

To: Council

Date: 20 July 2020

Report of: Electoral Registration Officer

Title of Report: Review of Polling Districts and Polling Places – postponement of ward boundary changes due to Covid-19

Summary and recommendations	
Purpose of report:	To ask Council to approve the draft schedule of polling districts and polling places (shown at Appendix A) for the administrative area of the City Council in order to allow by-elections to take place before May 2021 on the old ward boundaries in the event that legislation is introduced that permits this.
Key decision:	No
Cabinet Member:	Councillor Susan Brown, Leader of the Council
Corporate Priority:	Support flourishing communities
Policy Framework:	None
Recommendations: That Council:	
1.	approve the draft schedule of polling places and polling districts as detailed in Appendix 1 to this report;
2.	agree that the changes should not be formally published unless required;
3.	agree that the scheme approved by Council on 13 February 2020 will apply again from 1 December 2020.

Appendices
Appendix 1 – schedule of polling districts and polling places;
Appendix 2 – map of the suggested scheme;
Appendix 3 – risk register;

Introduction

1. The Council is required under the Electoral Administration Act 2006 to carry out a review of the polling places in Oxford used at parliamentary elections every five years and keep them under scrutiny in the interim.
2. Following its five-year review Council agreed a new scheme of polling districts and polling places at its meeting on 13 February 2020 (minute no. 94). This was also necessary to implement the new ward scheme drawn up by the Local Government Boundary Commission for England and approved by Parliament on 24 July 2019.
3. The electoral roll based on the new polling district structure was published on 1 March 2020, in advance of the first set of elections on the new boundaries then due on 7 May 2020.
4. This report is necessary to ensure that in the event that legislation is brought forward to permit by-elections before May 2021 the Council is in a position to respond. In the event that legislation is introduced there would be a limited time period when this may apply between 1 September (when the Register would next be updated) and 7 November 2020 as after that date the “six-month rule” would apply as referred to in paragraph 8 of this report.

The Coronavirus Act and the postponement of elections to 2021

5. As Council will be aware the elections due on 7 May 2020 were postponed to 6 May 2021 by the Coronavirus Act 2020 (section 60).

The Act also laid out that not only were the programmed polls postponed for a year but all other elections (for example, local government polls to fill casual vacancies and neighbourhood planning referendums that may occur) could not take place until May 2021 (section 61).

6. However, the government has said that it would keep under review the public health situation and might legislate to allow by-elections to take place at some point in the autumn. As the Coronavirus Act also moved the implementation of the Council’s ward boundary changes to May 2021 this means that the “old” wards are still in place.
7. As the electoral roll has been republished on the new boundaries it would not be possible to hold any by-elections on the old boundaries, should that be required.
8. By-elections are not permitted in the six-month period before the end of a councillor’s four-year term of office (Section 89(3), Local Government Act 1972). As the City Council is holding all-out elections in May 2021, no by-elections will be permitted arising from a casual vacancy that occurs on or after 7 November 2020. Those will remain vacant and be filled at the elections in May 2021.

As all the County councillors are due to retire on 11 May 2021 the same rule as detailed above applies.

Therefore the Council needs to approve a scheme for the small period of time between 1 September and 6 November, and only if by-elections are allowed again. Should elections be allowed before May 2021 Polls for Neighbourhood Planning Referendums and Parish Council by-elections could still be held after 7 November 2020.

9. At the time of writing this report there are no vacancies at County or City level. There is one parish vacancy, for which a poll has been triggered by ten electors, at Old Marston Parish Council. As noted above that vacancy currently is due to be filled on 6 May 2021.

What the Council needs to do

10. In the event that the Returning Officer is required to run a by election(s) before 6 May 2021 Council is required to amend the scheme of polling districts and places agreed on 13 February 2020 to allow the re-creation of the old wards upon which any by election before 6 May 2021 would be based. This is considered simpler than reverting entirely to the old polling district scheme. There will be quite a few very small polling districts but this is a temporary measure and will have no effect on how electors are treated in that they will still go the same polling station.
11. Rather than re-publish these changes (with the subsequent time, cost and resource required to distribute the registers) Council is being asked to agree the changes in draft only. This will avoid significant additional work required by political parties and others to merge the new scheme in their datasets and then revert back afterwards. This interim scheme would only be implemented if the government allows by-elections before November 2020.

Legal Implications

12. There are no further legal implications than those noted in the report.

Financial implications

13. There are no financial implications.

Risk Register

14. The risk register is attached as Appendix 3.

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Background Papers: None

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