

# TONBRIDGE & MALLING BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE

22 March 2022

### Report of the Chief Executive

#### Part 1- Public

#### Matters for Information

### 1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

**Following receipt of the final recommendations for the warding arrangements, from the Local Government Boundary Commission for England, a Polling District & Polling Place review, needs to be undertaken to implement the changes to the warding arrangements.**

#### 1.1 Background

1.1.1 The Local Government Boundary Commission for England have undertaken a review of the warding arrangements for Tonbridge & Malling Borough Council and sent over the final recommendations for the number of Councillors and wards to cover the borough of Tonbridge & Malling.

1.1.2 To implement these changes a review of the Polling Districts and Places needs to be undertaken. The changes need to be implemented in time for the Local Elections in May 2023.

1.1.3 Under the Representation of the People Act 1983, the Council has a duty to divide the borough into polling districts and to designate a polling place for each district. The Council also has to keep these arrangements under review.

#### 1.2 Definitions

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

- A **Polling District** is a geographical area created by the 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.
- In England each parish is to be a separate polling district. This means that a parish must not be in a polling district which has a part of either a different parish within it, or any unparished part of the local authority area within it, unless special circumstances apply. Those special circumstances

could arise if, for example, the parish has only a small number of electors and it is not practicable for the parish to be its own polling district.

- Any areas that are not co-terminus, within the Parliamentary Constituency boundaries, must be designated a Polling District on their own.
- 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 under review.
- A **Polling Station** is the actual room or 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.

### 1.3 Designation of Polling Districts and Polling Places

1.3.1 Local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:

- each parish in England is to be a separate polling district, unless special circumstances apply.
- The council must designate a polling place for each polling district, unless the size or other circumstance 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 examples 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

1.3.2 Local authorities must also comply with the following access requirements. As part of the review, they must:

- Seek to ensure that all electors in the local authority area have such reasonable facilities for voting as are practicable in the circumstances

- Seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled

1.3.3 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 included 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, the use of schools is unavoidable.

## 1.4 Formal Review Process and Timetable

1.4.1 The guidance issued by the Local Government Boundary Commission for England identifies that the review must be complete and the changes in place for the May 2023 local elections. During that period, there are no statutory limits on the length of consultation nor on the duration of the review as a whole. However in determining the timetable, the council has been mindful of the other competing priorities within Electoral Services, namely:

- The timing of canvass, starting in July 2022 and concluding November 2022 with the publication of the register on 1<sup>st</sup> December 2022
- The need to prepare for and ensure the new arrangements are in place ready to conduct the Borough & Parish Elections in May 2023.

1.4.2 When carrying out a review the local authority 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 on the authority website.
- Seek representations from such person as it thinks has 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.

1.4.3 Consultation

- Throughout the review, all working papers, minutes of meetings and correspondence will be available for public inspection at the Electoral Services Office. All these items will be published when the review has been completed, including reasons for its decisions.

- The review documents will be published on our website. This will include maps of the proposed Polling Districts. All representations received will be uploaded.
- During the formal consultation period, we will contact the following to invite their comments on the proposed polling districts and polling places: Borough and County Councillors, Parish Councils, Members of Parliament, local political parties, Tonbridge & Malling Seniors Forum, Tonbridge Community Forum, managers & booking clerks for current and proposed venues, local groups with expertise in accessibility for people with disabilities, including Hi Kent, Kent Association for the Blind, Carers First, Headway, Scotts Project and Age UK.

1.4.4 The legislation suggests an approach starting with polling districts, followed by choosing polling places and polling stations. In practice, however, it is important that good quality polling places/stations are identified first, which can then be used as part of the process of defining suitable polling district arrangements that comply with the requirements set out in legislation.

1.4.5 A proposed timetable for the review is attached as Annexe 1.

## **1.5 Electoral Commission Guidance**

1.5.1 The Electoral Commission has no role in the review process itself. However, it can consider comments if people do not think the review has met the reasonable requirement of electors or disabled electors.

1.5.2 The following people can appeal to the Commission, a parish council, 30 or more registered electors, any person who made comments during the review or any non-electors who has expertise in access to premises for disabled people.

1.5.3 As a result, the Electoral Commission may direct the Council to alter polling arrangements arising from the review and can make these alterations itself if the Council does not do so within two months.

1.5.4 Whilst it is unlikely that these steps will be necessary, it is important that the public consultation process is complete and that final boundaries take into account the views presented, where possible.

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

- Where possible polling district boundaries should be co-terminus with existing Parish ward or borough ward boundaries
- Where possible “natural” boundaries should be used, such as railways, major road, waterways.

- All properties in a minor road or estate should be in the same polling district
- 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 Legal Implications**

1.6.1 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 and following a Local Government Boundary Review, where warding arrangements are changed.

## **1.7 Financial and Value for Money Considerations**

1.7.1 The cost of this review will be met from existing budgets. Failure to correctly undertake this review could impose considerable financial penalties on the (Acting) Returning Officers due to problems at elections; this would trigger a series of events bringing cost and reputational damage to the Council.

## **1.8 Risk Assessment**

1.8.1 The requirements of electors are essential and a failure to correctly undertake this review could result in disenfranchising electors or making it more difficult for them to vote.

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

## **1.9 Equality Impact Assessment**

1.9.1 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.

Background papers:

contact: Daune Ashdown

Nil

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