

Committee: Standards and General Purposes Committee

Date: 7th November 2019

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: Andrew Robertson, Head of Electoral Services

Recommendations:

1. That the Standards and General Purposes Committee agrees the polling districts and polling places set out in the Acting Returning Officers Submission
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is part of the process of reviewing all parliamentary polling districts and polling places in the borough. All London boroughs, district councils and unitary authorities are required to undertake a full review within 16 months of 1st October 2013. The previous full review was completed in November 2014. Further changes to polling stations were agreed by the council in November 2015, March 2016, November 2017 and March 2018. The Committee is requested to consider the proposals.

2 DETAILS

- 2.1 **Context** ; the Electoral Registration and Administration Act 2013 substituted sections 18(1) to (3) into the Representation of the People Act 1983 (RPA83) in place of the previous section 18C. This required each relevant local authority to complete a review of the parliamentary polling districts and polling places within its area within a period of 16 months beginning on 1st October 2013. Further reviews must then take place every fifth year after that in the period beginning 1st October, therefore the next compulsory review must be completed by 31 January 2020.
- 2.2 **Timing**; the last full review took place in Merton in 2014 in accordance with the previous statutory arrangements. There were further reviews in Cannon Hill, Longthornton, Pollards Hill, Village and Raynes Park wards (2015), Dundonald ward (2016) Cannon Hill, Dundonald, Figges Marsh, and Longthornton wards (2017), and Abbey and Cannon Hill wards (2018).
- 2.3 **Review process**; the current review was begun when a public notice was issued on 12th July 2019. This invited all residents, particularly disabled residents, to comment on the existing arrangements or any other matters. Persons or bodies making representations were asked, if possible, to give alternative places that could be used as polling places. Details of the existing arrangements including maps were available on the council's website and in paper from Electoral Services. An on-line consultation was launched on the

website to facilitate the submission of responses. The consultation period ran from 12th July until 9th September, a period of two months. Details of the consultation process are set out in paragraph 4 below and responses are incorporated into the appendix.

- 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.

2.9 The Impact of the 2019-20 Ward Boundary Review: The Local Government Boundary Commission (LGBCE) are currently undertaking a review of the ward names and boundaries in Merton. The changes to ward boundaries as a result of this review will come into force at the next local elections in 2022. Merton Council, led by the Returning Officer, will undertake an additional review of polling districts and places prior to the new ward boundaries coming into force. This is vital to ensure that the council has correct and accessible polling arrangements for the 2022 elections. The Returning Officer takes the view that the new warding arrangements may necessitate extensive changes, therefore to minimise voter confusion and inconvenience changes to polling district boundaries have been deferred until the new warding patterns are settled.

3 ALTERNATIVE OPTIONS

3.1. This is a statutory review so there was no alternative to carrying it out. The outcome of the review (see appendix) has produced 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 OR PROPOSED

4.1. To allow electors and others to submit views as easily as possible an on-line consultation was posted on the council's website in early July and all consultees were encouraged to submit views in this way. A paper alternative was available for consultees who were not comfortable with electronic communication. By the close of the consultation period on 9th September 68 responses had been

received. Only one of the existing polling places, Hillcross Primary School, was the subject of significant dissatisfaction accounting for 22% of all responses. These respondents objected that its use as a polling place meant that the school had to close harming the education of the pupils and in some cases creating childcare problems for parents. These responses, those relating to other polling places and how they should be addressed 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. Details of the review have also been sent to the five Community Forums. All organisations were asked to circulate information to constituent bodies and members via their newsletters and to encourage them to participate in the review.

5 TIMETABLE

- 5.1 The revised register of electors to be published on 1st December will be amended to reflect any changes to polling districts. A further review must be completed within a period of 16 months beginning on 1st October 2024. However, in practice, another full review will need to be undertaken during 2020-21 after the LGBCE's electoral review of Merton is completed in May 2020.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 Current electoral registration budgets are covering the costs of this statutory review. Future budgets will need to cover the next full review, which will be due in 2020-21 after the LGBCE's electoral review of Merton is completed. It is estimated that the proposals will add around £3,000 to the cost of holding the election in 2022 (and every four years thereafter, assuming no by-elections). This will consist of additional accommodation costs.

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 2000¹ list section 18 of the RPA1983 as one of the functions that are not to be the responsibility of an authority's executive. This function has not been specifically delegated by the Council.

- 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 2006².
- 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).
- 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

¹ SI 2000/2853

² SI 2006/2965

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 2020. Any challenge to the Electoral Commission would impact on the arrangements being made for the GLA elections in May 2020.

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 Details of existing and proposed arrangements, submissions and comments, and maps of Abbey, Cannon Hill, Cricket Green, Dundonald, Graveney, St Helier, Trinity, and Village wards.

12 BACKGROUND PAPERS

- (a) The ARO's submission
- (b) Detailed responses to consultation.

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