

## Committee: Standards and General Purposes Committee

Date: 4 November 2021

Wards: All

## Subject: Review of Polling Districts and Polling Places

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Tobin Byers

Contact officer: Andrew Robertson, Head of Electoral Services

### Recommendations:

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1. That the Standards and General Purposes Committee agrees the designation of polling districts and polling places set out in Acting Returning Officers Submission attached as Appendix A.
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## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Local Government Boundary Commission for England has recently undertaken an Electoral Review of the London Borough of Merton ward arrangements. As a result of the review, there have been alterations to the current ward boundaries which require changes to the polling districts within them. Therefore, Merton is required to undertake a review of its polling districts and also the location of polling places/stations to reflect the changes to the ward boundaries. The changes to the Wards and Polling Districts will come into force at the Local Council Elections on 5 May 2022 and will be in use at both national and local elections. The Committee is requested to consider the proposals and to recommend a decision by the full Council.

## 2 DETAILS

- 2.1 **Context** ; the Electoral Registration and Administration Act 2013 required each local authority to complete a review of the parliamentary polling districts and polling places within its area every 5 years beginning from the last review which was conducted during a period of 16 months beginning on 1<sup>st</sup> October 2013. The first compulsory review by Merton after this date was carried in 2014 and the next compulsory review in 2019. The current review is required to ensure that the council has correct and accessible polling arrangements for the 2022 elections.
- 2.2 **Timing**; The outcome of the review is being reported to Standards and General Purposes Committee and then full Council in November 2021 for decision to enable the Electoral Registration Officer to make any alterations necessary to the register of electors in good time to prepare for the May 2022 elections.
- 2.3 **Review process**; the current review was begun when a public notice was issued on 28 July 2021. This invited all Councillors, MP's and residents to

comment on the Acting Returning Officer's draft proposals. Persons or bodies making representations were asked to suggest alternative options if they did not concur with the draft proposals. Details of the existing arrangements including maps were available either on the council's website or on request from Electoral Services. The consultation closed on Monday 13 September 2021. Details of any representations received are included in the ARO submission, and will also be available on request from the Electoral Services Office.

- 2.4 **Definitions;** a ***polling district*** is a geographical area created by the sub-division of a UK parliamentary constituency for the purposes of a UK Parliamentary election. A ***polling place*** is the building or area in which polling stations are selected by the (Acting) Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district. A ***polling station*** is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the council, polling stations are chosen by the relevant Returning Officer.
- 2.5 **Scope;** polling districts and polling places for other elections are not automatically part of the compulsory review. However, as polling districts and polling places for other elections are based on UK Parliamentary polling arrangements, the requirements of any other elections held within the area have been taken into consideration.
- 2.6. **Legislative requirements;** local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:
- the council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances;
  - the council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled;
  - the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors
  - the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district)
  - the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station
- 2.7 **Guidance;** other guidelines are recognised good practice, but may not always be possible:

- natural, well-defined boundaries are preferred;
- all properties in a minor road or estate should be in the same polling district (unless the ward or constituency boundary makes this impossible);
- there should be an even spread of polling places;
- the polling district should be the 'catchment area' for the polling place and no elector should have to pass another polling place to get to their own;
- the polling places that voters are familiar with are not changed unless there is a strong need to do so.
- no polling station should be allocated more than 2,500 electors. This excludes postal voters and those not eligible to vote. Where a polling district has been allocated more than 2,500 electors, the electorate is split between two polling stations in the same venue. This is known as a double polling station.

**2.8 Use of schools as polling places:** The Acting Returning Officer notes that the use of schools as Polling Places can cause significant disruption to pupils, teachers and parents. During this review the Acting Returning Officer has attempted, where possible, to find alternative venues to schools that are used as polling stations that are required to close on polling day.

### **3 ALTERNATIVE OPTIONS**

Although outside of the compulsory period, there was no alternative to carrying out this review, as polling districts and the location of polling places/stations must reflect the changes to the ward boundaries applied by the Local Government Boundary Commission.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. To allow electors and others to submit views as easily as possible a consultation was posted on the council's website in late July and all consultees were encouraged to submit views directly to Electoral Services. The consultation was open until 13 September. Responses relating to polling districts and polling places are set out in the appendix.
- 4.2. At the beginning of the process in early July the MPs for Mitcham & Morden and Wimbledon, agents for the political parties, and all members of the council were formally advised that the review was taking place and invited to submit views. Views received from members of the council are set out in the appendix. No other views have been received from the political sphere.
- 4.3. In conducting such a review it is particularly important to consult those who have experience of assessing access for persons with different disabilities. Details of the ARO's proposals have therefore been sent to Merton Centre for

Independent Living (MCiL), Merton Mencap, Merton Vision and Carers Support Merton to engage these organisations in the review. All organisations were asked to circulate information to constituent bodies and members via their newsletters and to encourage them to participate in the review. No responses have been received.

## **5 TIMETABLE**

- 5.1 The revised register of electors to be published on either 4 January or 1 February will be amended to reflect any changes to polling districts. A further review must be completed within a period of 16 months beginning on 1<sup>st</sup> October 2024.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 Current electoral registration budgets are covering the costs of this review. It is estimated that the proposals will add around £3,000 extra to the cost of the local election in 2022 (and every four years thereafter, assuming no by-elections). This will consist of additional accommodation costs, caused mainly as a result of taking polling stations out of schools. This will be funded by the budget built in to the MTFs for local elections in the relevant years.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 The Council has a duty under the Representation of the People Act 1983 (RPA 1983) to divide its area into polling districts for parliamentary elections, to designate a polling place for each polling district, and to keep these under review. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000<sup>1</sup> list section 18 of the RPA1983 as one of the functions that are not to be the responsibility of an authority's executive. The Council has delegated the discharge of functions relating to elections to the Standards and General Purposes Committee.
- 7.2 The statutory requirements on the conduct of the review, and on any challenge, are set out in sections 18A to 18E and Schedule A1 of RPA 1983, as amended. Following the completion of a review, the Council must publish all correspondence, representations and minutes of meetings in connection with the review, and the details of the designation of polling districts and polling places as a result of the review (RPA 1983, Schedule A1), and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006<sup>2</sup>.
- 7.3 The Electoral Registration Officer is required to make the necessary adaptations to their registers of electors and to publish a notice stating that the adaptations to polling districts have been made (RPA, section 18A).

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<sup>1</sup> SI 2000/2853

<sup>2</sup> SI 2006/2965

- 7.4 Following the conclusion of a review certain persons have the right to make representations in writing to the Electoral Commission who may if they find that the review did not meet the reasonable requirements of the electors or did not take sufficient account of disability issues direct the council to make alterations to the polling places.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1 Under section 149 of the Equality Act 2010 it is the duty of a public authority in the exercise of its functions to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.2 In providing services and access to them the Council is required by law to make reasonable adjustments in order to avoid discriminating against disabled persons. When considering what adjustments should be considered as reasonable the council is required to have regard to the relevant code of practice. The following are some of the factors to be taken into account when considering what is reasonable:
- Whether taking any particular steps would be effective in overcoming the substantial disadvantage that disabled people face in accessing the services in question;
  - The extent to which it is practicable for the service provider to take the steps;
  - The financial and other costs of making the adjustment;
  - The extent of any disruption which taking the steps would cause;
  - The extent of the service provider's financial and other resources;
  - The amount of any resources already spent on making adjustments; and
  - The availability of financial and other assistance.
- 8.3 The right to free elections forms part of Article 3 of Protocol 1 of the Human Rights Act 1998. Any resident is entitled to vote, if qualified by age and nationality, and if not subject to any other legal incapacity.
- 8.4 As indicated above, the principles have been followed of seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the

circumstances, and seeking to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled. There is a commitment to ensure that all polling places are accessible.

- 8.5 The aim of enhancing community cohesion and engagement would be expected to be achieved by the principles in 8.1 and 8.2 through promoting democratic engagement by seeking to make voting in person as easy as possible for residents of all communities.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1 Integrity plans are maintained for elections. These involve working closely with Merton Police on operational matters, together with liaising with the Metropolitan Police Service officer specifically delegated with responsibility for potential election offences.

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1 The authority must complete the review by the end of January 2021. Any challenge to the Electoral Commission would impact on the arrangements being made for the local council elections in May 2022.
- 10.2 In reviewing polling places, the reasonable facilities for staff at polling stations during elections have been considered. The physical fabric of possible polling places has also been considered to reflect the need for members of the public to visit their polling station.

## **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1 ARO submission

## **12 BACKGROUND PAPERS**

- 12.1 None