



## **North Devon Council**

Report Date: Monday, 25 September 2023

Topic: Polling District and Places Review 2023

Report by: Senior Electoral Services Officers

### **1. INTRODUCTION**

1.1. The purpose of this report is to seek a recommendation from Council for approval of plans for a statutory review of polling districts and polling places within the North Devon District.

### **2. RECOMMENDATIONS**

2.1. That the compulsory polling district and places review commences on Monday 2 October 2023

2.2. That the outline timetable for the review is approved

2.3. That approval is granted to follow the review process described in this report

2.4. That the Electoral Registration Officer is authorised to take the necessary measures to give effect to any new or amended polling districts on completion of the polling district review, ensuring that the register reflects existing boundaries where appropriate.

2.5. That a recommendation is made to Full Council to amend the Constitution to add a new delegated power to the Chief Executive in Annexe 2 to Part 3 of the Constitution as follows:

To designate polling places in accordance with section 18 and 18B of the Representation of the People Act 1983, such power to be exercised only where a decision is required at short notice and it is not possible to await a decision of Council.

### **3. REASONS FOR RECOMMENDATIONS**

3.1. 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.

### **4. REPORT**

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.

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 or area that is the designated polling place.

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.

Under section 18C of the Representation of the People Act 1983, the next compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025.

The intention of the legislation was reviews would be completed by the January before a UK parliamentary general election. However, since the repeal of the Fixed Term Parliaments Act 2011, there is no longer any certainty as to when the next general election will be.

The Dissolution and Calling of Parliament Act 2022 means:

- the UK Parliament can be dissolved by the King on request of the Prime Minister, at any time within the 5 years of the life of the Parliament
- the next general election must take place before Tuesday 28 January 2025, but it could happen at any point before then
- there is no longer a link between the timing of the compulsory polling district and places review falling in a 16-month period ending 3 months before a scheduled general election.

In addition, the Boundary Commission for England is currently undertaking a review of parliamentary constituency boundaries. The Commission has now published its final recommendations, and Orders for the new parliamentary constituency boundaries will be made by 1 November 2023.

Once the Orders for new parliamentary constituencies have been made, the new boundaries will be used for the next general election. There are no changes to the North Devon Boundaries.

It is important that the polling district and places review is carried out as early as possible, so that North Devon District Council has agreed polling districts and places to be used for the next parliamentary election as well as the scheduled local elections and/or Police and Crime Commissioner elections in May 2024.

#### Timing of the polling district and places review

As highlighted above, it is important to complete the review as soon as possible, so the polling districts and places for future elections can be agreed in time for the next general election and scheduled elections.

Section 18C of the Representation of the People Act 1983 does not allow the review to commence before 1 October 2023.

It is recommended that the compulsory polling district and places review commences on Monday 2 October 2023.

### Review timetable

It is recommended that the outline timetable for the review is approved.

Although the review itself cannot commence earlier, there is a degree of preparatory work which can be undertaken prior to the review, as well as informal consultation.

It would be desirable for any changes in polling districts to be reflected in the electoral register published on 1 February 2024.

**It is recommended that the compulsory polling district and places review commences on Monday 2 October 2023.**

**It is recommended that the outline timetable for the review is approved**

<b>Review of polling districts and places 2023</b>	
<b>Preparatory work</b>	started August 2023
<b>Resolution from Governance Committee providing for commencement of review</b>	2 October 2023
<b>Preliminary review – including informal consultation</b>	August to 1 October 2023
<b>Notice of review published</b>	Monday 2 October 2023
<b>Commencement of formal consultation</b>	Monday 2 October 2023
<b>End of formal consultation</b>	Friday 10 November 2023
<b>Consider responses</b>	By Friday 24 November 2023
<b>Prepare final proposals</b>	Monday 27 November – Friday 1 December 2023
<b>Committee/Cabinet/Council meeting</b>	Governance Meeting Tuesday 9 January and Full Council Wednesday 17 January 2024
<b>Conclude review</b>	By end January 2024
<b>Republish revised register</b>	By Thursday 1 February 2024

**This is the proposed timetable for the review:**

Review process

Legal requirements

The process for a polling district and places review is set out in Schedule A1, Representation of the People Act 1983.

The Council must:

- publish a notice of the holding of a review
- consult the (Acting) Returning Officer ((A)RO) for every parliamentary constituency which is wholly or partly in its area
- publish all representations made by an (A)RO within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (A)RO(s).

On completion of the review, the council must give reasons for its decisions and publish:

- all correspondence sent to an (A)RO in connection with the review
- 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
- all representations made by any person in connection with the review
- the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
- details of the designation of polling districts and polling places within the local authority area as a result of the review
- details of the places where the results of the review have been published

Preparatory work

Even though the formal review cannot start until 2 October 2023, there is a range of preparatory activity which Electoral Services are already carrying out.

This includes:

- Preparing data for the start of the review (electorate figures, turnout from previous elections).
- Identifying organisations with a special interest/expertise in disabled access to consult

#### Preliminary review

Electoral Services are also carrying out a preliminary review of the current polling districts and places in the district to assess their suitability.

This involves:

- Compiling details of current polling places with a summary of their suitability
- Checking the continued availability of polling places
- Reviewing feedback from stakeholders at previous elections
- Identifying potential alternative buildings where appropriate
- Ensuring that polling places can support the requirements of the Elections Act, for example with sufficient space to undertake Voter ID checks, and to accommodate equipment to assist disabled voters
- Seeking advice and guidance from local disability groups and local authority experts around accessibility
- Preparing council proposals and drafting (A)RO comments, including explanations for “no changes”
- Inviting comments from Polling Station Inspectors and Presiding Officers
- Informal consultation with group leaders/local political parties

It will be important to do as much preparatory work as possible before the official commencement of the review, to ensure that it's early completion.

**It is recommended that approval is granted to follow the review process described in this report.**

#### Implementing polling district changes

The polling district and places review may result in new polling districts being created or existing polling district boundaries being amended.

If the council makes any alterations to the polling districts in its area, the Electoral Registration Officer (ERO) must amend the register of electors accordingly (Section 18A (5) Representation of the People Act 1983).

It is intended that alterations to polling districts be timed to coincide with the revision of the register of electors on 1 February 2024.

**It is recommended that the Electoral Registration Officer is authorised to take the necessary measures to give effect to any new or amended**



**polling districts on completion of the polling district review, ensuring that the register reflects existing boundaries where appropriate.**

#### Delegated decision making

The designation of polling districts and places is a function of the Council, whereas decisions about polling stations are for the Returning Officer. The determination of polling district reviews are reserved for Full Council following recommendations from Governance Committee.

In certain situations, it might not be practicable to await formal Governance Committee / Council approval to designate a polling place – for example, where a building becomes unavailable at short notice due to unforeseen circumstances.

Due to the potential need to identify alternative locations as polling stations as a matter of urgency, it is considered that the authority to re-designate polling places be delegated to the Chief Executive.

The Chief Executive is also the Electoral Registration Officer and Returning Officer.

**It is recommended that a recommendation is made to Full Council to amend the Constitution to add a new delegated power to the Chief Executive in Annexe 2 to Part 3 of the Constitution as follows:  
To designate polling places in accordance with section 18 and 18B of the Representation of the People Act 1983, such power to be exercised only where a decision is required at short notice and it is not possible to await a decision of Council.**

#### 5. RESOURCE IMPLICATIONS

5.1. The Council is responsible for any costs incurred with regard to conducting the review

5.2. The work will be conducted within existing work schedules and using existing resources.

#### 6. EQUALITIES ASSESSMENT

6.1. Any changes seek to ensure that so far as is reasonably practicable, the polling places are accessible to all electors, including those who are disabled. When considering the designation of a polling place, regard must be given to the accessibility needs of a disabled person.

6.2. A provision in the Elections Act 2022 is to make it easier for disabled people to vote. Disabled voters can choose anyone who is over 18 to accompany



them in the polling station to help them vote. There is also a requirement for Returning Officers to take all reasonable steps to provide equipment to support disabled voters to vote independently and in secret at the polling station.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. No environmental impact from the changes within the report.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda:

8.1.2. Improving customer focus – providing support and a better experience for electors who are currently with or without barriers to their current voting ability at a polling station

8.1.3. Regeneration or economic development – the provision of local polling stations that assist to reduce travel and the associated costs

## 9. CONSTITUTIONAL CONTEXT

9.1. Save as provided under paragraph 9.2 below, the decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annex 1, paragraph 5 (e) of the Constitution

9.2. One or more of the recommendations relate to a power which is reserved to Full Council pursuant to Article 4.5.1 and must be referred here for a decision.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

- Head of Governance
- Returning Officer