

TONBRIDGE & MALLING BOROUGH COUNCIL
ELECTORAL REVIEW WORKING GROUP

10 March 2021

Report of the Chief Executive

Part 2 – Private

Matters for Information

1 CHANGE TO TWO POLLING PLACES/STATIONS

To inform the group of changes to two Polling Places/Stations ahead of the May 2021 elections.

1.1 Background

1.1.1 The two polling places/stations are the :-

YMCA building in Tonbridge changed to St Saviours Church

West Malling Primary School changed to West Malling Baptist Church

1.1.2 The reason for the changes are as follows :-

YMCA building in Tonbridge changed to St Saviours Church

In 2019, we were informed that the YMCA building had been taken over by a different group, and even though it was still owned by KCC and part of their educational department, they were unhappy for us to continue using it. In late 2019, I contacted and visited St Saviours Church, which is located in same Polling District as the YMCA building. I carried out a review of the building and found that it was suitable to used as a Polling Station.

West Malling Primary School changed to West Malling Baptist Church

Wherever possible the Returning Officer will try not to use schools, due to the disruption to the children's education, staff and parents. West Malling Primary School has to close when used as a Polling station due to there not being any separate rooms or buildings on site, that would enable the school to continue to operate alongside the Polling Station. Following research into various buildings in West Malling, I contacted and visited West Malling Baptist Church, which is located in the same Polling District as West Malling Primary School. I carried out a review of the building and found that it was suitable to used as a Polling Station.

- 1.1.3 Both of these venues are educational facilities and as such we have received correspondence from the Department of Education in January requesting that we do not use schools/educational facilities except in cases where there are no alternatives, due to the loss of education, during the last year because of Covid-19.

1.2 Definitions

- 1.2.1 For the avoidance of doubt, it is important to note the following definitions:

- 1) A **polling district** is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division. It is the responsibility of the Borough Council to divide its area into polling districts, and for keeping the polling districts under review.
- 2) A **polling place** is a geographical area in which a polling station is located. There is no legal definition of what a polling place is, so the geographical area could be defined as tightly as a particular building or as widely as the entire polling district. However, Section 18B(4)(e) of the RPA 1983 states that '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'. It is usual practice, therefore, to designate a particular building or area as the polling place. It is the responsibility of the Borough Council to designate the polling places, and for keeping the polling places under review.
- 3) A **polling station** is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district. This is usually the room within a building, or a building within an area. The Returning Officer for the particular election must provide a sufficient number of polling stations and allot the electors to those polling stations in such manner as he or she thinks the most convenient.

1.3 Process and timetable

- 1.3.1 To be noted at the Electoral Review Working Group committee meeting, 10 March 2021, that the buildings detailed above are used as Polling Places/Stations for the elections being held on 6 May 2021.

1.4 The role of The Electoral Commission

- 1.4.1 To provide guidance in relation to the suitability of buildings to be used as Polling stations and their position and accessibility for the electors within the Polling District they serve.

1.5 Legislative requirements and Electoral Commission guidance

1.5.1 The following legislative considerations must be taken into account when drawing up the proposed polling districts and polling places.

- 1) Each parish is to be a separate polling district, unless special circumstances apply.
- 2) The Council must designate a polling place for each polling district.
- 3) The polling place must be an area in the district, unless special circumstances apply.
- 4) 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.
- 5) The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- 6) The Council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.

1.5.2 In addition, the Electoral Commission guidance indicates the following useful non-statutory guidelines:

- 1) Where possible, polling district boundaries should be co-terminus with existing parish ward or borough ward boundaries.
- 2) Where possible “natural” boundaries should be used, such as railways, major roads, waterways.
- 3) All properties in a minor road or estate should be in the same polling district.
- 4) Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own place, wherever possible.

1.6 Consultation

1.6.1 We will review the success of using these two buildings for the 6 May 2021 elections as Polling Places/Stations with members, electors, the community and staff.

1.7 Consultees

1.7.1 Following the 6 May 2021 elections, we will review the success of using these buildings with the following :-

- Members for the Constituency, County Division, Ward and Parish of these Polling Districts.

- Electors and the wider community
- Polling Station staff
- The owners of the buildings.

1.8 Use of schools

1.8.1 Members are asked to note that the (Acting) Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament. This includes academies and free schools. However, where possible we do try to avoid the use of schools due to the disruption that is caused by their use – to children, staff and parents. In some cases, however, the use of school facilities is unavoidable. Also we have received correspondence from the Department of Education requesting that we do not use schools/educational facilities, especially if they are required to close, except in cases where there are no alternatives, due to the loss of education, during the last year because of Covid-19.

1.9 Initial proposals

1.9.1 It is proposed that St Saviours Church replaces the YMCA building as a Polling Station for the Castle North Polling District

1.9.2 It is proposed that West Malling Baptist Church replaces West Malling Primary School as a Polling Station for the West Malling Polling District.

1.10 Legal Implications

1.10.1 The Representation of the People Act 1983 (as amended) requires borough councils to undertake reviews of polling districts and polling places at least every four years. 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 last compulsory review was undertaken in 2018/2019.

1.11 Financial and Value for Money Considerations

1.11.1 There is no new financial cost to this recommendation

1.12 Risk Assessment

1.12.1 The requirements of our electors are essential, and a failure to provide a suitable Polling station could result in disenfranchising electors or make it more difficult for them to vote.

1.12.2 Any failure in the process or consideration of comments made could result in the Electoral Commission over-ruling the decisions of the Council.

1.13 Equality Impact Assessment

1.13.1 The selection of polling places takes into account the needs of electors with disabilities and as far as is reasonably practicable, efforts are made to ensure all eligible electors are able to access polling stations. Risk assessments of all polling places are being undertaken, and this includes a series of access questions. Presiding Officers at polling stations also provide feed-back on accessibility of polling stations at elections.

1.14 Recommendations

Member are asked to note the changes detailed above for the use of these buildings as Polling Place/Stations for the 6 May 2021 elections and if successful, all future elections held within these Polling Districts.

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