

Appeals Process

Following the conclusion of the Council's review certain persons have a right to make representations to the Electoral Commission and this section sets out the Appeals Process which requires to be followed.

Who is entitled to make a representation to the Commission?

- Thirty or more registered electors in each constituency (although electors registered anonymously cannot make a representation);
- A person (except the Returning Officer) who made representations to the local authority when the review was being undertaken;
- Any person who is not an elector in a constituency in the authority's area but who the Commission thinks has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.

In addition, the Returning Officer may make observations on any representations made to the Commission.

Format for all representations:

All representations made to the Commission must be made in writing either by post or e-mail. The representation must be as specific as possible and should clearly state the manner in which it is alleged that the Council has failed to properly conduct the review. There are only two grounds on which a representation may be made. These are:

- (a) The local authority has failed to meet the reasonable requirements of the electors in the constituency
- (b) The local authority has failed to take sufficient account of accessibility to disabled persons of the polling station(s) within a polling place

Representations based on any other premise will not be considered.

The representation should include the location and any other relevant information regarding the polling place at issue, stating specifically why it is inaccessible or does not meet the reasonable requirements of the electors.

A representation may also include for consideration specific proposals for changing the place that has been designated as the polling place.

Decision making process of the Commission

Upon receipt of a representation, the Commission will request all relevant documentation from the Council and will show the Council the representation.

The Returning Officer is entitled to make observations on the representation submitted to the Commission.

The Commission will base their decision-making process on a number of factors when considering an appeal. The main factors are (a) whether the polling place meets the reasonable requirements of electors and (b) whether accessibility needs and disabled access have been considered.

The Commission may seek advice from persons with expertise on accessibility issues when making its decision and may send a member of its staff to visit the polling district/place to consider the issues raised. The Commission may invite input from relevant stakeholder groups.

The Commission will set out in writing its conclusions and reasons for its decision. The Commission's decision will be issued to the person(s) who made the representation, the Council and the Returning Officer. The decision and related documents will also be published on the Commission's website.

The Commission may direct the Council to consider any alterations to the polling places that it deems necessary under the review. After two months, if the Council has failed to make the alterations the Commission can itself make the alterations as if the Council had implemented them.

Please send any representations to:

Legal Team
Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

Email: appeals@electoralcommission.org.uk

If possible, an appeal should be made in writing. If this presents any difficulties, please call the Commission on 0333 103 1928 to discuss.