

City Council - 6 March 2023

Report of the Returning Officer

Corporate Director/ Director:

Director of Legal and Governance

Report Author and Contact Details:

Sarah Wilson, Electoral Services Manager

0115 8764308, sarah.wilson@nottinghamcity.gov.uk

Title: Polling Places Amendments Report Pending Next Scheduled Five Yearly Review

Does the report form part of the Budget or Policy Framework?

☐ Yes ☒ No

Does this report contain any information that is exempt from publication?

No

Relevant Council Plan Key Outcome:

Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

1. Summary

- 1.1 The Electoral Registration and Administration Act 2013 sets out the requirement to conduct a compulsory polling district and places review for parliamentary constituencies every five years. The review process is prescribed and details are outlined in Appendix 1 of this report.
- 1.2 The last parliamentary review commenced on Monday 9 September 2019 with the publication of the (Acting) Returning Officer's proposals and the commencement of a public consultation exercise. The review's final proposals were approved by Council on 13 January 2020 and the new boundaries and polling places came into effect on 3 February 2020. The last parliamentary review is available on the Council's website: <https://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=155&MId=7955>.
- 1.3 The next parliamentary polling district and places review is scheduled to take place between 1 October 2023 and 31 January 2025.
- 1.4 The legislation for compulsory polling district and places reviews relates only to UK parliamentary elections and does not automatically extend to local elections.

Therefore, no formal polling district and places review and consultation process is required for local elections.

- 1.5 Following the most recent parliamentary polling places review in 2019, a report was taken to Full Council to approve a new scheme of polling places. The report noted previous necessary amendments made to the approved scheme by the Returning Officer in between parliamentary reviews, to take account of any polling places which had become unavailable. It also outlined the principal that portable units should only be used when no other alternative is available and acknowledged that amendments may be required due to other local circumstances.
- 1.6 This report recommends that the scheme of delegation is confirmed to clearly outline the powers of the Returning Officer to make changes to the scheme of polling places, in consultation with Councillors, in between formal reviews. It also outlines the changes now required due to the unavailability of polling places, to reduce the use of portable units and due to changes in local circumstance.

2. Recommendations

It is recommended that Council:

- 2.1 agrees to amend the scheme of delegation to confirm arrangements for changes to the agreed scheme of polling places in between formal reviews, granting authority to the Returning Officer, in consultation with the leaders of all political groups and any ungrouped councillors, to approve all changes required for the reasons outlined in paragraph 2.2.
- 2.2 notes the 17 changes required to the scheme of polling places for the following reasons:
 - i) Unavailability - original polling place is no longer available.
 - ii) Portable Unit – a more accessible polling place is available.
- 2.3 notes the 6 further amendments recommended to polling places for the following reason:
 - i) Local Circumstances – the circumstances surrounding the previous selection have changed.

The full list of amendments is set out in Appendix 2 for the reasons stated in each case.

The changes will apply to any non-Parliamentary elections from the date of approval, including the local elections on 4 May 2023. Parliamentary polling places will be formally reviewed following the May local elections and this review will be brought back to Council for approval when complete.

3. Reasons for recommendations

- 3.1 To support the efficient and effective forward planning of local elections for which the Returning Officer is responsible.
- 3.2 The determination of parliamentary polling districts and places is a responsibility of Council. To comply with the provisions of the Representation of the People Act 1983,

as amended by the Electoral Administration Act 2006 and Electoral Registration and Administration Act 2013 formal reviews must be conducted and approved by Full Council every five years. Between formal reviews changes may be required for example, due to polling places no longer being available for use. Other changes may be recommended for example due to changes in local circumstances. This report outlines the changes that are required and recommended prior to the local elections to be held on 4 May 2023.

- 3.3 When identifying alternative locations for polling places between reviews the same principles as set out in a formal review must be applied in order for the Council to continue to comply with its duty to meet the requirements of the review. For example, each polling place must be assessed against the review's overall purpose and criteria including location, size, availability and accessibility as set out in Appendix 1.
- 3.4 Since the last review the Returning Officer has identified 17 polling places which are no longer available for a variety of reasons including closure, change of ownership and refurbishment. Alternative locations have been found to replace those shown in the approved scheme. These are set out in Appendix 2.
- 3.5 As new accessibility requirements have been introduced for Returning Officers in the Elections Act 2022, a review of accessibility arrangements has been carried out. The previous report highlighted, that although most polling stations were accessible there were still 2 portable units in use. It was acknowledged at the time that portable units are not ideal polling station venues and should only be used when no other polling places are available. In line with this previously agreed principle and in order to meet the new requirements to improve accessibility for all electors, the Returning Officer has been able to identify alternative venues for the 2 remaining portable units in Clifton West and Berridge wards. These are also set out in Appendix 2.
- 3.6 There are also some polling places which were approved as part of the current scheme but which are now considered to be no longer appropriate, as the circumstances relating to their selection have changed. New recommendations for these places are being proposed by the Returning Officer and are set out below.

a. Dane Court (St Ann's B)

Dane Court was first identified in the 2019 Polling Places Review but has never been used. At the Police and Crime Commissioner and the St Ann's by-elections in 2021, the International Community Centre (the polling place for St Ann's A) was used instead. This approach was necessary due to the ongoing Covid restrictions at the time, as the use of a sheltered housing complex where more vulnerable residents live was considered inappropriate. These arrangements have worked well with no complaints from voters in terms of location or access to the venue and no discernible impact on turnout as this was their polling place prior to the 2019 review. Continuing to combine St Ann's A and B together will have no negative impact on electors and will also create a saving in both hire and staffing costs.

b. Lark Hill Village (Clifton West H)

This venue was used for the first time at the Police & Crime Commissioner Election in 2021, as previously, electors voted at the Park Gate Community Centre. The recommendation to use this polling place in 2019 was based on representations from stakeholders with a view to making the polling place more convenient and accessible to those living in the retirement village. Although the polling place is clearly more convenient, after using the venue at the last election it is now considered to be vastly undersubscribed due to the extremely small electorate and

the large number of postal voters in the area. At the Police and Crime Commissioner election in 2019 the electorate for the polling place was 372 electors with 218 of these voting by post. Of the 154 voters who could have voted at the polling station, 63 electors turned out to vote. The polling place has the lowest electorate by far in the City and doesn't represent equality across the electorate, as most other venues have electorates between 1,000 and 2,000 electors allotted to them. Having reconsidered the use of the venue it is proposed that the polling place be reassigned to the Park Gate Community Centre. Although this is further away, it is still considered to be within a reasonable walking distance of 800m and is known to the residents of the village due to it being their previous polling station, of which we had received no complaints. This change would also reduce hire and staffing costs and is in line with the Council's best value responsibilities.

c. St Ann's Valley Centre (Mapperley E)

St Ann's Valley Centre is the current polling station for St Ann's D and was also recommended as the polling place for Mapperley E in the 2019 review. This was necessary due to the closure of the Wells Lane Community Centre and was agreed as only a temporary measure until the Wells Community Centre was rebuilt, as there was no other polling place available within the polling district at that time. Since the review, the Hill View Community Centre has now become available, which is in the polling district. This change would mean that electors will vote within their own polling district and will not be required to travel over the boundary into another ward to vote.

d. Greyfriars Club (St Ann's F)

The Greyfriars Club has been used as a polling station for a number of years and has served this polling district well. However, due to increased operating costs the venue has recently raised their hire fee significantly. The hire fee has increased by 140% and has now become unaffordable and is far higher than any other polling station in the city. A review of alternative venues in the polling district has resulted in a suitable polling station being identified at Our Lady and St Edward Church, which is within metres of the Greyfriars Club and has a hire fee in keeping with those previously charged by Greyfriars. The change of polling place will not only be minimal in terms of impact on the electorate, but it will also provide better value for money.

e. Tailors Arms (Clifton West B)

The Tailors Arms was approved as the polling station at the 2019 review but was not used at the Police & Crime Commissioner election due to Covid arrangements. The Spiritualist Church had previously been identified as an alternative venue in the review and was used at the Police & Crime Commissioner Election. This arrangement worked extremely well as The Spiritualist Church is in the same vicinity and has more space and better access for electors. It is also in keeping with the Council's preference to avoid using licensed premises as polling stations wherever possible in support of our efforts to make polling as accessible as possible to all communities.

f. The Leisure Club, City Hospital (Sherwood B)

The Leisure Club was approved as the polling place at the previous review but due to complaints from electors after the parliamentary election in late 2019 and early 2020, after the report had been approved, an alternative venue was required. The complaints were in relation to the lack of free parking available and parking charges on the hospital site, which some voters were not prepared to pay. Continuing to use this site would have had a negative impact on voters and could have affected

turnout in the future. A new polling place at the Sherwood Education and Culture Centre was used at the Police & Crime Commissioner Election and the Sherwood by-election in 2019 and these arrangements worked well, with plenty of free parking available for electors.

4. Other options considered in making recommendations

- 4.1 The Council would be in breach of its statutory duty if it did not provide a suitable polling place for every polling district. This requires identification of suitable polling places and approving a scheme through a formal review and then keeping them under review and making any amendments as and when necessary. Doing nothing is not an option.
- 4.2 No polling districts are being changed just polling places (venues).
- 4.3 Information in relation to the unavailability of a polling place has been received directly from the person identified as the booking contact for these venues or the officer in charge.
- 4.4 The number of venues available at present are extremely limited as many venues typically used as polling places have closed down and are no longer available. In addition, there is also the Council policy not to use school premises to avoid disrupting children's education which reduces the number of potential venues further.
- 4.5 Consideration has been given to the suitability of any new venue to accommodate the new accessibility requirements of the Elections Act 2022 and the implementation of voter ID.
- 4.6 At the Police & Crime Commissioner Election a number of venues were changed due to the Covid requirements and many polling places were combined to use the most appropriate venue in the locality, which were large enough to accommodate social distancing and known to the electors in that area. The number of polling places reduced from 115 approved in the 2019 review to 109, with no adverse effects. Turnout increased from 20.93% at the 2016 PCC Election to 24% in 2019, despite the election being in the middle of the pandemic. If all the recommendations are approved in the report then the number of polling places this time will also be 109 venues.
- 4.7 The recommendations contain a variety of changes to polling places, to ensure the most appropriate polling places are used and are convenient for those electors who are assigned to them. This has resulted in 23 overall changes to polling places. The total number of polling places recommended to be used is 109.
- 4.8 In combining well established polling places together, where no suitable alternative is available or where the circumstances have changed, will also create cost savings. As this will result in a reduction in hire charges and fewer staffing and equipment costs. The removal of 2 portable units will create a saving of approximately 5k on hire costs.
- 4.9 The Returning Officer will publish a public notice of all changes to the existing scheme and where a change has been made to a polling place since the last election a note will be printed on the poll card.

5. Consideration of Risk

- 5.1 Not making the changes risks the Council breaching its statutory duty to provide a suitable polling place. The proposed changes mitigate against this risk.

6. Best Value Considerations

- 6.1 Whilst accessibility, size and locality were the main focus of the review, consideration was given to using resources efficiently and achieving best value, where possible. The removal of expensive portable units due to improved accessibility arrangements and merging together suitable venues, where appropriate, reduces both staffing and hire costs and provides better value for money.

7. Background (including outcomes of consultation)

- 7.1 The Council's area is divided into Polling Districts and Polling Places for electoral purposes. The Electoral Administration Act 2013 introduced a duty for councils to review these for parliamentary elections every five years. This does not preclude the Council from conducting a review of all or some of its polling districts and places at any other time. In conducting the review, the Council is required to:
- seek to ensure that all electors in the constituency 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
 - when considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons;
 - locate a polling place in its polling district unless special circumstances apply and
 - choose a polling place for a polling district which is small enough to indicate to electors throughout that district how they will be able to reach the polling station.
- 7.2 Electoral Commission guidance on polling places recommends that regard should also be given to the following:
- Location:** The polling place should be reasonably accessible within the polling district, avoid barriers for the voter such as steep hills, major roads, rivers, etc. and have convenient transport links.
- Size:** The polling place should be able to accommodate more than one polling station if required and be capable of accommodating all voters going into and out of the polling stations, even where there is a high turnout.
- Availability:** the polling place should be readily available in the event of any unscheduled elections and be available for now until the next review.
- Accessibility:** The polling place should be accessible to all those entitled to attend. The review process is described in Appendix 1.
- 7.3 Polling districts are areas created by the partition of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors. The location of polling districts and places is the responsibility of Council, unless delegated, and the location of polling stations the responsibility of the (Acting) Returning Officer.
- 7.4 In accordance with Section 18 (4) (e) of the Representation of the People Act 1983, the polling places detailed in the consultation document and also in this report refer

to specific buildings identified for use. The polling station is the specific room(s) within the polling place which the (Acting) Returning Officer has identified as fit for purpose.

- 7.5 Details of the existing scheme of polling places and where amendments have been proposed by the Returning Officer have been circulated to group leaders. Appendix 2

8. Finance colleague comments (including implications and value for money)

- 8.1 The decision seeks to change the polling station offer within the City of Nottingham.
- 8.2 Due to the nature of the changes, it is estimated that some financial savings will be captured, mainly around the cost of room hire, and a reduction in the number of staff needed to manage the polling stations. However, erosion of these savings is likely due to the cost-of-living crisis, particularly around cost increases relating to pay.
- 8.3 Due to the funding nature of the elections service, any savings generated year-on-year from this service are to be captured within an earmarked Local Government Elections (LGE) reserve to fund future years election costs.
- 8.4 Considering the cost-of-living crisis, any additional savings captured by implementation of this decision can be first offset against potential future additional costs within the LGE reserve.
- 8.5 Any other cost implications captured through this decision can also be factored into the future profiling of the use of the LGE reserve, supporting any call on future budget rounds regarding the cost of elections within NCC.

Tania Clayton Pérez - Senior Commercial Business Partner - Feb 2023

9. Legal colleague comments

- 9.1 The relevant legislative requirements to give effect to Polling Places changes and the rationale for doing so are set out in the body of the report.
- 9.2 There are no other significant legal implications.

Beth Brown, Head of Legal, 23 February 2023.

10. Other relevant comments

- 10.1 Not applicable.

11. Crime and Disorder Implications

- 11.1 Not applicable.

12. Social value considerations

- 12.1 Not applicable.

13. Regard to the NHS Constitution

- 13.1 Not applicable.

14. Equality Impact Assessment (EIA)

14.1 Has the equality impact of the proposals in this report been assessed?

Yes



Attached as Appendix 3, and due regard will be given to any implications identified in it.

15. Data Protection Impact Assessment (DPIA)

15.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because there are no data protection implications associated with the report and recommendations.

16. Carbon Impact Assessment (CIA)

16.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because there are no carbon implications associated with the report and recommendations

17. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

17.1 None.

18. Published documents referred to in this report

18.1 The Representation of the People Act 1983

18.2 The Electoral Administration Act 2006

18.3 The Electoral Registration and Administration Act 2013

18.4 The Review of Polling Districts and Places (Parliamentary Elections) Regulations 2006.

18.5 Electoral Commission guidance – Reviews of Polling Districts, Polling Places and Polling Stations

Melbourne Barrett
Returning Officer