

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director Support Services

To
General Purposes Committee

on
16th November 2011

Report prepared by:
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Review of Polling Districts and Polling Places/Polling Stations

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 This report proposes amendments to polling districts and polling places in the parliamentary constituencies of Southend West and Rochford and Southend East that fall within the Borough.

2. Recommendations

- 2.1 That a polling place be defined as the building (including surrounding grounds) containing one or more polling stations within which voting may take place.
- 2.2 That the comments received in response to the public consultation exercises on the polling districts and polling places/stations, as set out in Appendices 2 and 4 to this report, be noted.
- 2.3 That the proposed amendments to the polling districts and polling places, as set in the Report of the Returning Officer (Appendix 3), be approved.
- 2.4 That the Returning Officer be authorised to determine variations to polling places that may be necessary for a particular election and that Paragraph 4.1 of Part 3, Schedule 2 of the Constitution (Delegation to Officers), be amended accordingly.

3. Background

- 3.1 The Representation of the People Act 1983 ('1983 Act') places a duty on the Council to divide the Borough into polling districts and designate polling places for the districts. The Council has a duty to keep these polling arrangements under review.
- 3.2 The Electoral Administration Act 2006 introduced a number of changes to the 1983 Act in respect of the way reviews must be undertaken. Under the 2006 Act, the Council is required to undertake a review of polling districts and polling

places/stations within their area on a four yearly cycle. The first general review in Southend was completed on 11th February 2008.

3.3 An explanation of the terms used in the review is set out below:

- i) A **polling district** is a geographical area created by the sub-division of a constituency into smaller parts. For voting purposes, each parliamentary constituency and every local government ward is divided into one or more polling districts. Wherever possible the polling districts for local government elections mirror those agreed for parliamentary elections.

The review can only address issues within the current ward structure of the Borough. It cannot make changes to the ward (or Borough) boundaries. There are some areas where moving a ward boundary might resolve an anomaly concerning the allocation of voters to polling stations, but this cannot be achieved as part of the review.

- ii) A **polling place** is an area within a polling district in which a polling station is located. There is no legal definition of a polling place which could be as large as a polling district or as small as a particular building. The Electoral Commission is aware that some authorities designate the entire polling district as the polling place. However, Section 18 of the 1983 Act states that 'the polling place must be small enough to indicate to electors in different parts of a district how they will be able to reach the polling station'. The Commission therefore recommends that the polling place should always be defined. It is proposed that the polling place be defined as the building (including the surrounding grounds) within which the voting may take place.
- iii) 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 local authority, polling stations are determined by the Returning Officer for the election.

3.4 The aims of the review were to seek to ensure that:

- all electors have such reasonable facilities for voting as are practicable in the circumstances.
- as far as is practicable, every polling place is accessible to electors who are disabled.
- the polling place(s) for a polling district is within the area of the polling district unless special circumstances make it desirable for the polling place to be outside the polling district area (i.e. because suitable alternative buildings are not available in the area).

3.5 In an ideal world, the Returning Officer would have the choice of a range of fully accessible buildings, conveniently located for the electors. The Electoral Commission recognises that, in practice, this is not the case and there may actually be little choice available. Where it is necessary to use a polling place where the access is not ideal, the Commission expects the Council to make reasonable adjustments to provide access to all electors.

- 3.6 The Commission also recognises that in reality the choice of polling place will often be the balance between the quality (access, facilities etc) of a building and the distance between the residents and that building compared to other options for polling places.
- 3.7 The law makes provision for the Returning Officer to use school premises free of charge for the purposes of an election, subject to covering certain costs including heating, lighting and caretaking charges. Returning Officers do use schools because they are well known venues within the community and can be provided at less cost to the public purse. In the Borough, the use of the smaller schools are generally avoided where possible as this could result in the closure of a school or part of a school on polling day. However, it must be emphasised that there are areas in the Borough where there are no suitable alternatives available.
- 3.8 The use of portable buildings as polling stations are also avoided where possible, primarily because of the additional costs to the public purse that arise from the hire, setting up and equipping of a portable unit. This form of accommodation is less than satisfactory in comparison with most of the buildings used as polling stations.

4. Consultation

- 4.1 In undertaking the review, the Council was required to:
- Publish a notice of holding a review.
 - Allow any elector in the authority's area to make representations on proposals for changes to polling districts and/or polling places/polling stations.
 - Seek representations from such persons that it thinks has particular expertise in relation to access to premises or facilities for persons with any type of disability.
- 4.2 The formal consultation on existing polling districts and polling places/stations (Appendix 1) commenced on 10th August 2011 upon the publication of a notice seeking comments by 21st September. Details of the review were widely publicised and comments were sought from the local members of parliament, all Southend Councillors and a wide range of other individuals/organisations. Following the conclusion of that exercise, the report of the Returning Officer, setting out his proposals, was also published for consultation (Appendix 3) and comments were invited by 4th November.
- 4.3 There have only been a fairly small number of representations received in response to the initial consultation exercise (14) and in respect of the second round of consultation (3). Indeed no objections have been received to the proposals of the Returning Officer.
- 4.4 Members are asked to be mindful that over the years, much work has been undertaken to ensure arrangements are convenient to electors across the Borough. The boundary changes to Borough and Parish wards and changes implemented following the previous review of polling districts and polling places/stations have improved the arrangements. Moreover, at the end of each

election, comments received from the Returning Officer, polling station inspectors and presiding officers are considered and used to implement changes to polling stations, particularly in relation to the access of buildings. In 2010, an access survey was undertaken in respect of all the polling stations (except the schools which were surveyed earlier this year) and the findings resulted in some accessibility improvements to a number of the polling stations.

- 4.5 The representations received in response to the initial consultation exercise are set out in Appendix 2 to the report. The comments received on Returning Officer proposals are attached as appendix 4. Maps showing the proposed changes to the polling districts/polling places and stations are included in the papers at Appendix 5.

5. Delegation Arrangements

- 5.1 At the time of the four yearly reviews, the General Purposes Committee determine the areas within a polling district where polling places are to be located (the assumption has been made that the Committee will accept the definition of a polling place as the building where the voting takes place).
- 5.2 A practical difficulty can arise between reviews where a building used for polling purposes becomes unavailable through, for example, a prior booking or is subject to refurbishment at short notice. This is particularly true at a parliamentary election when the date of the election is unknown and firm bookings of polling stations cannot be made early.
- 5.3 In such circumstances, there would generally be insufficient time for a report to be considered proposing a revised polling place and there could be a subsequent delay in implementing revised administrative arrangements. To address the situation, it is proposed to authorise the Returning Officer to determine variations to polling places that may be necessary for a particular election and that the scheme of delegation be amended accordingly.

6. Other Options

A number of alternative premises have been considered for use as polling stations and recommendations made accordingly where it is felt that an alternative would provide better voting arrangements or the premises concerned would improve accessibility.

7. Corporate Implications

- 7.1 Contribution to Council's Vision & Corporate Priorities

Becoming an excellent and high performing organisation

- 7.2 Financial Implications

The proposals would result in some small savings (around £2,500) through changes in the polling station arrangements. The savings would be achieved by not using portable stations at Belfairs Swimming Pool and Trafford House, Leigh and through the relocation of polling stations to form double stations

elsewhere (West Leigh School to Belfairs School and Norman Harris House to Guild Hall).

7.3 Legal Implications

These are addressed in paragraphs 3.1 to 3.3 of the report.

7.4 People Implications

None

7.5 Property Implications

None

7.6 Consultation

As required by the Electoral Administration Act 2006, the Council undertook a consultation exercise on its polling districts and polling places/stations. A public notice of the review was displayed at the Council offices and full details of the review were placed on the Council's website. All Members of the Council were notified of the review process and a wide range of individuals/organisations were invited to submit their representations to the Council.

The Council's Returning Officer has produced his report setting out suggested changes to polling districts and polling places/stations. The report was publicised and comments were sought from a range of interested parties.

7.7 Equalities and Diversity Implications

The Council reviews its polling stations on a regular basis with a view to ensuring that they are all fully accessible as far as is reasonably practicable. In some cases the polling stations are not accessible to the extent that would ideally be desired, but much work has been undertaken to identify the most suitable premises for use as polling stations and to minimise use of mobile polling stations.

Electoral Services continues to implement measures to encourage registration and turnout at elections and provides information in different languages (e.g electoral registration forms)

7.8 Risk Assessment

The Council is required by the Electoral Administration Act 2006 to undertake a review of polling districts and polling places/polling stations within its area. Failure to do so would constitute a breach of the relevant statutory requirements and adversely affect the reputation of the Council.

7.9 Value for Money

See comment under Financial Implications.

7.10 Community Safety Implications

None

7.11 Environmental Impact

None

8. Background Papers

Electoral Commission circular EC19/2010
Guidance from Association of Electoral Administrators

9. Appendices

Appendix 1 – Existing polling districts and polling places/polling stations

Appendix 2 – Representations received in response to the initial consultation

Appendix 3 – Report of the Returning Officer identifying changes to polling districts and polling places/stations

Appendix 4 – Representations received on report of Returning Officer

Appendix 5 – Maps showing proposed changes to polling districts/polling places and stations