

**Electoral and Polling District Review  
Sub-Committee**

**6 November 2024**

**Cheshire East Borough Polling District  
Review**

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**Report of: Janet Witkowski, Acting Director of Governance and  
Compliance, and Monitoring Officer**

**Report Reference No: EPDR/02/24-25**

**Wards: All Cheshire East Wards**

**Purpose of Report**

- 1 This report informs the Sub-Committee of the need for the Council to conduct a review of its polling districts and seeks authority for a consultation to take place in respect of the proposals which are set out in this report.
- 2 In conducting a polling district review, the Council will be fulfilling its Corporate Plan objective, to be an “open and enabling organisation” by providing strong community leadership and by working transparently with residents, businesses and partners, to deliver the Council’s ambitions within the Borough.

**Executive Summary**

- 3 The Council is obliged by statute to undertake a polling district review within the Borough, by the beginning of 2025. Authority is sought from the Sub-Committee to commence the review by undertaking a consultation, and to take any other associated actions. A report will then be brought back to the Sub-Committee upon the outcome of the consultation.

## RECOMMENDATIONS

The Sub-Committee is recommended to:

1. Authorise the commencement of a Polling District Review for the Cheshire East Borough.
2. Authorise Officers to undertake a consultation upon proposals for the Council's Polling Districts, as set out in paragraphs 14 and 15 of this report, and to take any other associated actions: and
3. Agree that a report will be brought back to the Sub-Committee in due course which will provide details of the consultation responses, together with any other associated matters.

### Background

- 4 Section 18 C of the Representation of the People Act 1983 requires the Council to undertake a review of polling districts and polling places. This review must take place by the beginning of 2025. However, the legislation also provides for a further such review to be undertaken after this deadline, should the need to do so, arise.
- 5 On 13 June 2024, the Corporate Policy Committee empowered the Electoral and Polling District Review Sub-Committee to formally determine all matters relating to the Cheshire East Council Polling District Review, without any further reference to the Corporate Policy Committee.
- 6 The Electoral Commission's guidance sets out the detailed requirements of polling district reviews:  
  
[The legislative requirements of a polling place review | Electoral Commission](#)
- 7 The key points are set out below.
- 8 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within it. However, the time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals, gather comments and respond with any alternative arrangements that they may wish to submit.
- 9 When carrying out the review, local authorities must:
  - Publish a notice of the holding of a review.
  - Consult the (Acting) Returning Officer (“(A) RO”) for every parliamentary constituency which is wholly or partly in its area.
  - Publish all representations made by an (A) RO 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 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 (A) RO(s).

10 On completion of a review, the local authority must give reasons for its decisions and publish:

- All correspondence sent to an (A) RO in connection with the 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.
- Details of the places where the results of the review have been published.

11 Whilst the Council is required by statute to conduct a polling district review by the beginning of 2025, the Boundary Commission's current review of Cheshire East Council's electoral arrangements puts the Council in a unique and difficult position. The Commission's review is ongoing and it has only very recently published its draft recommendations for the Council's electoral arrangements. These draft recommendations will be subject to consultation until December 2024, after which the Commission will consider the details of consultation responses. The Commission expects to have done this and to have published its final recommendations by 13 May 2025, following which the Parliamentary process commences, with the final Order being made in the summer of 2025.

12 In short, the obligation upon the Council to undertake its polling district review by the beginning of 2025 is incompatible with the timetable for the Commission's review of the Council's electoral arrangements, because the latter will fundamentally affect the Council's polling arrangements. The Council's ward boundaries will change, with consequent implications for polling districts.

13 Only when the final outcome of the Commission's review of the Council's electoral arrangements is known, will the Council will be in a position to make an informed judgement upon all of its polling district matters and undertake a full review upon its proposals.

14 For this reason, and given that the Council is not currently aware of any specific polling district issues which are significant enough to justify polling district changes in the context of the ongoing electoral review by the Commission, it is proposed that the Sub-Committee should determine that the Council consults on

the basis that its current preferred option is for no change to the Council's existing polling districts but notwithstanding this provisional view, it welcomes and will give consideration to submissions from individuals, electors, organisations and partner bodies on any polling district matters considered to be in need of review and, in particular, suggestions for alternative polling arrangements.

- 15 Should this be an acceptable course of action to the Sub-Committee, the Sub-Committee would need to make a resolution to this effect, and this would be the subject of the required consultation.

### Consultation and Engagement

- 16 As required by legislation, and as referred-to in the Electoral Commission guidance consultation will take place.

### Reasons for Recommendations

- 17 To ensure that the Council fulfils its obligation to comply with legislation, but acknowledging that a full review of polling district matters will take place once the outcome of the Boundary Commission's review of the Council's electoral arrangements is known.

### Other Options Considered

Option	Impact	Risk
Do nothing	The Council would not be compliant with legislation.	The Council could be open to legal challenge. This could be damaging to the Council's reputation.

### Implications and Comments

#### *Monitoring Officer/Legal*

- 18 In addition to the legal requirements of the Review placed on the Council detailed in paragraph 9 above, Schedule A1 of Representation of the People Act 1983 makes it clear that the Acting Returning Officer must make representations which include information as to the location of polling stations whether existing or proposed and that any elector in a constituency situated in whole or in part in the authority's area may make representations on the Review as a whole.
- 19 Whilst the nature of the consultation is prescribed by the Representation of the People Act 1983, the Council must nevertheless conduct its consultation in accordance with the principles of consultation set out in R v. Brent London Borough Council, ex parte Gunning (1985) 84 LGR 168 at 169 (commonly referred to as 'Gunning Principles'). Specifically, (i) consultation must take place when the proposal is still at a formative stage; (ii) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response; (iii) adequate time must be given for consideration and response; and (iv) the product of consultation must be conscientiously taken into account.

*Section 151 Officer/Finance*

20 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

*Policy*

21 In undertaking the polling district review, the Council will be adhering to the following policy implications.

**An open and enabling organisation**

Ensure that there is transparency in all aspects of council decision making

*Equality, Diversity and Inclusion*

22 There are no direct equality, diversity and inclusion implications, but the proposed consultation will give those who the authority believes have particular expertise in relation to access to premises or facilities for persons who have different forms of disability, the opportunity to make submissions for further consideration.

*Human Resources*

23 There are no direct human resources implications.

*Risk Management*

24 There are no direct risk management issues associated with the recommendations of this report.

*Rural Communities*

25 There are no direct implications for rural communities but the proposed full review of polling districts will consider issues which are raised, during the consultation, which are a concern to individuals in rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

26 There are no direct implications for children and young people.

*Public Health*

27 There are no direct implications for public health.

*Climate Change*

28 There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	Brian Reed Head of Democratic Services and Governance <a href="mailto:Brian.reed@cheshireeast.gov.uk">Brian.reed@cheshireeast.gov.uk</a>
Appendices:	
Background Papers:	None which are not contained within the main body of this report.