

Board/Committee:	Policy and Organisation Board
Date of meeting:	Wednesday, 29 November 2023
Title:	May 2024 Local Government and Police & Crime Commissioner Elections
Author:	Returning Officer and Electoral Registration Officer for the Borough of Gosport
Status:	For Decision

Purpose

This report sets out proposed changes to the Polling Places for electors in the Lee East 2 and Lee West 3 Polling Districts.

Recommendation

That the Board:

- i) approves the recommendations of the Returning Officer and Electoral Registration Officer with regard to the Polling Places for electors in Polling Districts Lee East 2 and Lee West 3;
- ii) provides delegated authority to the Returning Officer to make changes to the Polling Places required for use at these Polls.

1.0 Background

1.1 Usually Polling Stations are booked in the January before the May elections, however due to the uncertainty of when the next Parliamentary General Election will be called following the repeal of the Fixed Terms Parliament Act, all current designated Polling Places were written to on 05 August 2023 to secure the locations for the May 2024 scheduled Poll.

1.2 Section 18B(3) of the Representation of the People Act requires that “a relevant authority must designate the Polling Places for the Polling Districts in its area...” for Parliamentary elections, and Gosport always mirrors this decision for all primary area elections. This function is not delegated to officers under the council’s constitution and custom and practice is that any changes to the decisions is taken to P&O Board to determine.

2.0 Report

2.1 Following the correspondence with all designated Polling Places (as agreed by Full Council at its meeting on Wednesday 18 December 2019), Lee-on-the-Solent Infant School made the Returning Officer aware that the SureStart building that had previously been used in 2021 and 2022 was now a full time nurse’s and therefore the space required for two polling stations was no longer available.

- 2.2** The Returning Officer upon receiving this communication and information from the school has investigated and examined other possible and suitable locations for the electorate of the affected Polling Districts.
- 2.3** The Returning Officer has continued to hold discussions with the school for alternative accommodation within the main school building that could be utilised on Polling Day, meeting the needs of the electorate, the needs of school and the new legal duties placed on the Returning Officer with regard to the Election Act 2022 Accessibility Duties (The Assistance with Voting for Persons with Disabilities (Amendments) Regulations 2022).
- 2.4** At the time of this report discussions are still ongoing with the Headteacher and the Local Education Authority regarding the use of the school premises for May 2024 elections, but it is anticipated that the school will be available as a Polling Place for electors in the Lee East 2 Polling District.
- 2.5** It is however proposed to use the 1st Lee Scout Group headquarters in Holybank as the Polling Place for electors from Lee West 3 Polling District.
- 2.6** The Returning Officer has made contact with the 1st Lee Scout Group and visited the premise to undertake an assessment of the building, the location and facilities to ensure that it meets the needs of the electors on Polling Day.
- 2.7** P&O Board is requested to provide Delegated Authority to the Returning Officer to make any further changes with regard to the provision of Polling Places for the May 2024 elections because the use of Polling Places either unavailable at short notice without the delegated authority would require further P&O Board reports and decisions, that could delay notification to those electors affected, and also the messaging to other interested parties such as candidates, election agents, the media etc.
- 2.8** Guidance issued to Returning Officers by the Electoral Commission with regard to making 'Last-minute changes to polling stations':
"There may be circumstances (e.g., flooding, fire, vandalism) when a change of polling station is required at short notice. As part of your planning, you should compile a list of stand-by or portable polling stations that could be used in such circumstances. Local Authorities are responsible for designating polling places and polling districts and you must, except in the case of special circumstances, designate a new polling station within the same polling place.
"Usually, if there is a need to change the polling place, council agreement will be required. If delegation procedures are in place, you should follow these and contact the person or persons who are entitled to make changes to the scheme of polling places. However, flood, fire or vandalism occurring in the immediate lead up to polling day could constitute a 'special circumstance', enabling you to designate a polling station outside the polling place without the need to seek council agreement."
- 2.9** Should any changes be necessary to the currently designated Polling

Places under delegated authority, the Returning Officer would ensure that a number of mitigating measures are taken to ensure that electors who are affected by a late change to a polling station are able to vote with minimum disruption:

- use social media to inform electors that there has been a change to a polling station;
- if time allows, send out a letter to all affected electors informing them of the change to their polling station (if the change occurs following the printing and delivery of Poll Cards to electors);
- if time allows, use the local media to disseminate information to the affected electors – for example, through issuing press releases;
- writing to all Elected Members either through a Member Information Bulletin or via e-mail of the change;
- put up signs at the old polling station informing electors about the change, including directions to the new one;
- display clear and visible signage at the new polling station.

3.0 Risk Assessment

3.1 It is the Local Government Returning Officer who is personally responsible for the conduct of the local election including:

- publishing the local government notice of election;
- administering the nomination process at the local election;
- printing the local government ballot papers;
- publishing the local statement of persons nominated and the notice of poll;
- counting the votes for the local election;
- declaring the local election results.

3.2 For combined Local Government and Police & Crime Commissioner elections, the Local Government Returning Officer also takes on responsibility for the combined elements of the poll including:

- the provision of polling stations;
- the appointment and training of Presiding Officers and Poll Clerks;
- conducting the poll;
- the notice of situation of polling stations;
- the equipment of polling stations;
- the notification of the secrecy requirements at polling stations;
- signing certificates of employment for polling station staff allowing them to vote at the polling station they are working at, as opposed to the one allocated to them;
- authorisation to order the removal of persons from polling stations;
- verification of all ballot papers;
- where it has been decided to combine the issue of postal votes:
 - the corresponding number list ;
 - the issue of postal votes including creating a copy of the postal voters list and proxy postal voters list and marking it on issue;
 - the opening of postal votes including the marking the returned postal vote statements on the lists and the verification of the

- personal identifiers on the returned postal voting statements;
- managing the postal vote process.
- counting the PCC votes for their voting area;
- transmitting the local totals for the voting area to the PARO;
- printing the PCC election ballot papers.

3.3 The duties as the Local Government Returning Officer and Local Returning Officer are separate from the duties as a Local Government Officer. The Returning Officer and Local Returning Officer are not responsible to the Local Authority but directly accountable to the courts as an independent statutory office holder.

3.4 Therefore, the risk on these elections lies primarily on the Returning Officer and not on Gosport Borough Council, although the Council does provide the appropriate insurance to enable the role of Returning Officer to be undertaken. In the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer up to the value of such excess (as agreed by Full Council on Thursday 16 May 2019).

4.0 Conclusion

This report summaries the steps taken by the Returning Officer for the provision of a Polling Place for the May 2024 elections for those electors in Lee East 2 and Lee West 3 and requests delegated authority to make any further changes to the provision of Polling Places for the scheduled elections in May 2024.

Financial Services comments:	None arising from this report.
Legal Services comments:	Contained within the report
Equality and Diversity:	The Returning Officer is required to have due regard to the public sector equality duty contained in Section 149 of The Equality Act 2010 and The Assistance with Voting for Persons with Disabilities (Amendments) Regulations 2022 when carrying out his duties.
Climate Change implications:	N/A
Crime and Disorder:	N/A
Service Improvement Plan implications:	N/A
Corporate Plan:	This process aligns with the Business and Usual Service to 'Support local democracy, including elections'.
Risk Assessment:	As outlined and contained in Section 3.
Background Papers:	None
Appendices:	None
Report Author/Lead Officer:	Graeme Jesty