

Summary Sheet

Council Report

Cabinet and Commissioners' Decision Making Meeting – 10 July 2017

Title

Interim Review of Polling Places 2017

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director Finance & Customer Services

Report Author(s)

Claire Wardle

Ward(s) Affected

Anston and Woodsetts, Brinsworth and Catcliffe, Maltby, Rother Vale

Summary

The purpose of this report is to seek a recommendation from Cabinet to Council for approval of the commencement of an interim review of polling places in 2017 and the grant of delegation to the Chief Executive to designate polling places where a decision to do so is required at short notice.

Recommendations

1. That Cabinet recommend to Council that:
 - a. approval is granted to undertake an interim review of polling places in 2017 following the process described in this report.
 - b. the scope of the review and the proposals for changes be noted.
 - c. the outline timetable for the review, as set out in Appendix 1, be agreed.
 - d. power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

2. That following the outcome of the consultation on the review, the Assistant Director of Legal Services reports to Cabinet with final interim review proposals for determination in order for Cabinet to make final recommendations to Council.

List of Appendices Included

Appendix 1 – Review Timetable

Appendix 2 – Consultation Paper

Appendix 3 – Notice of Interim Review

Appendix 4 – Maps

Background Papers

[Electoral Commission guidance on the review of polling districts and polling places](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Title**Interim Review of Polling Places 2017****1. Recommendations**

1.1 That Cabinet recommend to Council that:

- 1.1.1 approval is granted to undertake an interim review of polling places in 2017 following the process described in this report.
- 1.1.2 the scope of the review and the proposals for changes be noted.
- 1.1.3 the outline timetable for the review, as set out in Appendix 1, be agreed.
- 1.1.4 power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 be delegated to the Chief Executive, such power to be exercised only in circumstances where a decision is required at short notice and it is not possible to await a decision of Council.

2. Background

- 2.1 Under the Representation of the People Act 1983, the council has a duty to divide its area into polling districts and to designate a polling place for each district.
- 2.2 The following definitions may be helpful when reading the report and Appendices.
 - “Polling districts” are geographical electoral areas into which wards and constituencies may be sub-divided.
 - “Polling places” are the buildings or areas designated by the council where electors in a polling district go to vote in person.
 - “Polling stations” are the number of issuing desks in the building that is the designated polling place.
- 2.3 The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. The Council undertook the last full compulsory review between November 2013 and December 2014. The next full compulsory review is due to take place between November 2018 and December 2019. That full review will take into account the new borough ward boundaries and new parliamentary constituency boundaries which will be in place for the May 2020 local and general parliamentary elections.
- 2.4 The 1983 Act (Section 18C(3)) allows a local authority to conduct an interim review of polling places within its area, outside the timescales for a compulsory review. As the next planned elections (City Region Mayoral elections) are not scheduled until May 2018, it is considered appropriate

to carry out an interim review to address issues which have arisen with the current provision of polling places. Since the last review, issues have arisen with four of the council's designated polling places in Anston & Woodsetts, Brinsworth & Catcliffe, Maltby and Rother Vale wards.

- 2.5 Although the process for an interim review is not stated in legislation, the Electoral Commission guidance suggests that a failure to follow a full review process leaves an authority open to potential challenge. The interim review should therefore comply with the provisions of Schedule 1A to the Representation of the People Act 1983, and reflect the Electoral Commission guidance on the review of polling districts and polling places.

3. Key Issues

3.1 Anston and Woodsetts Ward

The current polling place for AD polling district is Anston Hillcrest Primary School. The Council has been asked to consider designating a different polling place. Returning Officer staff have provisionally identified a potentially suitable alternative site for a polling place, at the Methodist Community Hall on Sheffield Road. Consultees will be invited to comment on this proposed change.

3.2 Brinsworth and Catcliffe Ward / Rother Vale Ward

The current polling place for CG / KG polling district is the AMRC Design Prototyping & Testing Centre, Wallis Way. The Council has been asked to look at alternative venues. Returning Officer staff have provisionally identified a potentially suitable alternative site, a meeting room at the AMP Technology Centre, Brunel Way. Consultees will be invited to comment on this proposed change.

3.3 Maltby Ward

The current polling place for ID polling district is the Maltby Service Centre, Braithwell Road. Due to the expansion of services provided here, the centre is no longer ideal as a polling place. Returning Officer staff have provisionally identified a potentially suitable alternative site for a polling place, at the Wesley Centre, Blyth Road. Consultees will be invited to comment on this proposed change.

3.4 Rother Vale Ward

A new polling place will need to be designated for KB polling district, with the withdrawal of the mobile library service. No suitable premises have been identified in the district, but the relatively nearby Aston Fence J&I School, which is already used as a polling place, can accommodate a further polling station. Consultees will be invited to comment on this proposed change.

- 3.5 Further details about the existing polling scheme and the proposals for changes are outlined in the Consultation Paper, a copy of which is attached at Appendix 2.
- 3.6 Following this initial assessment of the current issues and proposals of change, the process for designating new polling places should be robust and allow input from interested parties. There are five key stages in the review process.
- 3.6.1 Notification of the review – the Council will give public notice of the review, using the Notice attached at Appendix 3, and will publicise the review via the council website and press release.
- 3.6.2 Consultation – As well as making details of the consultation available on the website, the consultation paper will be sent to borough ward members, parish councillors, MPs, and local political parties. It will also be sent to any other interested persons or groups, including local disability groups
- 3.6.3 Concluding the review – All representations will be considered, and a further report will be brought to Council with final proposals for determination.
- 3.6.4 Publishing the conclusion of the review – the final decisions will be published, along with the reasons for those decisions, and along with all representations received during the consultation period.
- 3.6.5 Appeals process – certain persons, on specific grounds, can appeal to the Electoral Commission about the alteration of polling places.
- 3.7 The Council's Scheme of Delegation at Appendix 9 of the Constitution does not provide for any delegation in relation to the designation of polling places. All such decisions therefore have to be made by Council. This creates a potential difficulty were a polling place to become unavailable shortly before the day of a poll in circumstances where it was not possible to await a decision of Council. This could be due to emergency circumstances such as flood, fire or vandalism or where, for example, the owner of premises withdraws the premises from use as a polling place at short notice, and a decision was required at short notice to relocate the polling place. The recommendations in this report therefore propose that Cabinet recommend to Council that the necessary delegation be granted to the Chief Executive.

4. Options considered and recommended proposal

- 4.1 Option 1 – Do not carry out a partial interim review, and do not change any polling places before the next full compulsory review. This option has been discounted. Although there are some premises which the Returning

Officer has a right to use, this is not the case for all polling places, and where places become unavailable we must designate alternative venues.

4.2 Option 2 – Carry out an interim review limited to areas where there are known issues, as there is sufficient time to consult and determine changes in time for the next scheduled elections in May 2018.

4.3 It is recommended that a partial interim review of polling places be undertaken, mirroring the consultation and decision-making provisions in a compulsory review. This is in accordance with guidance issued by the Electoral Commission.

5. Consultation

5.1 As outlined in paragraph 3.6 (2), certain stakeholders will be consulted directly. The review will be widely publicised and any elector will be entitled to respond.

6. Timetable and Accountability for Implementing this Decision

6.1 An outline timetable for the review is given at Appendix 1, commencing with the notice of review on 21 July 2017. The work involves seeking comments on the existing arrangements and initial proposals for change, preparing final proposals, Council determination of the final proposals, publishing the conclusions, and altering the electoral register if required.

6.2 Rotherham will undergo another full compulsory review in 2018/19, in time for the May 2020 local and Police and Crime Commissioner elections, and taking into account new ward boundaries.

6.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides for decisions on polling districts and places to be made by the Council.

6.4 The Assistant Director for Legal Services will be responsible for implementing the decisions.

7. Financial and Procurement Implications

7.1 The financial and resource implications arising from this report will be met from within existing budgets.

8. Legal Implications

8.1 The Council has a legal duty to review polling districts and polling places, as described in this report. The legislative framework for reviews of polling districts and places consists of: (i) sections 18A to 18E and Schedule A1 of the Representation of the People Act 1983, as inserted by section 16 of the Electoral Administration Act 2006; (ii) section 17 of the Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews.

- 8.2 The proposed grant of delegated powers to the Chief Executive would enable the Chief Executive to take a decision at short notice to move a polling place without the risk of the decision being subject to a legal challenge on the basis that only the Council could have made the decision.

9. Human Resources Implications

- 9.1 None arising directly from this report.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The voting age is 18 or over. The recommendations link to the council priority - every adult secure, responsible and empowered.

11 Equalities and Human Rights Implications

- 11.1 The council must ensure that, so far as is reasonable and practical, every polling place for which it is responsible is accessible to people who are disabled. Provision of reasonably convenient polling arrangements is an essential element of the free and fair elections required under Protocol 1, Article 3 of the Human Rights Act.

12. Implications for Partners and Other Directorates

- 12.1 None arising directly from this report.

13. Risks and Mitigation

- 13.1 Polling places are essential for the conduct of elections. Inadequate provision of polling places and polling stations could have a detrimental effect on voter turnout and could be the source of an election challenge.

14. Accountable Officer(s)

- 14.1 Assistant Director (Legal Services)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services: Judith Badger

Assistant Director of Legal Services: Dermot Pearson

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