

## Summary Sheet

### Name of Committee and Date of Committee Meeting

Cabinet – 17 December 2018

### Report Title

Review of Polling Places 2019

### 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, Electoral Services Manager  
01709 823521 or [claire.wardle@rotherham.gov.uk](mailto:claire.wardle@rotherham.gov.uk)

### Ward(s) Affected

Borough-wide

## Summary

The purpose of this report is to seek a recommendation from Cabinet to Council for approval of the commencement of a statutory review of polling districts and polling places within the borough.

## Recommendations

1. That Cabinet recommend to Council that:
  - a. approval is granted to undertake a review of polling places in 2019 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 is continued to 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 report to Cabinet with final review proposals for determination in order for Cabinet to make final recommendations to Council.

**List of Appendices Included**

- Appendix 1 Review Timetable
- Appendix 2 Notice of Review
- Appendix 3 Consultation Paper
- Appendix 4 Maps of current wards
- Appendix 5 Maps of new wards

**Background Papers**

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

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
Council – 23 January 2019

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Review of Polling Places 2019**

### **1. Recommendations**

1.1 That Cabinet recommend to Council that:

1.1.1 approval is granted to undertake a review of polling places in 2019 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 is continued to 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.

1.2 That following the outcome of the consultation on the review, the Assistant Director of Legal Services report to Cabinet with final review proposals for determination in order for Cabinet to make final recommendations to 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. An interim review was undertaken in 2017, but a full review is now due and should be completed by December 2019.

- 2.4 The Local Government Boundary Commission carried out an electoral review of the Rotherham Borough between September 2016 and October 2017. The Rotherham (Electoral Changes) Order was made on 8 March 2018, and the new ward boundaries will take effect from May 2020. The polling places review will consider the polling places and polling districts for the new wards.
- 2.5 Ward boundaries cannot be changed as part of this review. Ward and constituency boundaries are the responsibility of the Local Government and Parliamentary Boundary Commissions respectively. This review can only consider the internal boundaries of polling district within wards.
- 2.6 The review will be governed by the provisions of Schedule 1A to the Representation of the People Act 1983, and follow the Electoral Commission guidance on the review of polling districts and polling places.

### **3. Key Issues**

- 3.1 A preliminary review has been undertaken by council officers to inform the Returning Officer's initial proposals which are set out in the Consultation Paper attached at Appendix 2.
- 3.2 Some current polling places will not be available in future, and the review also takes into account the impact of the ward boundaries which will come into effect at the 2020 elections. The main issues considered in the development of the initial proposals were:
  - a) To try and identify new polling places in areas where the existing provision is unsuitable or unavailable
  - b) To consider, as appropriate, feedback received following recent elections raised by members of the public, elected members and other stakeholders
  - c) To ensure, as far as practicable, that any new polling places are accessible to people with disabilities
  - d) To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
  - e) To try and minimise disruption to schools. It should be noted that the Returning Officer is entitled to use schools and academies free of charge. However, where alternative premises exist which can provide better facilities for voting, they may be considered.
  - f) To minimise any inconvenience to voters where polling district boundaries are altered as a result of the ward boundary changes.
- 3.3 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.
- 3.4 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.

- 3.4.1 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.
- 3.4.2 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
- 3.4.3 Concluding the review – All representations will be considered, and a further report will be brought to Council with final proposals for determination.
- 3.4.4 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.
- 3.4.5 Appeals process – certain persons, on specific grounds, can appeal to the Electoral Commission about the alteration of polling places.

#### **4. Options considered and recommended proposal**

- 4.1 Option 1 – Do not carry out a review, and do not change any polling places before the 2020 elections. This option has been discounted because the council has a statutory duty to carry out a review, and some existing polling places will not be available in 2020.
- 4.2 Option 2 – Carry out a full review of polling places commencing in February 2019 to allow sufficient time to consult and determine changes in time for the Borough, Parish and Police and Crime Commissioner elections in May 2020.
- 4.3 It is recommended that a full review of polling places be undertaken, following the statutory process and 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 4 February 2019. 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 as required.
- 6.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides for decisions on polling districts and places to be made by the Council.

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

## **7. Financial and Procurement Implications**

7.1 The cost of conducting the review will be funded from within the existing Electoral Services budget.

7.2 Subject to the final recommendations following the consultation, any increased hire charges arising from the use of private premises, if necessary, will be offset by a reduction in the number of polling stations.

7.3 There are no financial implications for the General Fund. The Council only funds the cost of Borough elections, with all other elections being funded from grant monies from Central Government.

## **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.

## **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 seek to 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, but partners and other directorates will be engaged as appropriate through the consultation.

### 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)

Dermot Pearson, Assistant Director (Legal Services)

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services (S.151 Officer)	Nikki Kelly	18.11.2018
Assistant Director of Legal Services (Monitoring Officer)	Dermot Pearson	18.11.2018
Assistant Director of Human Resources (if appropriate)	N/A	N/A
Head of Procurement (if appropriate)	N/A	N/A

*Report Author*                      *Claire Wardle, Electoral Services Manager*  
*01709 823521 or [claire.wardle@rotherham.gov.uk](mailto:claire.wardle@rotherham.gov.uk)*

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