

# Committee: General Purposes Committee

**Date: 26<sup>th</sup> June 2014**

Wards: all

## **Subject: Review of Polling Districts and Polling Places**

Lead officer: Caroline Holland, Director of Corporate Services

Lead member: Councillor Mark Allison

Contact officer: Tim Revell, Interim Head of Electoral Services

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### **Recommendations:**

That the General Purposes Committee agrees that the compulsory review of UK Parliamentary polling districts and polling places should now take place.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report asks members to agree that the compulsory review of polling districts and polling places for UK Parliamentary elections should now begin, sets out the arrangements for carrying out the review including the timetable for seeking approval from members for recommendations arising from the review.

## **2 DETAILS**

- 2.1. **Context;** the Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must be completed by 31<sup>st</sup> January 2015. The manner in which the review is carried out is set out in Schedule A1 of the Representation of the People Act 1983 (RPA1983) supplemented by detailed guidance from the Electoral Commission.
- 2.2. **Timing;** the timing of the review is a matter for each local authority taking into account its own circumstances. The statutory period for starting a review began on 1<sup>st</sup> October 2013 but beginning then would have meant conducting it at the same time as the delayed annual canvass and preparation for the borough council and European parliamentary elections. It would also have denied the newly elected councillors the opportunity to contribute to and influence the outcome of the review. It is therefore opportune to begin the review now and complete it in 2014 before detailed preparations for the 2015 parliamentary election start. It is envisaged that the outcome of the review will be reported to this committee on 6<sup>th</sup> November 2014 and recommendations made to the council meeting on 19<sup>th</sup> November 2014 for a final decision.
- 2.3. **Review process;** 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. The timetable indicated in paragraph 2.2 above should permit this.

- 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 should be 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 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 **Formal review process;** when carrying out the review, the council must:
- publish a notice of the holding of a review
  - consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
  - publish all representations made by an (Acting) Returning Officer 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, if the authority maintains a website, 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 (Acting) Returning Officer(s).
  - on completion of a review, give reasons for its decisions and publish:

- a. all correspondence sent to an (Acting) Returning Officer in connection with the review
- b. 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
- c. all representations made by any person in connection with the review
- d. 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
- e. details of the designation of polling districts and polling places within the local authority area as a result of the review
- f. details of the places where the results of the review have been published

### **3 ALTERNATIVE OPTIONS**

- 3.1. This is a statutory review so there is no alternative to carrying it out. It is likely that the outcome of the review will produce several suitable options in some wards so members will need to judge which would be the most appropriate location for a polling place

### **4 CONSULTATION UNDERTAKEN**

- 4.1. No consultation has yet been undertaken as the review has not formally started. However, the council is required to consult widely and seek out the views of interested groups or bodies, including electors, candidates and agents, political parties and councillors as well as other elected representatives (ie MPs, MEPs, GLA members).

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

- 5.1. Provision for the hire of buildings for use as polling places is included within the budget for each election. Apart from borough council elections some or all of the cost is met by other organisations. There is no direct cost of carrying out the review but doing so in a manner which satisfies the statutory guidance will involve a significant input from the Electoral Services team.

### **6 LEGAL AND STATUTORY IMPLICATIONS**

- 6.1. The Council has a duty under the Representation of the People Act 1983 (RPA1983) to divide its area into polling districts for parliamentary and local government elections, to designate a polling place for each polling district, and to keep these under review. The Electoral Registration and Administration Act 2013 requires local authorities to carry out a review of polling districts and polling places for UK Parliamentary elections between 1<sup>st</sup> October 2013 and 31<sup>st</sup> January 2015. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 specify that functions in section 18 of the RPA 1983 are not to be the responsibility of an authority's executive. This function has not been specifically delegated by the Council.

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

7.1 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.

7.2 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.

7.3 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.

7.4 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. The council has a duty to review the accessibility of all polling places to disabled

voters and ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters 'so far as it is reasonable & practicable'.

- 7.5 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.

## **8 CRIME AND DISORDER IMPLICATIONS**

- 8.1 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.

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

- 9.1 In reviewing polling places, the reasonable facilities for staff at polling stations during elections will be considered. The physical fabric of possible polling places will also be considered to reflect the need for members of the public to visit their polling station.

## **10 BACKGROUND PAPERS**

- 10.1 Reports on current and potential polling places and polling stations made by Electoral Services staff and by presiding officers and polling station inspectors at past elections. Statutory guidance published by the Electoral Commission.