

### **Review of Polling Districts, Places and Stations 2014 – Terms of Reference**

#### **Context**

The Electoral Administration Act 2006 introduced a duty to for all polling districts and polling places to be reviewed every four years. The Council's first review under these provisions was concluded by 1 December 2007 and a subsequent review took place in 2011.

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews. The next compulsory review must be started and completed between 1 October 2013 and 31 January 2015 (inclusive). Subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. Though these five yearly reviews are now compulsory, City of York Council as an unitary authority has a cycle of elections such that all polling districts, places and stations are necessarily kept constantly under review.

#### **Process**

The Council is required to publish notice of the holding of the polling places review which must conclude by 31 January 2015. The notice must be published at the Council's relevant office, at least one other conspicuous place in the area and on the Council's website. The Council is required to consult the Returning Officer and the Returning Officer is required to make representations as to the location of polling stations within polling places. Within thirty calendar days of their receipt, the Council is required to publish the Returning Officer's representations.

In reviewing polling places, the Council is required to actively seek representations from such persons as it thinks have particular expertise in relation to:

- a) access to premises; or
- b) facilities for persons who have different forms of disability.

Such persons must be given the opportunity to make representations and to comment on the representations made by the Returning Officer. Other key stakeholders will be offered an opportunity to make representations.

In addition any elector may make representations on the designation of polling places to the Council. Any representations made should ideally include proposals for specified alternative polling places and reasons for the suggestion.

On completion of the review the council must give reasons for its decisions in the review and publish;

- i) all correspondence sent to the Returning Officer
- ii) all correspondence sent to any person whom the council thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability,
- iii) all representations made by any person in connection with the review,
- iv) the minutes of any meeting held by the Council to consider any revision to the designation of polling places,
- v) details of the designation of polling districts or polling places within its area, and
- vi) details of the places where the results of the review have been published.

Persons or groups making submissions need to be aware that, upon completion of the review, all correspondence/representations received must by law, also be published.

### **Duties of the Council and the Returning Officer**

It is the duty of the Council to divide its electoral areas (i.e. constituencies and wards) into polling districts seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances. This is achieved at a ward level with the additional requirement that every parish must be in a separate polling district. Each parish is likely to contain more than one polling district especially if the parish area extends across borough ward boundaries. As a general rule of thumb polling districts will be determined by the availability of suitable venues for polling places.

It is the duty of the Returning Officer to provide a polling station within the designated polling place. It is permissible for the Returning Officer to provide more than one polling station in a designated polling place.

The duties of the Council and the Returning Officer are therefore inextricably linked. In undertaking a review it is practical to consider the suitability of the available polling places first, i.e. to identify what

premises are available, and then to designate the polling district boundaries and allocate electors to what is actually available.

## **Factors for Consideration**

### **1. A sufficient number of polling places**

Polling places must be designated such that there are sufficient suitable premises to allow the Returning Officer to allocate a reasonable number of voters to each. Inadequate provision of polling places and polling stations could have a detrimental effect on voter turnout. It could lead to queues such as those seen in some areas in the parliamentary elections in 2010 and could be the source of legal challenge to an election. Voter allocations should be within the limits set in any guidance issued by the Electoral Commission.

### **2. Availability of suitable venues**

There are important factors to consider when considering suitable venues and not least of these is the absolute requirement that the premises must be available for each scheduled election and any other election called at short notice, e.g. parliamentary general elections and local or parliamentary by-elections.

Electoral law therefore gives the Returning Officer an important resource:

The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes--

- (a.) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b.) a room the expense of maintaining which is payable out of any rate.

### **3. Use of schools**

Schools are notified of scheduled election dates well in advance which allows them to set one of their statutory in-service training days for the same day instead of requesting an additional school closure. In the case of unscheduled by-elections, the Returning Officer has to work within statutory timescales but will do his best to avoid disruption, setting polling day during school holidays if possible. Depending on the layout of the school, some are able to remain open on polling day if the head-teacher is satisfied that he/she can ensure the security of the children

whilst allowing unimpeded access for voters to the area containing the polling station.

#### **4. Use of other council owned buildings**

In York, the current economic climate has resulted in closure or an uncertain future for some premises such as youth centres and community centres for which the Returning Officer has the right of use. The impact of this upon the number of polling places available will be one of the factors taken into account during the review.

#### **5. Use of private premises**

The Returning Officer's right to use schools and certain other premises is unlikely to provide a sufficient number of stations and so other premises, such as church halls, are used where practicable. The Returning Officer has less control over these and hire charges can be prohibitive. Private premises always carry the risk that use for polling may be refused, sometimes at short notice. There may be a change of ownership or policy or an alternative booking may be preferred.

### **Criteria and Scope for the review**

Taking account of factors outlined above, the review process should

- seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
- seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled, and
- have regard to the accessibility needs of disabled persons

The current cycle of both national and local elections means that polling places are kept under continual review and the number of polling places and the level of voter allocations are well within the Electoral Commission guidelines. The existing polling places and stations fit the criteria, no serious issues have been reported and no voter has been prevented from voting by being in a queue at the close of poll.

- Consultation with building owners or managers will be necessary to confirm the continued availability and suitability of polling places.
- Consultation with Planning Officers on future development will be required to ensure voter allocations will continue to meet guidelines.

- Following each election, comments from voters and reports from polling station inspectors and other stakeholders are reviewed and followed up where practicable. The last local elections in 2011 provided information and proposals which will be considered as part of this review as will any feedback from the elections scheduled to take place 2012 or 2014.
- The statutory notice of the review will invite representations from the public and known stakeholders will be directly contacted and invited to make representations including alternative proposals.
- The review team will actively seek representations from persons with expertise in relation to access to premises or facilities with persons who have different forms of disability.

### **Known stakeholders for consultation**

- Electors
- All elected members of the council
- MPs for the 2 constituencies in City of York Council area
- Candidates and agents (locally based) standing at the most recent parliamentary & council elections
- Political parties
- Parish councils

### **Timescale**

The timescale for the review is 2 months and there is a statutory requirement that it be concluded by 31 January 2015. However we aim to conclude the review by the publication of the revised register on 1 December 2014. It is the Electoral Registration Officer's duty to make alterations to the registers of electors to reflect any changes in polling districts. If this is not done in time to be incorporated in the revised register published on 1 December it will have implications for the supply of registers to organisations and political parties and the planning of the parliamentary, borough and parish elections to be held in May 2015.

## Timetable

<b>Event</b>	<b>By (date)</b>
Publication of notice of review.	16 Sept 2014
Relevant documents on website and available for inspection	16 Sept 2014
Invite representations & comments	16 Sept 2014
Deadline for representations & comments	31 Oct 2014
Publish RO representations and proposals for consideration by the relevant committee	24 Nov 2014
Publication of review result (subject to council approval)	1 Dec 2014
Revised register of electors published	1 Dec 2014

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