

LONDON BOROUGH OF CROYDON

REPORT:	General Purposes Committee	
DATE OF DECISION	Monday 9 th October 2023	
REPORT TITLE:	Process for and Initiation of the Statutory Review of Polling Districts and Polling Places 2024-2025	
CORPORATE DIRECTOR / DIRECTOR:	Elaine Jackson, Assistant Chief Executive David Courcoux, Director of Policy, Programmes & Performance	
LEAD OFFICER:	Seth Alker, Head of Elections Email: seth.alker@croydon.gov.uk Telephone: 020 8604 7469	
LEAD MEMBER:	Councillor Sean Fitzsimons	
DECISION TAKER:	N/A	
AUTHORITY TO TAKE DECISION:	Part 3 of the Constitution provides, in respect of General Purposes Committee functions that it is authorised to act in relation to: “Any matter not reserved to the Council or delegated to another Committee and related to a non-executive function.”	
KEY DECISION?	No	N/A
CONTAINS EXEMPT INFORMATION?	No	N/A
WARDS AFFECTED:	ALL	

1 SUMMARY OF REPORT

- 1.1 The Council has a statutory duty to review the polling districts and polling places used at parliamentary elections during each compulsory review period, in other words at least once every five years. In addition to compulsory reviews, local authorities may also conduct additional reviews at other points, depending on local circumstances. Additional local reviews do not affect the timetable for compulsory statutory reviews.

- 1.2 The next statutory review of polling districts and polling places must take place between October 2023 and January 2025. This report sets out the proposed timetable for the review. It also sets out the consultation process, and the criteria for assessing polling districts and polling places.
- 1.3 This report seeks approval for the proposed timetable and processes for the next review, and to delegate authority to the (Acting) Returning Officer (ARO) to amend the timetable as necessary if the next scheduled general election, which must take place by January 2025, does not take place in May 2024.

2 RECOMMENDATIONS

For the reasons set out in the report, General Purposes Committee is recommended to:

- 2.1 Agree the proposed timetable for the next statutory review of polling districts and polling places set out in section 4.2.
- 2.2 Agree the criteria for assessment of polling districts and polling places as set out in section 4.5.
- 2.3 Agree to the proposed consultation process as set out in Section 6, whilst noting that this is in accordance with the statutory requirements in this regard.
- 2.4 Delegate to the (Acting) Returning Officer authority to amend the timetable as necessary if the next scheduled general election, which must take place by January 2025, does not take place in May 2024.
- 2.5 Note that this is a statutory process and that the period in which it must take place, and a number of the steps in the review process are set out in legislation. The outcome of the statutory consultation as well as the recommendations arising from the consultation will be reported to members for decision.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Section 18C of the Representation of the People Act (RPA) 1983, as amended by the Electoral Registration and Administration Act 2013, requires the Council to carry out a review of parliamentary polling districts and polling places in its area within the 16-month period from 1 October 2023 to 31 January 2025. Polling districts and polling places for other elections are not automatically included as part of the compulsory review, however, as polling districts and polling places for other elections are based on UK Parliamentary polling arrangements, the requirements of any other elections that are held within the local authority area should be taken into consideration as part of the review.

- 3.2** The Boundary Commission has made recommendations for changes to UK Parliamentary constituency boundaries which have been published and are expected to be made by the end of October 2023. The UK Parliamentary general election held after this date will be run on the new boundaries, therefore the review needs to take account of these new boundaries.
- 3.3** During the 16-month period during which the review must take place, the Mayor of London and Greater London Assembly elections will take place on 2 May 2024 and a general election must take place by 11 January 2025. The proposed timetable of the review has been designed to account for these major electoral events, so that all stakeholders have the opportunity to engage properly with the review and Council Officers have the capacity to administer it.
- 3.4** There could be as little as 6 weeks' notification of the date of the next general election. Flexibility to change the timetable, subject to the legislative constraints, to take account of this is required. The (Acting) Returning Officer is best placed to assess what a revised timetable should be based on the capacity of Council Officers administering the review.
- 3.5** Schedule A1 to the Representation of the People Act 1983 ("RPA 1983") sets out the steps that must be taken on the review, which include:
- Consulting with the (Acting) Returning Officer/s on current arrangements
 - Seeking representations from individuals and organisations who have a particular knowledge or expertise in relation to access to premises and facilities for persons who have different forms of disability.
 - A consultation period for representations by individuals and organisations including political parties and voters

These steps have been incorporated into the proposed timetable for the review.

- 3.6** The Electoral Commission as regulator has published updated guidance (12 July 2023) "Reviews of polling districts, polling places and polling stations" which is supported by checklists to enable Local Authorities to comply with their duties under the RPA 1983 and which the Council is recommended to have regard to in undertaking the compulsory review, undertaking the consultation, and making recommendations and to which the Electoral Commission will have regard in undertaking consideration of any Appeals against decisions by the Council in respect of the review should these be challenged.

4 BACKGROUND AND DETAILS

4.1 Timetable

Section 18C of the Representation of the People Act (RPA) 1983, as amended by the Electoral Registration and Administration Act 2013, requires the Council to carry out a review of parliamentary polling districts and polling places in its area within the 16 period from 1 October 2023 to 31 January 2025.

4.2 The proposed timetable for the review set out below, is based on the general election taking place alongside the Mayor of London and Greater London Authority elections on 2 May 2024.

Task / milestone	Dates	Comments
Assessment of current polling stations	01/05/2023 – 02/05/2024	Visits to all existing polling places have been undertaken between May and July 2023 to assess facilities and suitability to be a polling place including access, lighting etc. Feedback from May 2024 elections will also be considered
Consultation with Ward Councillors and Political parties.	15/01/2024 to 01/03/2024	
Consultation with the (Acting) Returning Officers for the new Parliamentary Constituencies on the current and future arrangements	03/06/2024 to 09/08/2024	The ARO will consider representations from Members and Political parties, in addition to the assessments of polling places and feedback from the elections, and draft proposals for future arrangements which will be published
Publication of the Notice of Review and the (Acting) Returning Officer's report on proposed future arrangements. Start of the formal public consultation period	12/08/2024	Submissions regarding the ARO's report and alternative suggestions for future arrangements will be welcomed
Contact stakeholders regarding the formal public consultation period	12/08/2024	This will include, Ward members, Political parties and groups with special knowledge and understanding needs of disabled voters
End of formal public consultation period	06/09/2024	
Publication of responses received as part of the formal public consultation	10/09/2024	Hard copies in Electoral Services office and on website
Finalise report on future arrangements by the (Acting) Returning Officer for General Purposes Committee	By end of October 2024	The ARO will consider all representations received during the formal consultation, and will liaise with Ward members where changes to the proposals could be adopted

Final report on future arrangements by the (Acting) Returning Officer to General Purposes Committee for decision	By end of November 2024	
Changes to electoral register made due to revised polling districts	01/12/2024	
Changes to polling places for elections	01/12/2024	

4.3 If a general election does not take place on 2 May 2024, it is proposed that the (Acting) Returning Officer is given the delegated authority to revise the timetable. For example if the general election were in the autumn 2024, work on the review would pause while work commences on the preparations for the general election, and restart after the election takes place. Example potential changes to the review timetable in these circumstances are set out below.

Finalise report on future arrangements by the (Acting) Returning Officer for General Purposes Committee	By end of December 2024
Final report on future arrangements by the (Acting) Returning Officer to General Purposes Committee for decision	By end of January 2025
Changes to electoral register made due to revised polling districts	01/02/2025
Changes to polling places for elections	01/02/2025

4.4 The (Acting) Returning Officer will liaise with the Chair of General Purposes Committee prior to making any decision to revise the timetable of the review, and will publish a revised notice of review confirming any revised arrangements.

4.5 Criteria for assessment of polling districts and polling places

The geography and the density of population varies considerably across the borough. Availability of suitable venues also varies considerably.

Whilst there is no set of criteria set out in legislation on how to divide the borough into polling districts or the designation of polling places, the Electoral Commission guidance sets out considerations which the Council is advised to have regard to in assessing the suitability of polling district boundaries. These are:

- Are the boundaries well-defined? For example, do they follow the natural boundaries of the area? If not, is it clear which properties belong in the polling district?
- Are there suitable transport links within the polling district, and how do they relate to the areas of the polling district that are most highly populated?
- Are there any obstacles to voters crossing the current polling district and reaching the polling place e.g., steep hills, major roads, railway lines, rivers?

4.6 In respect of Polling Places, the Electoral Commission indicates that the following factors will need to be considered when reviewing existing polling places or when assessing new polling places, including:

Factor	Consideration
Location	<ul style="list-style-type: none"> • Is it reasonably accessible within the polling district? • Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc.? • Are there any convenient transport links?
Size	<ul style="list-style-type: none"> • Can it accommodate more than one polling station if required? • If multiple polling stations are required, is the polling place capable of accommodating all voters and staff required to provide a good service to voters? • Is the size sufficient to provide necessary private areas or privacy screens for photographic identification checks? • Is the size big enough to ensure the flow of voters and reduce the risk of congestion and queues even where there is a high turnout?
Availability	<ul style="list-style-type: none"> • Is the building readily available in the event of any unscheduled elections? • Is there any possibility that the building may be demolished as part of a new development?
Accessibility	<ul style="list-style-type: none"> • Is the building accessible to all those entitled to attend the polling place? • Can the building accommodate any equipment provided to support disabled voters?

4.7 Therefore, the criteria recommended below are not too prescriptive whilst ensuring that accessibility issues are adequately addressed. It is suggested that the following criteria are applied:

- each polling station to have between 1,000 and 2,250 polling station electors (this is the Electoral Commission's recommended upper limit)
- polling places are available for use by the (A)RO.
- polling places will be of suitable size for a polling station to be located there
- polling places will have adequate lighting inside and outside the venue *
- polling stations will have adequate heating and ventilation *

- as far as is reasonable and practicable, polling places will be accessible to all electors including those in wheelchairs with step-free access inside and outside the venue *
- as far as is reasonable and practicable, electors will be able to journey to their polling place on foot or by car
- polling places will have suitable facilities toilet and other facilities available to polling staff
- Where possible potential confusion and disruption to voters should be avoided

*These could be achieved with temporary adaptations such as additional heating, lighting and ramps.

4.8 Accessibility Requirements of a Polling Place review:

Every person should be able to vote without facing barriers. By identifying and understanding the physical, psychological and information barriers disabled people may face when voting, the (Acting) Returning Officer will be better able to make appropriate arrangements to help support them. The Electoral Commission has issued guidance on “Understanding the barriers to voting for disabled people” which the Council should have regard to considering the criteria for assessment of polling places and districts and in undertaking the review and evaluating and considering the responses received as part of the review.

4.9 As part of the compulsory review, the Council must specifically consider the accessibility of potential polling stations when considering designating or reviewing a polling place. In doing so the council must seek to ensure that:

- all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances;
- so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled.

4.10 As part of the review the Council must seek representations from those who have a particular expertise in relation to access to premises or facilities for persons who have different forms of disability, as well as engaging any disability access groups and/or disability officer. In respect of considering the accessibility issues as part of the review, the Council has a duty review the accessibility of all polling places or proposed polling places.

In particular, the duty to make reasonable adjustments comprises three requirements in this context:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.
- Where not providing an auxiliary aid, for example a ramp for wheelchair user¹, puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

4.11 Access to the polling station is still a barrier to some disabled people who want to cast their vote in person. Some of the main physical access issues which should be considered as part of a review are:

- polling places and stations with steps into the entrance, or otherwise inaccessible;
- narrow doorways and corridors;
- lack of space within the polling place that did not enable motorised wheelchair manoeuvrability;
- lack of space and secrecy for the elector and their companion to discuss the elector's choice of vote;
- lack of low level polling booths or booths/tables that didn't provide disabled voters with confidence that they could cast their vote in secrecy as they were positioned close to the polling station staff;
- a lack of chairs to enable people to rest;
- a lack of a clear display of guidance or aids (such as tactile voting devices) to enable people to feel confident about the process;
- inadequate lighting.

4.12 The Elections Act 2022 provides a duty for ROs to provide each polling station with such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently and in secret. The review should therefore include consideration of whether the building can accommodate the equipment which will need to be provided to support disabled voters.

4.13 Producing proposals for future arrangements

The (Acting) Returning Officer will produce proposals for future arrangements following initial informal consultation with Councillors and political parties. Representations from individuals and organisations who have a particular knowledge or expertise in relation to access to premises and facilities for persons who have different forms of disability will also be sought at the beginning of the review process. These will then follow a formal public consultation on these proposals.

4.14 Following the formal public consultation the (Acting) Returning Officer will produce final proposals for future arrangements which will be taken to the General Purposes Committee for approval.

4.15 Implementing changes

The changes to the Polling Districts approved in the report will be implemented in the next electoral register published after approval by the General Purposes Committee. If the next general election takes place on or before 2 May 2024, publication would be on 1 December 2024. If the general election is held separately later in 2024, this is likely to be implemented in the February 2025 revision of the register

4.16 The changes to polling places would take effect at the next election commencing after the changes are approved and changes to the electoral register are implemented. The commencement of an election is the date that the Notice of Election is published.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.14** Conducting the full review in 2023. While it is possible for the Council to undertake reviews of Polling Districts and Polling Places at any time, this does not remove the statutory requirement to conduct a full review every five years, in this case between 1 October 2023 and January 31 2025 (Section 18C of the Representation of the People Act (RPA) 1983, as amended by the Electoral Registration and Administration Act 2013).
- 5.15** An early full review in 2023 would create a duplication of work in 2024, and impact on the time and resources available to plan and deliver the elections scheduled to take place on 2 May 2024.

6 CONSULTATION

- 6.1** The review will have a number of informal, and formal consultation stages.
- 6.2** The first stage of consultation will take place in early 2024. Ward members will be asked to comment on the current polling arrangements in their Ward, and to make suggestions that would improve the arrangements in the future. The purpose is to use their local knowledge to understand any issues locally and to help the (Acting) Returning Officer to develop proposals for future arrangements that would be acceptable and workable for voters.
- 6.3** Representatives of all locally active political parties will also be consulted at this initial stage. Political parties will often have knowledge, drawn from candidates and voters at previous elections, of issues with polling existing polling arrangements, and have suggestions for alternative arrangements. The (Acting) Returning Officer will consider these when developing proposals for future arrangements.
- 6.4** As part of the review, representations from individuals or organisations with specialist knowledge and expertise in relation to access and facilities for persons with different forms of disability should be sought. This will also take place in early 2024. The (Acting) Returning Officer will consider and representations when developing proposals for future arrangements.
- 6.5** There is a requirement for a formal public consultation as part of the review. Any individual or organisation will be entitled to respond as part of this consultation. Although Members and political parties will have been consulted earlier in the review process they would be able to make further representations at this stage. The formal public consultation will commence when the Notice of Review and the (Acting) Returning Officer's proposals for future arrangements are published. There is no statutory length for this consultation period, however, it is proposed that this will last for 4 weeks.

- 6.6** The formal public consultation runs through August. It is acknowledged that this is not ideal. However, it cannot be brought forward, because time is needed to write the detailed Returning Officer report into future arrangements after the May 2024 elections. If it were to extend into September, there is a good chance that it would run into the General Election timetable if the general election takes place in the autumn.
- 6.7** Any representations received during the formal public consultation must be published on the Council website and at the Town Hall, Katharine Street, Croydon CR0 1NX.
- 6.8** Should representations be received during the formal public consultation period that the (Acting) Returning Officer feels should be adopted in the final proposals, Members in the Wards affected will be contacted for their views.

7. CONTRIBUTION TO COUNCIL PRIORITIES

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

- 8.1.1** Finance have been consulted and can confirm there are no financial implications as a result of this report. Any financial implications identified following the review will be included in future reports.
- 8.1.2** Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 27/09/23

8.2 LEGAL IMPLICATIONS

- 8.2.1** Section 31 of the Representation of the People Act 1983 ('the 1983 Act') allows the Council to divide its area into polling districts and may alter such a district for local elections. It also requires the Council to be able to allot such districts for electors participating in parliamentary elections.
- 8.2.2** Section 18C of the 1983 Act, as amended by the Electoral Registration and Administration Act 2013, requires the Council to carry out a review of polling districts (pursuant to Section 18A) and polling places (pursuant to section 18B) in its area within a period of 16 months of 1 October 2013 and then within a period of 16 months from the 1 October of every fifth year after that. The last compulsory review was completed in January 2020. The current review is required to be started and completed within the period 1 October 2023 and 31 January 2025.
- 8.2.3** The review must be carried out in accordance with Schedule A1 of the 1983 Act. The Electoral Commission, as regulator, has issued guidance dated 12 July 2023 on the

review of Polling Districts Polling Places and Polling Stations to which the Council must have regard in undertaking its functions in this regard. This includes extensive guidance on addressing accessibility related matters as part of the review process. Section 9 of the Elections Act 2022 amends Schedule 1 of the 1983 Act to provide a duty for Returning Officers to provide each polling station with such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote independently and in secret. The review should therefore include consideration of whether the building can accommodate the equipment which will need to be provided to support disabled voters.

- 8.2.4** The review is formally commenced by notice which has specified publication requirements and Electoral Commission recommended contents, consult the (Acting) Returning Officer (ARO) for every parliamentary constituency which is wholly or partly in its area, publish all representations made by an ARO within 30 days of receipt by posting a copy of them at the Council's office and in at least one conspicuous place in the council area and by placing a copy of the Council's website (Regulation 3 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006) and then seek representations from persons as it thinks have particular expertise in relation to access to premises and 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 ARO. Any electors for a UK Parliamentary constituency either wholly or partially within the local authority area may comment on any of the recommendations within the whole of the local authority area.
- 8.2.5** After considering all the representations, the Council must decide on the most appropriate polling districts and polling places, which must be approved by the Council. On completion of a review the authority must– (a) give reasons for its decisions in the review; (b) publish such other information as is prescribed – this includes publication of all correspondence sent to an (Acting) Returning Officer (ARO) in connection with a 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 and details of the places where the results of the review have been published.(Regulation 4 of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006)
- 8.2.6** Following conclusion of the review, Section 19D of the 1983 Act gives a right of appeal to the Electoral Commission against the Council's decisions. Where the Electoral Commission finds that an authority's review did not meet the reasonable requirements of the electors in the constituency, or a body of them, or take sufficient account of the accessibility for disabled persons of a polling station/s within a designated polling place the Electoral Commission may direct the Council to make any alterations that they deem necessary and if the Council fails to make these, the Electoral Commission can impose these themselves.

8.2.7 For these purposes, the following terminology is of relevance:

- a Polling District is a geographical area created by the sub-division of an electoral area i.e., a UK Parliamentary constituency, a European Parliamentary electoral region, a Ward or an electoral division.
- a Polling Place is a geographical area in which a polling station is located. There is no legal definition of what a Polling Place is; it could be defined as tightly as a particular building or as widely as the entire polling district.
- 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.

8.2.8 The Council's functions relating to a review of polling districts and places are designated by law as non-executive functions and so cannot be discharged by the Leader or Cabinet. The Council has not made a specific delegation of approving changes to Polling Districts and Polling Places to a committee or sub-committee however reliance is placed on the general delegation to General Purposes and Audit Committee

Approved by: Stephen Lawrence-Orumwense, Director of Legal Services and Monitoring Officer

8.3 EQUALITIES IMPLICATIONS

8.3.1 The Council has a statutory duty to comply with the provisions set out in Sec 149 of the Equalities Act 2010. The Council must therefore have due regard to:

Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristics and persons who do not share.

8.3.2. An EQIA will be undertaken prior to the review commencing. It is really important that issues of access for people with disabilities are highlighted and addressed so that there is no adverse impact of any kind for that group of people when using the Polling Stations.

Approved by: Nasser Ahmed, Senior Equality Officer, (26/09/2023)

OTHER IMPLICATIONS

PROCUREMENT IMPLICATIONS

None.

HUMAN RESOURCES IMPLICATIONS

The recruitment and successful training of staff to ensure adequate resource, with the right skills capability, is essential to the elections process and the staffing of polling stations.

There is also a general requirement under the Health and Safety at Work Act (1974) to ensure polling stations are a safe place of work.

Approved by: Dean Shoesmith, Chef People Officer, 25/9/2023

CRIME AND DISORDER IMPLICATIONS

None.

PROPERTY AND ASSET MANAGEMENT IMPLICATIONS

None.

ICT IMPLICATIONS

None.

CORPORATE RESOURCES IMPLICATIONS

None.

ENVIRONMENTAL IMPLICATIONS

None.

HEALTH IMPLICATIONS

None.

RISK IMPLICATIONS

None.

DATA PROTECTION IMPLICATIONS

A data impact assessment will be undertaken before the commencement of the review.

9. APPENDICES

None.

10. BACKGROUND DOCUMENTS

None.