserve. They queried whether the surplus of accumulative interest from previous years could be spent. The Assistant Chief Financial Officer explained that the lotteries reserve was governed by the Lotteries and Amusements Act 1976 and outlined the history to this reserve and the arrangements for making grants. Following questions from Members, to which the Assistant Chief Financial Officer provided information, Members requested the following further information in relation to these reserves which the Assistant Chief Financial Officer agreed to provide following the meeting:-

- (i) Details of the legal requirements of the Act relating to the lotteries reserve.

- (ii) A copy of the Acquisitions Policy.
- (iii) A summary of income and expenditure on these reserves for the last four years.

A lengthy discussion ensued relating to reserves during which the Assistant Chief Financial Officer addressed the issues raised by Members. It was highlighted that scrutiny had reviewed the reserves two or three years ago. Members considered the possibility of a further scrutiny review of reserves, following which Members felt that it was more appropriate for the information on underspends to be analysed by the Committee prior to any scrutiny review request being made.

The following questions/observations and concerns were made by Members:-

- (i) The non-attendance of the District Auditors to answer any queries from Members.
- (ii) The impact of the surplus on the setting of the Council Tax. Members were of the view that the Council Tax had been set at a higher level than would have been necessary if the surplus had been known.
- (iii) Every year outturn was better than anticipated, resulting in an increase in the level of reserves.
- (iv) The extent of Member involvement in making choices/allocating underspends.
- (v) The strategy for managing the accounts. When budgets were set was there sufficient challenges on individual budget holders to exceed their targets for savings.
- (vi) Members requested assurances that there were sufficient links between the Financial Plan and Service Plan and that spend was linked to service objectives.
- (vii) That any unallocated reserves be spent on services that had reduced.

The Assistant Chief Financial Officer advised Members that the final surplus for 2006/07 had arisen as a result of actions taken in late March to manage the Council's loan portfolio. This had produced a one-off benefit, although it was not certain that this amount would be achieved when the 2007/08 budget and Council Tax was set. Therefore, this amount could not have been taken into account when setting the 2007/08 budget. Cabinet had determined to allocate this money to the Budget Support Fund and proposals for allocating this money would be put forward for consultation and scrutiny as part of the 2008/09 Budget and Policy Framework proposals.

In respect of previous years out-turns, the favourable positions had also arisen from one-off factors. These resources had been earmarked to supporting the budget over the next three years or to meet one-off costs.

In conclusion, the Assistant Chief Financial Officer advised that the budget

information had been submitted to Members on a number of occasions throughout the budget process. It was acknowledged that the information may not have been produced in a format that was easy to understand and that Officers may need to reconsider the format in which information was presented to Members.

Decision

1. That the contents of the report, be noted.
2. That the 2006/2007 Statement of Accounts, be approved.
3. That the issues raised at this meeting be considered at a future meeting of this Committee.

5. Audit Commission Report – Audit and Inspection Plan 2007/08 (Chief Financial Officer)

Purpose of Report

To inform Members of the General Purposes Committee of the content of the Audit Commission Report, Audit and Inspection Plan 2007/08

Issue (s) for consideration by the Committee

The Audit and Inspection Plan 2007/08, attached as Appendix 1 to the report, outlined the work the Audit Commission would undertake in relation to the following areas:-

- CPA and Inspection
- Work under the Audit Code of Practice
- Assessing Risks
- Work Specified by the Audit Commission
- Voluntary Improvement Work
- Certification of Grant Claims and Returns

Details of the audit and inspection fee were also included in the report.

Discussion ensued in relation to Members' role in shaping the Inspection and Audit Plan and the possibility of commissioning an independent auditor to undertake the Audit on behalf of the Committee.

Decision

That the Audit Commission report, be noted.

CHAIRMAN

CLLR JOHN MARSHALL

GENERAL PURPOSES COMMITTEE

25TH JULY 2007



Report of: Chief Solicitor

Subject: REVIEW OF POLLING DISTRICTS AND POLLING PLACES

1. PURPOSE OF REPORT

To invite the Committee to embark upon a review of polling districts and polling places and to determine a strategy and timetable for the review.

2. BACKGROUND

The Electoral Administration Act 2006 (EAA 2006) introduced a duty for all polling districts and polling places to be reviewed by the end of 2007.

The Electoral Commission have produced a document EC Circular 28/2007 (attached at Appendix 1) which explains the processes and basis for the review. Members will note that a heavy emphasis is placed on public consultation. To meet the requirements of the guidance a timetable which will enable the Council to conclude the review by the end of 2007 will be necessary.

The remainder of this report extracts from circular 28/2007 paragraphs relevant to the process so as to enable members to focus at this stage on the arrangements that need to be made. The report does not seek to deal with the judgments which will in due course be involved in identifying the boundaries of polling districts, and the location of polling places, as these issues will be more relevant later in the process – though they are, of course, covered in 28/2007 and members will no doubt be interested to note them for future reference.

3. AIMS OF THE REVIEW (The numbers in brackets are the relevant paragraph numbers in 28/2007)

- 3.1 Local authorities are required to divide their area into polling districts for the purposes of parliamentary elections and to designate polling places for these polling districts, and to keep these under review. (10)

- 3.2 By conducting this statutory review of polling places, local authorities must demonstrate that they have, as far as is practicable, met the criteria set out in legislation (11)
- 3.3 Relevant authorities must:
- (a) seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances
 - (b) seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons (12).
- 3.4 The key things to bear in mind when conducting this review is that all decisions made must be consulted upon, measured, and practical. The whole process should be as transparent and open as possible to avoid possible conflict. (14)

4. PRELIMINARY STAGE

- 4.1 The first stage of the review process involves giving notice of the review. It is recommended that notice be given at least at the Council office and on the Council website. The contents of the notice are also listed in the circular (17 & 18). Notable is reference to the ability of electors to make representations, the importance of comments on access issues, where relevant documentation can be inspected and the anticipated timetable.
- 4.2 The authority should consider sending a copy of the notice to potentially interested parties such as councillors, disability groups and other stakeholders. It may be useful to include details of the review in any council newsletter and possibly a note in a local newspaper. (19)
- 4.3 A set of reference documents should be gained from the various parts of the council to assist with the review. Again, 28/2007 provides comprehensive guidance on the documents that should be available for consideration. Naturally, maps of the existing polling districts boundaries showing residential areas will be necessary. Reports and statistics relating to future development, population changes and elector numbers are referred to. Material commenting on the merits of existing polling stations and as to the availability of those and other buildings should also be available, as well as guidance and policies relating to disability access. (20)

5. PROPOSAL STAGE

- 5.1 The authority must devise a proposal for the 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. (21)

- 5.2 The Returning Officer for each parliamentary constituency either wholly or partly within the local authority area must be consulted. The RO must comment on all existing polling stations used at elections and any new polling stations which would probably be chosen if the new proposals were accepted by the authority and should focus on the access and staff accommodation features of locations. (22-24)
- 5.3 The location of the proposed polling districts and places are the responsibility of the local authority and the locations of the polling stations are the responsibility of the Returning Officer. (25)
- 5.4 The Commission recommends that good quality polling station sites are identified first and can then be used to build polling places and then districts around them. (26)
- 5.5 It may be practicable to set up a sub-committee involving members of the council to work with the proposals before they reach full council. Alternatively the proposals could be sent to the leadership of the different groups on the council and meetings arranged to discuss any issues. This should ensure the proper scrutiny of and confidence in the proposals in an efficient manner. Authorities may find it useful to have such a group involved throughout the review so that any possibly contentious decisions are managed throughout the process with no stakeholder believing there has been insufficient consultation or due process given to a decision. (27)

6. CONSULTATION STAGE

- 6.1 The consultation stage is for representations and comments on the local authority proposals for polling districts and places. There are two parts to this:
- A compulsory submission from the Returning Officer of the parliamentary constituency
 - Submissions from other persons and bodies. These can be referenced to the Returning Officer's proposed polling stations as well as the authority proposals (39)
- 6.2 The Returning Officer's report is based on deciding on the probable polling places due to the new authority proposals and analysing those polling places. Once the RO has made his comments, they must be published in accordance with the guidance within 30 days of receipt. (40 & 41)
- 6.3 The authority 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 authority. Again, the guidance emphasises the importance of provision for persons with disabilities; it also indicates that parties commenting on

recommendations should be asked to consider the availability of alternative buildings and to give reasons for any alternative proposal. (43 & 47)

7. CONCLUSION OF REVIEW

- 7.1 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. The proposals then need to be approved by the Council (48 & 49)

8. PUBLISHING STAGE

- 8.1 Once the council has agreed on the proposals, the new polling districts and polling places must be made available to the public. The reasons for the choice of every polling district and polling place must be given; these do not have to be too detailed but should show how accessibility issues were considered. Along with the reasons for the final decision of the review, a suite of further information must be published. (51)
- 8.2 The register must now be altered to show the changes in polling districts; if the 1 December register is missed the change would have to be implemented by way of an additional revised register being published before 31 December 2007. (52)

9. ISSUES

- 9.1 The principal issue for the committee at this stage is one of timetabling the conduct of the review in order to achieve the required deadline, whilst respecting also a variety of critical dates in the process leading to conclusion of the review. Whilst the statutory requirement is for completion of the exercise by 31st December 2007, ideally a decision should be made by the latter half of November in order to enable the changes to be accommodated in the new electoral register to be published on 1st December 2007.
- 9.2 The timetable will be influenced by the following features of the process -

Preparation of documentation

The documentation referred in para 4.3 above (20) will need to be prepared and collated. Some is readily available, some does not exist and some will need to be prepared for the purpose of the review. The documentation will need to be available to inform the preparation of proposals. It is anticipated that all the information (with the exception perhaps of the availability of public and private halls) would be available within approximately 1 month. (end August)

Preparation of proposals

When the documentation referred to above is available a meeting of the committee (or a sub-committee if the suggestion made in para 5.5 (27) is taken up) will be necessary to consider and draw up preliminary

proposals. A second meeting may be needed if the preliminary proposals cannot be concluded at one meeting. (first meeting September week 1, second meeting September week 2 – on adjourned basis)

Returning Officer's report

The Returning Officer's report would be available within 1 week of the conclusion of preliminary proposals (mid-September)

Public Consultation

Production of the Returning Officers report would enable public consultation to commence. Due to the timescale for conclusion of the review, a full 12 week consultation period would not be possible, but the maximum period available should be considered. This will be influenced by the dates of Council meetings as the final decision is one for Council. During the period for public consultation, the opportunity will exist for the proposals to be submitted to Scrutiny, reference to this having previously been made by the Chairman of Scrutiny Coordinating Committee.

Final proposals

Final proposals will need to be made by the committee (sub-committee) following the public consultation exercise and scrutiny. A period of, say 2 weeks would be a minimum for preparation of a report and convening of the meeting.

Council resolution

Having regard to the target date of latter half of November, the last Council meeting before that date is 25th October 2007. Unfortunately almost a full month would be taken out of the equation, if it were proposed to take the final proposals to that meeting of Council. Consideration should, therefore, be given to inviting the Council to agree a meeting, say, about the third week of November.

A timetable reflecting the above considerations would therefore be –

<u>2007</u>	<u>Event</u>
1 st week September	G.P. (or sub) meeting – preliminary proposals
2 nd week September	- ditto -
16 th September	R.O. report on proposals
16 th September	Public consultation/scrutiny commences
8 th November	Public consultation/scrutiny concludes
15 th November	G,P meeting – final proposals
22 nd November	Council meeting
1 st December	New register incorporating changes published

10. RECOMMENDATIONS

That the Committee

- (a) consider and determine the timetable for the review, and

- (b) consider the appointment of a sub-committee to prepare preliminary proposals and undertake any other action considered appropriate
- (c) authorise the Chief Solicitor to take any necessary action to implement the review, and the necessary consultations

Priority	Med
Event specific	No
Action required	No
Area	Great Britain
Retain	Until replaced

Circular EC28/2007

Reviews of polling districts, polling places and polling stations

26 June 2007

For the attention of:

The Electoral Registration Officer

District, metropolitan borough and London borough authorities in England
Unitary authorities in England and Wales
Unitary authorities and joint boards in Scotland

The Acting Returning Officer

Parliamentary constituencies in England and Wales

The Returning Officer

Parliamentary constituencies in Scotland

The Returning Officer

District, metropolitan borough and London borough authorities in England
Unitary authorities in England, Scotland and Wales

For the information of:

The Chief Electoral Officer

Northern Ireland

Introduction

1. The Electoral Administration Act 2006 (EAA 2006) introduced a duty for all polling districts and polling places to be reviewed by the end of 2007¹.
2. The aim of this circular is to provide a guide to the relevant legislation and practical procedures involved in conducting a review of polling districts, polling places and polling stations.

Definition of terms

3. **Parliamentary constituencies:** these cannot be changed by the review. The division of these constituencies into polling districts and places is the subject of the review.
4. **Polling district:** 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.
5. **Polling place:** the building or area in which polling stations will be selected by the Returning Officer.
6. **Polling station:** the room or building where the poll takes place. Chosen by the Returning Officer for the election and publicised on the Notice of Poll or the Notice of Situation of Polling Stations and communicated via poll card after the Notice of Election. The Returning Officer must make a formal comment as part of this review both into the existing polling stations used and the polling stations that would probably be used based on any newly recommended polling places.

What is not being reviewed

7. The following are not covered by the review:
 - **The boundaries of UK parliamentary constituencies.** Authorities with impending parliamentary boundary changes must focus their review on the current arrangements and not the new boundaries which will, in due course, come into effect. Practically it might be reasonable to consider what any change to the parliamentary arrangements may require although the polling arrangements which would be required due to any future boundary changes are a different process
 - **The borders and names of local authorities and electoral areas within local authorities**²
8. Polling districts and places for local government elections are not automatically part of the review. RPA 1983 Sections 18A to 18E deal with parliamentary polling districts and places and require the 4 yearly review,

¹ Section 18C(1), Representation of the People Act 1983 (RPA 1983), as inserted by Section 16, EAA 2006

² However the ability to rename parish, communities and wards may be introduced in the near future

whereas local government polling districts and places are covered by section 31 of the RPA 1983.

9. The Commission advises that reviews of parliamentary polling arrangements should always be conducted simultaneously with a review of local government arrangements. The polling districts and places for UK parliamentary and local government elections should always be the same.

Aim of the review

10. Local authorities are required to divide their area into polling districts for the purposes of parliamentary elections and to designate polling places for these polling districts, and to keep these under review.
11. By conducting this statutory review of polling places, local authorities must demonstrate that they have, as far as is practicable, met the criteria set out in legislation³.
12. Relevant authorities must:
 - (a) seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances
 - (b) seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons⁴.
13. In an ideal world electoral administrators would have the choice of a range of fully accessible buildings, conveniently located for the electors in the area. In practice however this is not always the case and there may be little choice available. If 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.
14. The key things to bear in mind when conducting this review is that all decisions made must be consulted upon, measured, and practical. The whole process should be as transparent and open as possible to avoid possible conflict.

The review process

15. A review of polling districts and polling places must be conducted by the end of 2007 (and at least every 4 years after that).
16. The review is a function of the council and not the Electoral Registration Officer or Returning Officer, so funding should be made available from the council for the review.

³ RPA 1983 Section 18C and Schedule A1

⁴ RPA 1983 Section 18B

The process requires:

Preliminary stage

17. The first stage of the review process involves giving notice of the review⁵. The notice must be published using the following methods:

- conspicuous poster given at least at the council office and within each parliamentary constituency
- on the council website. We recommend at least a link on the website front page

18. The notice should state:

- That the local authority is conducting a review of polling districts and polling places
- That the Returning Officer will make a comment on proposed polling stations
- That electors within the authority or within a parliamentary constituency which has any part in the authority may make a representation
- That the authority 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 authorities proposals, the 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, email 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

19. The authority should consider sending a copy of the notice to potentially interested parties such as councillors, disability groups and other stakeholders. It may be useful to include details of the review in any council newsletter and possibly a note in a local newspaper.

20. A set of reference documents should be gained from the various parts of the council to assist with the review. These documents should include:

- A set of maps including small and large scale maps. The more detailed maps should show residential property boundaries to assist with the drawing of the boundaries of the polling districts
- A report from the planning department detailing any proposed areas of new development and the approximate numbers of dwellings and expected population numbers for the areas within the authority
- Any local authority or national statistics estimates for population change within the area, if possible referenced on numbers eligible or not through age and nationality
- A list of current elector numbers broken down into wards and polling districts

⁵ RPA 1983 Schedule A1 and The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006

- Any records on responses from polling station inspectors and polling station staff on the condition and accessibility of the currently used polling stations
- Any comments or complaints regarding the current arrangements from the public, elected members and other bodies
- Any list of public buildings, private and public buildings available for hire, etc.
- Up to date information gained from the existing and possible polling station venue operators as to continued availability (such as any expected renovation work or other future plans)
- Any general advice on access to buildings with regard to disabled persons available from national and local organisations
- The authority's current policy and statements on disability access

The proposal stage

21. The authority must devise a proposal for the 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.
22. The Returning Officer for each parliamentary constituency either wholly or partly within the local authority area must be consulted⁶.
23. The Returning Officer must comment on all existing polling stations used at elections and any new polling stations which would probably be chosen if the new proposals were accepted by the authority.
24. The Returning Officer's report must focus on the suitability of the existing and proposed polling stations in relation to:
 - Access for all electors including those with any disability
 - Facilities for the required staff, tables, booths and notices

The attached appendix gives a guide to reporting on the suitability of a polling station

25. The location of the proposed polling districts and places are the responsibility of the local authority and the locations of the polling stations are the responsibility of the Returning Officer. Where possible the review process should be undertaken in a joint manner. Although this is clearly most convenient where the Returning Officer is an officer of the local authority conducting the review. The Commission recognises that there are often situations when they are different people, and in such instances it is recommended that regular meetings to draw up a common approach are undertaken.
26. When conducting the review the legislation suggests a top down approach starting with polling districts, followed by choosing places and then considering

⁶ Schedule A1, Paragraph 2, RPA 1983

stations. However, the Commission recommends that good quality polling station sites are identified first and can then be used to build polling places and then districts around them.

27. It may be practicable to set up a sub-committee involving members of the council to work with the proposals before they reach the full council. Alternatively the proposals could be sent to the leadership of the different groups on the council and meetings arranged to discuss any issues. This should ensure the proper scrutiny of and confidence in the proposals in an efficient manner. Authorities may find it useful to have such a group involved throughout the review so that any possibly contentious decisions are managed throughout the process with no stakeholder believing there has been insufficient consultation or due process given to a decision.

How to decide on polling districts and polling places

28. All electors must have reasonable facilities to be able to vote. The place for voting must be accessible for all electors including those with disabilities. The polling station should be easy to find on polling day and as close to electors as possible. There should not be major barriers between voters and their polling station. Major roads, rivers and the like could therefore be considered as starting points for polling district boundaries unless there is good quality, accessible crossing points.
29. Polling places should be within the polling district unless it is not possible to find a suitable place within the area.
30. Administrators should decide on the appropriate number of electors per polling station and place. If there appears to be a need in all or particular elections (considering, for example, UK Parliamentary elections may have a higher turnout than local government elections) for multiple polling stations in a polling place, it will need to be considered if the polling place can accommodate them. Consideration should be given to the numbers of electors who now vote by post as they will not be voting at the station itself although they may cancel their absent vote before the deadline or drop off their postal ballot pack on polling day.
31. The choice of polling place will often be a balance between the quality (access, facilities, etc.) of a building and the distances between the residents and that building compared to other options for polling places. There is no fixed rule on how to decide how this should be done. The legislation provides that all electors in a constituency should have such reasonable facilities for voting as are practicable in the circumstances. Administrators should show they followed a reasonable methodology in arriving at their choice.
32. In England each parish is to be a separate polling district and in Wales each community should be a separate polling district⁷. This means that a parish or community must not be in a polling district which has a part of either a different parish or community or no parish or community at all. A good starting point would be to create each parish, ward in a warded parish, town council (or town

⁷ RPA 1983 Section 18A (3)

council ward) or community including as one complete polling district. If this is too large to provide the ease of access that is required then they can then be split into smaller districts.

33. In Scotland each electoral ward⁸ must be divided into two or more polling districts. However due to the increased size of such wards it is unlikely that they would not be split at least into two different polling districts.
34. When a parish, warded parish, town council or community is split or a Scottish electoral ward is not split the decision must be clearly reasoned in the review document for the council to consider.
35. The Commission is aware that some authorities designate the entire polling district as the polling place so that it is easier for polling stations to be altered in the event of a building becoming unavailable. This is now discouraged by Section 18B(4)(e) of the RPA 1983 which suggests that the polling place should be defined.
36. Many administrators decide not to define the polling place in case that building became unavailable in the run up to an election. However if a building became unavailable before an election and there is no time to conduct a review to choose a new polling place, the polling place can be changed by the authority immediately. This can be achieved by a simple declaration or notice that a polling place has been changed. Any change could be made by the proper officer⁹ of the council by notice published at their office¹⁰. A review into the polling place should then be made when time allows.
37. A common complaint by electors is that their polling station has been moved and they find it more difficult to get to the new one. There should always be consideration as to whether a change in polling district or place will bring a benefit to the electors in that area.
38. Once a decision on the proposals is made two key factors must be addressed in the reasoning given for the change to or maintaining the status quo:
 - The reasonable requirements of the electors in the constituency
 - The accessibility for disabled persons to the probable polling stations within the polling place

The consultation stage

39. The consultation stage is for representations and comments on the local authority proposals for polling districts and places. There are two parts to this:
 - A compulsory submission from the Returning Officer of the parliamentary constituency
 - Submissions from other persons and bodies. These can be referenced to the Returning Officer's proposed polling stations as well as the

⁸ RPA 1983 Section 18A. Defined by Local Governance (Scotland) Act 2004

⁹ Or other officer representing the authority

¹⁰ And / or such other method that the authority considered appropriate

authority proposals

40. The Returning Officer's report is based on deciding on the probable polling stations due to the new authority proposals and analysing those polling stations. A useful basis for this report is the section above on deciding polling stations and the use of the appendix on the analysis of potential polling stations.
41. The authority must publish the Returning Officer's comments within 30 days of receipt¹¹. The comments should be published 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. The Commission suggests that the response could be copied and bound or joined into a booklet and made available in council offices, libraries, community centres or other places where residents may visit.
42. Many parliamentary constituencies cross local authority boundaries. While the local authority conducts and makes the final decision on the review the Returning Officer of the parliamentary constituency has the statutory requirement to comment on proposed polling stations within any proposed polling district. Both offices should work together to come to a satisfactory agreement if there is a difference of opinion.
43. The authority 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 authority.
44. It will be particularly important to consult with those who have experience of assessing access for persons with different disabilities. These could include disability sections or occupational health departments within the council as appropriate, local disability groups and also for national groups such as charities who have guides on access. The authority should give consideration to the different types of disability which may make voting in person more difficult and consider the council's own policy on disabled access.
45. Each of these bodies has the right to comment on the recommendations proposed by the Returning Officer and should be asked to consider the implications of these (i.e. what other building could be used instead).
46. Any elector for a parliamentary constituency either within or partly within the local authority area may comment on any of the recommendations within the whole local authority area.
47. Any person or body which makes a comment has the right and indeed should be encouraged to suggest an alternative polling place / station and should be encouraged to give a reason for the alternative proposal so that it may be given appropriate consideration.

¹¹ The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006. Regulation 3. This applies throughout England, Scotland and Wales

Conclusion of review

48. 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.
49. The council must agree on the proposals for polling districts and places (depending on the council structure this may be a matter for full council and/or the executive). The meeting must minute the fact that the proposals were agreed.
50. Administrators may find it much more practical to have a concluded review before publication of the revised register. In order to arrange this the dates of the council meetings and the dates by which items for the agenda for such meetings must be made should be considered. The review officers should work closely with the lead officer in charge of the council meetings to ensure they know the deadline for the review to be completed and that the council will find time to include the review in the agenda.

Publishing stage

51. Once the council has agreed on the proposals, 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; these do not have to be too detailed but should show how accessibility issues were considered. Along with the reasons for the final decision of the review, the following must also be published:
 - (a) all correspondence sent to a Returning Officer in connection with the review
 - (b) all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
 - (c) all representations made by any person in connection with the review
 - (d) the minutes of any meeting held by the authority to consider any revision to the designation of polling districts or polling places within its area as a result of the review
 - (e) details of the designation of polling districts or polling places within its area as a result of the review
 - (f) details of the places where the results of the review have been published
52. The register must now be altered to show the changes in polling districts. If the change has been agreed before the publication of the revised register then the alteration can wait until that time. Otherwise alterations will be made by the publication of another revised register or on a notice of alteration. As implementation must occur in 2007, if the 1 December register is missed the change would have to be implemented by way of an additional revised register being published before 31 December 2007.

Following the review

53. It is vital that electors are made aware of any changes made to the place they must attend to vote. The poll card for the next electoral cycle should indicate if their station has changed¹². We would also recommend that, where authorities produce confirmation of registration notices in the spring that they also include details of any changes made to the polling places and stations to allow the elector to consider their method of voting.
54. An authority may wish to undertake their next full review earlier than the four year maximum period. This may make it more convenient in either ensuring districts and places are most appropriate before certain elections or for using any non-election year when there is more time to conduct a review.
55. The polling districts and places must be kept under review between major reviews. Changes to polling districts and polling places can be made at any time, and not just at the times for a full review (see your council constitution as to who may change polling places and / or districts). We suggest using some of the following techniques.
56. There should be continuous communication with operators of polling places to ascertain details of any refurbishments or other non accessibility issues. The dates for fixed-term elections are known well in advance and polling places should be booked well in advance (perhaps as soon as the previous election is over and any comments on the polling place are considered).
57. Surveys of polling places should be made by polling station inspectors and polling staff, in addition to the recording of any elector complaints. Results of these should be used to keep polling places under review after each electoral event. If it is identified as necessary, polling places should be changed.
58. Those areas which have had a review of either polling district or place between the four yearly reviews must also be part of the next major review.

Appeals Process¹³

59. Following the conclusion of the local authority's review individuals have a right to make representations to the Electoral Commission. Representations to the Commission should be made within six weeks of the publication date of the finalised review. The Commission will only consider representations that the review process has not been conducted correctly (see paragraph 61 below). The Commission has deemed that six weeks is a reasonable time for this, however a reasoned explanation of circumstances for later representations will be considered.

Who is entitled to make a representation to the Commission?

60. The following may make representations to the Commission:

¹² As electors may vote in one type of election but not others

¹³ Section 18D RPA 1983

- An interested authority in England and Wales.
 - In England, the council of a parish
 - In England, if a parish does not have a council, the meeting of a parish¹⁴, or
 - in Wales, the council of a community¹⁵
- Not less than 30 electors in the constituency¹⁶
- An elector who has previously made a representation to the local authority and only after a local authority issues a determination regarding the representation
- A person who is not an elector in a constituency in the authority's area but who the Commission determines has a sufficient interest or expertise in relation to the accessibility of disabled persons to the polling places¹⁷

Format for all representations:

61. All representations made to the Commission must be in writing either by post, e-mail or fax. The representation must be as specific as possible. The representation should clearly state the manner in which the local authority has failed to properly conduct a polling review. There are only two grounds on which a representation may state that a local authority has failed to conduct a proper review:

- (a) The local authority has failed to meet the reasonable requirements of the electors in the constituency
- (b) The local authority has failed to take sufficient account of accessibility to disabled persons of the polling stations within a polling place

62. Representations based on any other premise will not be considered.

63. The representation should include the location and any other relevant information regarding the polling place/station at issue, stating specifically why it is inaccessible or does not meet the reasonable requirements of the electors.

64. A representation may also include for consideration specific recommendations for alterations to the polling places.

Decision making process of the Commission

65. Upon receipt of a representation, the Commission will request all relevant documentation from the local authority in relation to the polling review.

66. The Commission will show the local authority the representation.

67. The Returning Officer is entitled to make observations on the representation submitted to the Commission and should give a report on the probable polling stations which would be used should the representation be successful.

¹⁴ which is wholly or partly situated within the constituency

¹⁵ which is wholly or partly situated within the constituency

¹⁶ Among these electors, none may be electors who have an anonymous entry in the register of parliamentary electors or local government electors. Part 1, Section 18D(7), RPA.

¹⁷ Section 18D RPA 1983

68. The documentation from the local authority, the observations of the Returning Officer and any other relevant information will be taken into consideration in conjunction with the representation.
69. The Commission may seek advice from persons with expertise on accessibility issues when making its decision.
70. Should the Commission's decision be to alter a polling district and the council would need to republish its electoral register to incorporate the new changes.
71. The Commission will set out in writing its conclusions and reasons for its decision. The Commission's decision will be issued to the person(s) who made the representation, the local authority and the Returning Officer. The decision and related documents will also be published on the Commission's website.
72. In accordance with the RPA 1983, the Commission may direct the local authority to consider alterations to the polling places as the Commission deems necessary under the review.¹⁸ After two months, if the local authority has failed to make the alterations the Commission is empowered by the Act to make the alterations themselves as if the local authority had implemented them.
73. Please send any representations to:

Legal Counsel
The Electoral Commission
Trevelyan House
Great Peter Street
London SW1P 2HW

Tel: 020 7271 0500
Fax: 020 7271 0505
Email: appeals@electoralcommission.org.uk

Resources

The Electoral Commission documents:

Equal access to electoral procedures.

www.electoralcommission.org.uk/files/dms/GoodPracticeequalaccess-finalversion_11561-9041_ENSW.pdf

Equal access to democracy.

www.electoralcommission.org.uk/files/dms/Access_9786-7962_ENSW.pdf

¹⁸ Part 1, section 18D(4), RPA 1983

Further reading and information

The Commission cannot be responsible for the content of these documents:

The review of polling places, polling districts and access arrangements from the AEA

www.aea-elections.co.uk/annualseminars/downloads/pp_review_access_2007.pdf

Polls apart research by the disability rights group Scope

www.pollsapart.org.uk/

The Disability Rights Commission

www.drc-gb.org/

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This circular was approved by Kate Sullivan, Head of Electoral Administration.