

REPORT TO EXECUTIVE

Date of Meeting: 9 February 2021

REPORT TO COUNCIL

Date of Meeting:

Report of: Returning Officer Exeter City Council

Title: Delegation of Powers to Amend Polling Districts and Polling Places

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report concerns the delegation of power to amend the designation of Parliamentary and local government polling districts and polling places, on a temporary basis, to the Returning Officer of Exeter City Council, or Acting Returning Officer or other relevant post (or appointed Deputy) should it become necessary to do so, at short notice, in the course of conducting Parliamentary, local government and police and crime commissioner elections. The unique situation regarding Covid-19 and potential implications has raised this potential issue.

2. Recommendations:

It is recommended that power be delegated to amend the designation of Parliamentary and local government polling districts and polling places, on a temporary basis, to the Returning Officer of Exeter City Council, or Acting Returning Officer (or appointed Deputy) should it become necessary to do so, at short notice to facilitate the conduct of elections within the City of Exeter, should it become necessary due to any urgent issues which might arise, concerning the availability of polling places and polling stations and where there is insufficient time for amendments to be made and approved by Council.

3. Reasons for the recommendation:

3.1 Principal authorities are required to divide every Parliamentary constituency situated within their area into polling districts for the purposes of UK Parliamentary elections, to designate a polling place for each polling district, and to keep these under review.. There is no such responsibility to do this for local government elections, although in reality the same polling districts and polling places are generally used for all types of elections.

3.2 A polling district is a geographical area created by the subdivision of a constituency, ward or division into smaller parts. A polling place is also a geographical area. It must be within the polling district unless special circumstances make it desirable to designate an area outside the district. If no polling place is designated then the (whole) polling district is

taken to be the polling place (this is the case in Exeter). A polling station is the actual area where the process of voting takes place and must be located within the polling place designated for the particular polling district. The locations of the polling stations are decided by the relevant Returning Officer.

3.3 In Exeter, the practice has been for Council to approve the Parliamentary polling districts and places as required by legislation, and that these then apply for all elections. However, recent and continuing events regarding Covid -19 and the potential for the electoral process to be disrupted by the sudden unavailability of a polling place or polling station, has highlighted the need to consider how amendments could be made to polling districts and places at very short notice.. This report requests the delegation of power from Council to the Returning Officer to amend polling districts as a contingency, in the event it is necessary to do so at short notice, where there would be insufficient time to follow the usual process of gaining Council approval in circumstances where the availability of a polling station within a polling district is lost at requiring the use of an alternative polling station, outside of the usual allocated polling district. This would mean that there would be insufficient time within the electoral timetable, to undertake any consultation on any necessary amendments, although every effort will be made in these circumstances to explain the reasons for the changes to the voters affected, as well as the political parties and candidates concerned.

3.4 It is also important to note that the Returning Officer has not only a statutory responsibility to deliver elections within the prescribed timetables, but he also carries a personal responsibility so to do. This is applicable for all elections which take place. This year, there are elections for a Police & Crime Commissioner and seats on Devon County Council and Exeter City Council.

4. What are the resource implications including non financial resources.

None.

5. Section 151 Officer comments:

There are no financial implications for Council to consider within this report.

6. What are the legal aspects?

The Council is obliged to meet the requirements of the Representation of the People Act 1983 and the Returning Officer is obliged to conduct elections within the City of Exeter.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer

8. Report details:

As detailed in section 3 above.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Ensuring that polling stations are as accessible as possible (within the constraints of the buildings available and the topography of the City), positively impacts on equality issues especially for the disabled elector. The flexibility that the

recommendations in this report will give, further ensures that access to polling stations remains as accessible as possible.

10. What risks are there and how can they be reduced?

There are no risks associated with this proposal.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendation

13. Are there any other options?

If the current arrangements were left in place, it could give rise to challenges to the Returning Officer for not providing suitably accessible polling stations, or for making changes to Polling Districts without the authority to so do .

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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