

Title of report: Permanent replacement of one polling station

Meeting: Council

Meeting date: Friday 10 February 2023

Report by: Returning Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the addition of one venue to our current scheme of polling district, polling places and polling stations, to replace a venue that is no longer available. The venue is attached to Marden Primary School via a shared corridor and the Community Hall is now in use full time by the pre-school.

Recommendation(s)

That:

- a) The Marden Community Centre which is no longer available for use is closed, and**
- b) Council agrees that the Marden Links Community Hub, Walker Green Marden, Hereford, HR1 3DN station be approved,**

Alternative options

The decision maker can, if they wish, approve alternative options for polling places, but in doing so they would need to comply with statutory guidance and decisions would also need to be supported by demonstrable evidence.

Key considerations

1. The council has a duty to divide its area into Polling Districts and to designate Polling Places for each district and review these every 5 years. (Herefordshire's last full review took place in 2018/2019 and was approved in December 2019). Outside of this review period, if a building becomes unavailable before an election, the polling place can be changed by the local authority in accordance with their decision making arrangements.

2. The following statutory considerations have been taken into account when drawing up the proposals:
 - a) The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
 - b) The council must seek to ensure that so far as reasonable and practicable every polling place is accessible to electors who are disabled.
 - c) Every parish shall be a separate polling district.
 - d) Ideally the polling place should be in its own polling district.

3. We have suggested the change to our polling station following the unavailability of one venue. We have undertaken a site visit as set out in appendix A to review the new venue which will accommodate the number of electors in the particular area and have sufficient facilities as per the considerations above.

Community impact

4. Legislation stipulates that ideally there should be no more than 2,500 electors to each polling place.

5. The council is also required by law to ensure that all electors have access to such reasonable facilities for voting as practicable in the circumstances. These amendments aim to ensure that this requirement has been complied with as far as possible.

Equality duty

6. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7. It is a statutory requirement that as far as it is reasonable and practicable a polling place is accessible to electors who are disabled. This review has taken this requirement into account and ensured that Marden Links Community Hub has a ramp in place to access the building due to a small step at the entrance.

Resource implications

8. There are no direct financial implications arising from this change. The costs of hiring and equipping venues for voting are met from within existing budget provision. Costs incurred in relation to General, Parish, Police and Crime Commissioner elections and Neighbourhood Planning Referendums are recouped from the relevant funding body; where elections/referendums are running concurrently the costs are apportioned as appropriate.

Legal implications

9. The Representation of the People Act 1983 (RPA 1983), as amended by the Electoral Registration and Administration Act 2013, requires that local authorities conduct reviews of the Polling Districts, Polling Places and Polling Stations within their local authority area.
10. The Electoral Registration and Administration Act 2013 subsequently governs the timing of compulsory Polling District, Polling Place and Polling Station Reviews, with the next compulsory review due to commence within the sixteen-month period beginning on 1st October 2023.
11. A local authority may, however, conduct an interim review at any time, although it will still have to conduct a full review during the compulsory timeframe.
12. If a building becomes unavailable before an election, the polling place can be changed by the local authority in accordance with their decision making arrangements. If delegation procedures are in place, for example to a committee of the council, these should be followed as set out in the council's constitution and the person or persons who are entitled to make changes to polling places should be contacted.

Risk management

13. Failure to agree a polling place within the current schedule of polling districts, places and stations would mean that the council would be in breach of its statutory duty and electors would be disadvantaged. The Electoral Commission could intervene and direct the council to alter any polling arrangements and the commission could make these alterations itself if the council failed to respond.

Consultees

14. A consultation has not taken place as these changes are taking place outside of the 5 year compulsory review period. However, the following have been made aware of the proposed new venue (affected areas only):
 - Herefordshire Councillors
 - Parish Clerks
 - Local Political Parties

Appendices

Appendix A - Review of new venue (Site Visit)

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	John Coleman	Date 20/01/2023
Finance	Louise Devlin	Date 17/01/2023
Legal	Francis Fernandes	Date 16/01/2023
Communications	Luenne Featherstone	Date 16/01/2023
Equality Duty	Harriet Yellin	Date 20/01/2023
Procurement	Lee Robertson	Date 16/01/2023
Risk	Kevin Lloyd	Date 20/01/2023

Approved by Claire Porter Date 20/01/2023

Please include a glossary of terms, abbreviations and acronyms used in this report.