

Committee: Standards and General Purposes Committee

Date: 9th November 2023

Wards: All

Subject: Review of Polling Districts and Polling Places

Lead officer: Polly Cziok, Executive Director of Innovation and Change

Lead member: Councillor Billy Christie, Cabinet Member for Finance and Corporate Services

Contact officer: Andrew Robertson, Head of Democracy and Electoral Services

Recommendations:

That the Standards and General Purposes Committee agrees the polling districts and polling places set out in the Acting Returning Officers Submission.

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. As part of its statutory requirements, the London Borough of Merton is conducting a review of polling districts and polling places in accordance with the provisions of the Electoral Registration and Administration Act 2013. The Acting Returning Officer (ARO) for the parliamentary constituencies of Mitcham & Morden and Wimbledon has made the following proposals regarding existing polling stations and polling stations likely to be used within Merton, based on proposed polling places. The Committee is requested to consider and approve the proposals. The arrangements will then come into force when the next revised voters list is published on 1 December 2023 and for the May 2024 elections.

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.
- 2.2 **Timing:** The last statutory review of polling districts and polling places was conducted in 2019. Another full review of all of Merton's polling districts and polling places was conducted in 2021 (as a result of the Local Government Boundary Commission's review of Merton's ward boundaries) ahead of the Merton Council elections in 2022. However, in order to satisfy the requirements of the Electoral Registration and Administration Act 2013, the authority is still required to complete another statutory review of all polling districts and polling places within a 16 month period from 1 October 2023. Reviews are required to be held within the period of 16 months that starts on 1 October of every 5th year

after 1 October 2013, therefore this next compulsory review must be completed by 31 January 2025. The ARO made the decision to undertake this review as soon as practicable bearing in mind the electoral programme for 2024.

- 2.3 **Review process:** the current review was begun when a public notice was issued on 1 October 2023. 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 1 October until 31 October, a period of one month. 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:** The Review has examined all Polling Districts and Polling Places. Ward boundaries cannot be altered as part of this Review. 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, in practice this review covers the polling districts and places to be used for all types of elections and referendums within the London Borough of Merton. Therefore, local electorate figures, (excluding postal voters) have been used as the higher electorate figure. The local electorate figures used in this review are from the latest update to the electoral register on 2 September 2023. All new Polling Places have been assessed for accessibility, facilities and proximity to voters in that Polling District. When allocating electors to Polling Places and Stations the review will account for previous electoral turnout and the capacity of polling staff to deal with high turnouts.
- 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 2,250 electors. This excludes postal voters and those not eligible to vote. Where a polling district has been allocated more than 2,250 electors, the electorate is split between two polling stations in the same venue. This is known as a double polling station.
- Physical barriers such as railway lines, parks, and main roads can prevent an easy division of electors to Polling Districts. The proposals must take these into account and regard the safety of electors travelling to and from their Polling Place.
- Transport links in Polling Districts should be considered – they can improve accessibility for electors. Where changes are required the review will note the provision of bus stops and parking spaces.

2.8 **Special considerations for this review:** The Local Government Boundary Review of Merton's ward boundaries necessitated the Returning Officer to make significant changes to polling districts and polling places in 2021, ahead of the

Merton Council elections in 2022. Therefore, to minimise voter confusion and inconvenience, the ARO has not altered allocated polling districts and polling places significantly from the 2022 Merton Council elections, except where necessary.

3 ALTERNATIVE OPTIONS

- 3.1 This is a statutory review so there was no alternative to carrying it out. The review must be completed by 31 January 2025, so could theoretically be undertaken at some point next year. However, the ARO made the decision to undertake this review as soon as practicable bearing in mind the electoral programme for 2024. The Greater London Authority and London Mayoral Elections are scheduled for May 2024, and the next UK Parliamentary General Election must be held by the end of January 2025.

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 at the start of October, 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.
- 4.2 At the beginning of the process, 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. Meetings therefore took place with Merton Centre for Independent Living (MCiL), to engage them in the review. MCiL circulated information to members and encouraged them to participate in the review. Details of the ARO's proposals have also been sent to Merton Mencap, Merton Vision and Carers Support Merton to engage these organisations in the review. All organisations and community groups were asked to circulate information to constituent bodies and members and to encourage them to participate in the review.
- 4.4 All respondents to the online consultation were satisfied with their current polling station. MCIL provided comments from their members on polling stations in Colliers Wood, Graveney, Figges Marsh and Village wards. More detailed responses relating to polling districts and polling places are included in the Acting Returning Officer's proposals. All responses are available on request from Electoral Services.

5 TIMETABLE

- 5.1 The Standards and General Purposes Committee is delegated to discharge the Council's functions in relation to elections. Once the proposals are approved, the arrangements will come into force when the next revised voters list is published on 1 December 2023 and for the May 2024 elections.

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 £5,000 extra cost to the election budget in 2024 (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.
- 7.2 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. The functions of the Standards and General Purposes Committee include the determination of all other matters which are: non-executive functions, which are not otherwise reserved to Council, are not within the terms of reference of any other committee and which are not delegated to an officer. As this function has not been reserved to Council, nor is not within the terms of reference of any other committee and has not been not delegated to an officer, the determination of the recommendation in this report is within the remit of the Standards and General Purposes Committee.
- 7.3 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.
- 7.4 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).
- 7.5 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.

¹ SI 2000/2853

² SI 2006/2965

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 2025. Any challenge to the Electoral Commission would impact on the arrangements being made for the Greater London and Mayoral elections in May 2024.
- 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 The Acting Returning Officer's Final Proposals, including details of existing and proposed arrangements, submissions and comments, and maps of amended polling district and polling station arrangements in Lower Morden, St Helier, and Raynes Park wards.

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