

COUNCIL:

24 OCTOBER 2019

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES**

REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS

Reason for this Report

1. The Representation of the People Act 1983 requires local authorities to conduct a review of parliamentary polling districts, places and stations at least every five years.

Issues

2. The current review must be completed by 31 January 2020, but for practical purposes, the review has been designed so that it is completed for implementation on 1 December 2019, to coincide with the publication of the new register of electors.
3. The principal reason for conducting a review is to ensure that polling is accessible for all electors and the Council must:
 - seek to ensure that electors have such reasonable facilities for voting as are practicable in the circumstances, and
 - seek to ensure that so far as is reasonable and practicable, polling places are accessible to all electors including those who are disabled.
4. It is the responsibility of local authorities to divide their areas into polling districts for the purpose of Parliamentary elections, and to designate a polling place within each district. Local government polling districts are based on these Parliamentary polling districts. Cardiff comprises 29 Electoral Divisions, each of which is divided into a number of polling districts. There are currently 204 polling districts in Cardiff.
5. A polling place is the area or building within which a polling station must be selected by the Returning Officer. If no polling place is designated, the law provides that the polling district is to be taken as the polling place.

6. For UK parliamentary elections, the powers and duties of the Returning Officer are discharged by the designated 'Acting Returning Officer'. In Cardiff, the Acting Returning Officer is the Electoral Registration Officer appointed by the Council (Mr. Paul Orders).
7. The choice of fully accessible buildings for use as polling stations is limited, and they are not always located in an area which is convenient for electors. Electoral Services staff, on behalf of the (Acting) Returning Officer, undertake a continuous assessment of the premises used as polling stations, in order to seek alternative more suitable solutions where necessary. Furthermore, the review has sought to minimise disruption to schools and to find a permanent polling place to cease the use of hiring portacabins where ever practicable.
8. Prior to any elections the (Acting) Returning Officer will advise political parties of the actual polling stations to be used, and in making that decision will consider any comments made as part of this review.

Consultation

9. A public notice was published and included on the Council's website. All ward members, AMs, MPs, MEPs, Community Council clerks, Disability Forum, 50+ Forum and Cardiff Citizens Panel members as well as the South Wales Police and Crime Commissioner and the (Acting) Returning Officer for the Vale of Glamorgan, due to the Cardiff South and Penarth parliamentary cross boundary arrangement, have been consulted.
10. Comments received as part of the review are set out in Appendix B and recommended polling arrangement adjustments are summarised in Paragraph 11 below. These are available for public inspection at the Electoral Services Office at County Hall.

Responses and Proposals

11. The review has identified a number of responses where practical alternative arrangements are required or improved arrangements can be recommended to current polling arrangements. These include:
 - a. **Caerau** - Response received from an Elected Member suggesting a possible alternative location (RAFA Club, Riverside Terrace) be considered as an alternative to the current Millbank Primary School polling station location (Polling District TH).

The (Acting) Returning Officer is supportive of the suggested alternative polling location which would remove the requirement to utilise a local school and is located within a short distance of the current polling station venue for the benefit of local electors.

- b. **Creigiau and St Fagans** - Response received from the (Acting) Returning Officer recommending that due to the small number of properties (60 properties) within Polling District 28B and the significant logistical siting difficulties, the Portacabin at Capel Llaniltern be removed and electors be re-allocated to Polling District 28A – Creigiau Church Hall, Cardiff Road, Pentyrch. Contact would be made with all electors in the polling district explaining the alteration and location of the new polling station as well as allowing the opportunity to apply for a postal or proxy vote arrangement if attending the new polling station in person was unsuitable.
- c. **Gabalfa** - Response received from an Elected Member requesting that all consideration be given to the continued use of Mynachdy Welfare Institute, as a Polling Station within Polling District GA.

Due to the uncertainty over the availability of the above polling station the (Acting) Returning Officer currently has no option but to advise the use of a temporary mobile unit for polling purposes. However, such arrangements will be kept under review until further information is available on the long term future of the Institute.

- d. **Llandaff North** - Response received from Headteacher, Gabalfa Primary School highlighting that Gabalfa Primary School and Ysgol Glan Ceubal (Polling District JD) had moved into new shared accommodation in September 2019 and the design of the new building made it very difficult to continue to utilise the building for polling purposes. As a solution, a school governor has proposed that the (Acting) Returning Officer utilise Emmanuel Baptist Church, Gabalfa Avenue, CF14 2SH.

The (Acting) Returning Officer is supportive of the suggested alternative polling location which would remove the requirement to utilise a local school and would offer a suitable polling location.

- e. **Llanrumney** - Response received from a local resident who commented that the polling station located in Bryn Hafod Primary School was an inconvenience to the school and would prefer an alternative location be utilised.

The (Acting) Returning Officer is supportive of the suggestion and has been able to identify an alternative polling station location at Llanrumney Hall, Ball Road, CF3 4JJ which would reduce the pressure on the requirement for two polling stations to be located in Bryn Hafod Primary School and provide a more convenient site for electors residing in Polling District PA.

- f. **Penylan** – Response received from the (Acting) Returning Officer who recommended a suitable alternative venue to utilising St. David's RC College (Theatre Block) Ty Gwyn Road, Penylan (Polling Districts FA and FB). The location at Birchwood House, Birchwood Lane within

Cardiff University was sited more centrally within the polling district with good access and parking availability.

A further response was also received from an Elected Member in relation to Howardian Primary School, Hammond Way (Polling District FF) who highlighted the lack of parking facilities for disabled people and those with mobility problems and requested further discussions to be undertaken with the school to assist with improving accessibility to the polling station.

The (Acting) Returning Officer is supportive of the current polling district arrangement, but will undertake further discussions with the relevant Headteacher to see if additional measures can be put into place to improve accessibility arrangements.

- g. **Pontprenau and Old St. Mellons** – Response received from the (Acting) Returning Officer recommending that the current Polling District 29C be kept under close review and consideration in due course be given to whether an additional Polling District be created to support residential development in the area.
- h. **Trowbridge** – Response received from the (Acting) Returning Officer who highlighted that due to the significant logistical difficulties in siting the portacabin and concerns of safeguarding issues due its location outside Oakfield Primary School, Ferntree Drive (Polling District SE, SJ) it is recommended to utilise the Community Hall – St. Mellons Hub, Crickhowell Road as an alternative location for polling districts SA, SE, SI and SJ. This would offer electors improved facilities in a very large purpose built community building and remove the requirement to cause disruption to a local school.
- i. **Whitchurch and Tongwynlais** – Response received from the (Acting) Returning Officer recommending that due to significant logistical difficulties in siting the current portacabin at St. Margaret's Road (Heol-Y-Forlan End) an alternative venue location within the electoral division be considered. The (Acting) Returning Officer considers that utilising the current polling station site located at Church Hall, Kelston Road for polling districts MD and ME an opportunity exists to improve, particularly for elderly and disabled electors, general access, seating and toilet facilities while moving away from a temporary use building awkwardly located in a side street location. Consideration will also be given to the possibility of further reducing the use of portacabins within the ward as part of any future review process.

Legal Implications

12. The Council is required (under section 18C Representation of the People Act 1983 ('the Act'), inserted by the Electoral Registration and Administration Act 2013) to undertake a review of all the polling districts and polling places in its area. The review must be conducted in accordance with the parameters and procedure set out in the Act and regulations issued under it (the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006).

The law requires that:

- a) each community in Wales is to be a separate polling district, unless special circumstances apply;
- b) the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors;
- c) the polling place must be an area in the 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); and
- d) the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.

As part of the review, 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; and
- seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled

The statutory procedure for the review requires the Council to:

- publish a notice of the holding of a review;
- consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area;
- publish all representations made by an (Acting) Returning Officer within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website;
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or 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 (Acting) Returning Officer(s); and
- on completion of a review, give reasons for its decisions and publish:
 - a. all correspondence sent to an (Acting) Returning Officer in connection with the review;

- b. 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;
- c. all representations made by any person in connection with the review;
- d. 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;
- e. details of the designation of polling districts and polling places within the local authority area as a result of the review; and
- f. details of the places where the results of the review have been published.

The review of polling districts and polling places is a Council function (pursuant to the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007, which may be determined by full Council, having regard to the legal requirements set out above.

Financial Implications

- 13. The proposed changes to the polling arrangements involve a reduction in the requirement for two portable temporary hire units and their logistical siting, delivery and collection costs.
- 14. The associated savings per temporary hire unit are summarised below, based on the 2019 European Parliamentary Election costs.

Portacabin Unit Hire Charge incl. Insurance (per unit)	£1,000.00
Delivery Set up and Removal of Units (per unit)	£1,000.00
Conveyancing of election equipment (per unit)	£60.00
Electricity supply to portacabin (per unit)	£30.00
Total Cost (per unit)	£2,090.00

- 15. The proposal involves greater utilisation of permanent polling stations, to accommodate the reduction in temporary hire units, within existing permanent polling station hire costs.
- 16. The saving to the Council relates to Local Government Elections and by-elections, with the costs of running an electoral event met by the relevant democratic body.

RECOMMENDATION

- 17. That the Council:
 - a. Approves the amalgamation of polling district 28B with 28A as noted in paragraph 11(b).
 - b. Notes that the Electoral Registration Officer will implement any consequential changes to the register of electors.

- c. Designates each polling place as within the general vicinity of each location utilised for polling station purposes;
- d. Makes no other changes to the polling districts.
- e. Notes the Returning Officer shall confirm the polling stations within each district prior to elections, having regard to the proposals set out in paragraph 11 above and any other relevant factors pertaining at that time.

Davina Fiore
Director of Governance and Legal Services
October 2019

Appendix A: Summary of Alterations to Polling Districts, Places and Stations

Appendix B: Consultation Responses received as part of the Polling Districts, Places and Stations Review.