

Report to Governance Committee

6 February 2023

By the Returning Officer and Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Interim Review of Polling Places and Constitution Amendment

Executive Summary

The statutory review of polling places that took place in 2019 set out a schedule of polling stations to be used by Horsham District Council at future elections. Following this review, some polling stations are no longer available, or suitable for use.

An interim review has been undertaken to determine a proposed schedule of polling places and polling stations to be used at the elections on 4 May 2023. The consultation process in respect of this is now complete and the recommendations are set out in Appendix 1.

Given that venues can become unavailable at short notice, an amendment to the constitution is recommended to enable the Returning Officer to make temporary changes to the schedule of polling places and polling stations to ensure voters have appropriate places to vote.

Recommendations

The Governance Committee is recommended to:

- (i) Approve the revised schedule of polling places (i.e., geographical area, usually the building) and polling stations (i.e., actual area where the process of voting takes place) for elections on 4 May 2023, as set out in Appendix 1, following the consultation carried out this year.
- (ii) Delegate authority to the Returning Officer, in consultation with Ward Members, to make temporary changes to the schedule of polling places and polling stations for all elections and, if approved;
- (iii) Recommend to Full Council to approve the proposed amendment to the constitution to delegate authority to the Returning Officer, in consultation with Ward Members, to make temporary changes to the schedule of polling places and polling stations for all elections, and if approved authorise the Monitoring Officer to make the required changes to the Constitution.

Reasons for Recommendations

To ensure that polling places and polling stations are relevant and fit for purpose.

Background Papers

Schedule of polling districts, places and stations
Responses to consultation.

Wards affected: Billingshurst, Roffey North, Roffey South, Forest, Denne, Holbrook West, Colgate & Rusper

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Background Information

1 Introduction and Background

- 1.1 The Council has a duty to keep their polling places under review to ensure they are suitable and accessible for voters, as far as possible.
- 1.2 A number of the polling places that were approved for use in the last statutory review, are no longer available. This is partly due to issues arising from the use of schools as polling stations.
- 1.3 The Returning Officer has a responsibility to ensure that suitable polling places and polling stations are available for voters.

2 Relevant Council policy

- 2.1 The Council reviews its polling places and stations as and when required to ensure statutory compliance and suitability of polling places and polling stations.

3 Details

- 3.1 The Electoral Services team reviewed the polling places and polling stations designated for the District in 2019. This review was undertaken under the requirement to review polling places for Parliamentary elections, and the polling places used by the Returning Officer for all other elections within the District reflects this scheme.
- 3.2 Issues have arisen at the last few elections from Headteachers discouraging the use of schools for polling stations. This was due to safeguarding issues for children, interruptions to examinations and the disruption to all children's education during the COVID-19 lockdowns making it more important than ever to not disrupt schooling. The Returning Officer has, therefore, determined to avoid using schools, and other facilities used for children's daytime activities whenever possible. A review was therefore undertaken for alternative locations for the relevant polling districts for all elections on 4 May 2023.
- 3.3 Details of the proposals were sent to Parish Councils and relevant Ward Councillors for consultation on 7 December 2022.
- 3.4 Details of all responses received, and the Returning Officer's comments are attached (Appendix 2). The previously approved schedule detailing the polling places across the District is also attached (Appendix 3).
- 3.5 Given that there may be an occasion whereby a polling station is not available at short notice, it may not be possible to seek Committee approval for each alternative Polling Place before the relevant deadline. It is therefore proposed to amend the scheme of delegation in the constitution to delegate authority to the Returning Officer to make changes to the scheme outside of the Polling District Review process. It is considered a sensible plan for business continuity purposes to have such a delegation in place to enable the Returning Officer to deal with urgent changes that may arise in any elections. Any changes to the scheme made in an urgent situation would be temporary, and apply only for that election.

- 3.6 When exercising the delegation, the Returning Officer would take into consideration the views of relevant Ward Councillors on the suitability of alternative polling stations and take note of guidance issued by the Electoral Commission which sets out factors to be considered when reviewing Polling Places. Section 8 gives specific guidance on changes to polling places due to unavailability.

4 Next Steps

- 4.1 If approved, the polling districts, polling places and polling stations set out in Appendix 1 will be implemented for elections taking place on 4 May 2023.
- 4.2 If approved, the amendment to the constitution will allow the Returning Officer to make amendments to polling places for a specific election, should the need arise. The following wording would be inserted into the constitution at Paragraph 3.5.1 (1a)

“will in consultation with relevant Ward Members, redesignate new Polling Places, where such becomes unavailable or unsuitable before an election.”

5 Outcome of Consultations

- 5.1 Consultation has been carried out as set out in Section 3 above and comments received incorporated where appropriate. The consultation period was 7 December 2022 – 4 January 2023.

6 Other Courses of Action Considered but Rejected

- 6.1 The option to do nothing is viable but more detrimental to the children and young people of our district than the current option. The non-availability of the venues as agreed in the 2019 review, could lead to there being no polling station allocated to those who reside in the affected polling districts.
- 6.2 The option to amend the proposed change to the constitution, and approve the modified change is viable, but any amendment should ensure that the Returning Officer can make changes to the designated polling places for a particular election, should the need arise to ensure they can fulfil their statutory duty to provide suitable polling places to voters at all elections.
- 6.3 The option to amend the proposed polling stations for 4 May 2023 would not be recommended, as the availability and suitability of possible alternative venues has not been assessed. Had alternatives been raised during the consultation period, this would have been possible. Any proposed alternatives would be included in the next statutory review of the arrangements for the whole district, which must be completed by January 2025.

7 Resource Consequences

- 7.1 The total cost of the use of the agreed venues for these polling districts in 2019 was £757.36. The projected cost of the revised polling station schedule for 4 May 2023 is £1903.27. The average increase in the cost of hiring each polling station from 2019 to 2021 was 25.5%, therefore it could reasonably be anticipated that costs

would have increased by more than 50% between 2019 and 2023. As such, it is likely that the proposed polling stations for 4 May 2023 would not cost significantly more than hiring the venues agreed in the 2019 scheme.

8 Legal Considerations and Implications

- 8.1 The power to designate polling places and stations rests with the Council. The Council is required under section 17 the Electoral Administration Act 2013 and section 18c of the Representation of the People Act 1983 to carry out a review of polling places at least every five years. In conducting the review, local authorities must follow the rules set out in Schedule A1 of the Representation of the People Act 1983.
- 8.2 The Local Authority may carry out interim reviews between compulsory reviews and should take into consideration location, size, availability and accessibility. The legislation states, inter alia, that the polling place must, be an area in the polling district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district). Where possible, the polling places proposed fall within the polling district, or a neighbouring polling district.
- 8.3 The Governance Committee has the power to deal with (i) polling station and places reviews, and, (ii) changes to the constitution as noted at the Council's constitution at sub- paragraphs (b) re: constitutional revisions, and, (d) re: Electoral Reviews under paragraph 3.2.1 "Functions of the Governance Committee".
- 8.4 In formulating the proposals contained in this report, it is noted that the Electoral Commission's guidance on polling district and polling place reviews was followed. In addition, relevant ward members and parish, and neighbourhood councils were consulted and the feedback was considered which resulted in a change to one of the polling stations.

9 Risk Assessment

- 9.1 If the Council does not carry the review out in accordance with the statutory framework, it could be liable to judicial review.

10 Procurement implications

- 10.1 There are no procurement implications.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 The Council has had regard to its Public Sector Equality Duty under the Equality Act 2010. This provides, inter alia, that local authorities should have due regard to (i) the need to eliminate discrimination, harassment and victimisation, (ii) the need to advance equality of opportunity between people who share protected characteristics and people who do not, and, (iii) the need to foster good relations between people who share those characteristics and people who do not. (The protected characteristics are as follows: age, disability, gender reassignment, pregnancy/maternity, race, religion/belief, sexual orientation). Accordingly, the

Council does not think that the change in polling places and polling stations would have an adverse impact on individuals with protected characteristics. Individuals who may be impacted by polling station changes are those who may find it difficult to physically go to or access a polling station, whether due to age, disability or pregnancy. However, all polling stations are reviewed to ensure adaptations are made where possible to improve accessibility for voters and disabled parking is provided. Staff at all polling stations will offer assistance to any voters that may require it. The Elections Team can offer support with alternative ways of voting, such as by post or proxy.

- 11.2 The proposals will have no detrimental impact on human rights. Views of a group representing residents with accessibility needs were sought, however no such group operating in the District was identified. The proposals aim to provide accessible polling stations to voters, within their polling district where possible. Where this is not possible, the closest suitable venue has been selected. There will always be a need for some electors to use private transport to access their polling station and for those who are not able to do so alternative methods are available (e.g. postal and proxy voting). Where possible, a dedicated accessible parking bay will be reserved for those who require it. In administering all elections, the Returning Officer has regard to the need to consider equality and diversity issues. The accessibility of polling places is constantly reviewed and whenever possible fully accessible premises are used.
- 11.3 In addition, in avoiding the use of schools as polling stations, this would ensure that the education of young people in the District is not disrupted.

12 Environmental Implications

- 12.1 There are no environmental implications.

13 Other Considerations

- 13.1 There are no other considerations.