

# **Designation of polling places - Delegation to Electoral Registration Officer**

## **Strategy & Resources Committee Thursday, 21 January 2021**

Report of: Acting Chief Executive

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Purpose: For decision

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Publication status: Open

Wards affected: All

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### **Executive summary:**

This report is being submitted to enable appropriate delegation arrangements for re-designating polling places where it is not practicable to seek the formal agreement of this Committee and Full Council.

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**This report supports the Council's priority of:** Building a better Council

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### **Recommendation to Committee:**

It be recommended to Full Council that in circumstances where it would not be practicable to seek Committee / Council approval for a change in a polling place in time for an election, authority be delegated to the Electoral Registration Officer ('ERO'), in consultation with Ward Members and Group Leaders, to make such changes should the need arise.

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### **Reason for recommendation:**

To ensure suitable governance arrangements for enabling polling places to be re-designated at short notice when required.

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## **Introduction and background**

1. A polling place is the building or area within which a polling station is situated. Electoral Commission guidance states that polling places should be designated so that polling stations are within easy reach of all electors from across the polling district.
2. The designation of a polling place is a matter for the Council, whereas decisions about polling stations are for the Returning Officer. Under section 18B of the Representation of the Peoples Act 1983, it is the duty of the council of each district to designate such polling places and keep them under review. If a polling place becomes unavailable before an election, the polling place can be changed in accordance with the Council's decision making process.
3. The Council's Constitution identifies the determination of polling district reviews as a matter to be reserved for Full Council following recommendations from this Committee. While not explicitly stated, this definition is also intended to relate to polling places. It is considered appropriate to seek Members' confirmation that the ERO can designate polling places in situations where it is impracticable to take proposals through the committee process.
4. The emergence of the Coronavirus ('COVID-19') presents specific challenges to the administration of elections, particularly to arrangements at polling stations (which is the responsibility of the Returning Officer) and the suitability of polling places (which is the responsibility of the Council).
5. In September 2020, the Electoral Commission published supplementary guidance on 'key considerations for planning for the delivery of the May 2021 polls'. This guidance recommends that local authorities consider a review of designated polling places in light of the current circumstances (concerning Covid-19).
6. As a full statutory review of polling districts and polling places was conducted in 2019, it was not considered necessary to conduct another full review. Instead of undertaking another full review (as defined under Schedule A1 of the Representation of the Peoples Act 1983), Officers have reviewed matters relating to the designation of polling places to ensure all polling places are available and capable of providing safe voting environments for the polls taking place in May 2021. At the time of writing, all designated polling places are available for the elections on 6 May 2021.

7. In certain situations, it might not be practicable to await formal Committee / Council approval, e.g. if a building designated as a polling place becomes unavailable at short notice due to unforeseen circumstances. This scenario is especially relevant in the lead up to the May 2021 elections, when the operation of polling stations will be required to comply with any prevailing health and safety guidelines in connection with the covid-19 pandemic. Such requirements might result in existing polling places becoming unviable, with alternative locations having to be sought as a matter of urgency.
8. It is proposed that, ordinarily, any proposals for re-designating polling places will continue to be submitted to the Committee for consideration.

### **Other options considered**

9. The designation of polling places is a Full Council decision (paragraph 2 above) and a 'do nothing' option was considered, which would require a report to be presented to a future Committee and Full Council meeting regarding any proposal to relocate a polling place. The seeking of Council approval for delegating the relevant power to the ERO is considered to be the most flexible and transparent approach.

### **Consultation**

10. The ERO, or their nominated deputies, will consult with Ward Members and Group Leaders before exercising the proposed power to re-designate an existing polling place.

## **Key implications**

### **Comments of the Chief Finance Officer**

11. There are no direct financial implications from this report. Due to the Council's financial constraints any costs incurred will need to be contained within the current and future budgets.
12. The rental cost of each Polling Station will be shared between the different bodies holding elections.
13. There are no capital expenditure implications within the report.

### **Comments of the Head of Legal Services**

14. The Council needs to manage election processes within the context of the COVID-19 pandemic. Therefore, the power to designate polling places in accordance with section 18B of the Representation of the People Act 1983 should be delegated to the ERO, with 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 or a Committee.

## **Equality**

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 all voters. Any decision to re-designate a polling place would need to take the accessibility of alternative locations into account.

## **Climate change**

There are no environmental / sustainability implications associated with this report.

## **Appendices**

None.

## **Background papers**

None.

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