

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

11 October 2023

Report of the Chief Executive

Part 1- Public

Delegated

1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements, from the Boundary Commission for England, a Polling District & Polling Place Review, needs to be undertaken to implement any necessary changes to Polling Districts/Places.

1.1 Background

1.1.1 Boundary Commission for England have undertaken a review of Parliamentary constituencies across the UK.

1.1.2 As part of these changes a review of the Polling Districts and Places has to be undertaken. The changes have to be implemented in time for a pending Parliamentary Elections.

1.2 Definitions

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

1) UK Parliamentary constituencies

The Parliament Constituencies Act 1986 states:

There shall for the purpose of parliamentary elections be the county and borough constituencies (or in Scotland the county and burgh constituencies), each returning a single member, which are described in Orders in Council made under this Act. [...] In this Act and, except where the context otherwise requires, in any Act passed after the Representation of the People Act 1948, "constituency" means an area having separate representation in the House of Commons.'

UK Parliamentary constituency boundaries cannot be changed by this review.

- 2) 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.
- 3) 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 un-parished 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.
- 4) Any areas that are not co-terminus, within the Parliamentary Constituency boundaries, must be designated a Polling District on their own.
- 5) 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.
- 6) 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. 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 Designation of Polling District and Polling Place

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 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

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 The council must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing.

1.3.4 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.

1.4 Formal Review Process and Timetable

1.4.1 The guidance issued by the Boundary Commission for England identifies that the Review must commence in October 2023 and be completed and the changes in place for the next Parliamentary Election, which has to have taken place by January 2025. 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 below I have been mindful of the other competing priorities within Electoral Services, namely:

- The timing of the canvass, starting in July 2023 and completing November 2023 with the publication of the register on 1st December 2023.
- The need to prepare for and ensure new arrangements are in place ready to conduct the PCC Elections in May 2024.
- The changes being made via the Elections Act to Postal Voting, Overseas Electors and EC Citizens voting rights.

1.4.2 When carrying out the review, local authorities 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, if the authority maintains a website, by placing a copy on the authority's website
- seek representations from such persons as it thinks have 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(s).
- on completion of a review, give reasons for its decisions and publish:
 - a) all correspondence sent to an (Acting) Returning Officer in connection with the review
 - b) all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
 - c) all representations made by any person in connection with the review
 - d) the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
 - e) details of the designation of polling districts and polling places within the local authority area as a result of the review
 - f) details of the places where the results of the review have been published.

1.4.3 The legislation suggests an approach starting with polling districts, followed by choosing polling places and then considering 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 the legislation.

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

requirements of electors or taken sufficient account of the needs of 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
- any non-electors who has expertise in access to premises or facilities 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 completed and that final boundaries take into account the views presented to this Group.

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 roads, 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 Consultation

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

1.6.2 The review documents will be published on our website. This will include maps of the proposed Polling Districts are received in other formats (email, letter or telephone call), the details will be transposed onto the consultation portal by electoral services staff to allow final publication at the end of the consultation period.

1.6.3 During the formal consultation period, we will contact the following to invite their comments on the proposed polling districts and polling places:

- Borough councillors
- County Councillors
- Parish councils
- Members of Parliament
- Local political parties
- Tonbridge & Malling Seniors Forum
- Electors, by way of public notices and press releases
- Managers or bookings 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.
- Tonbridge Community Forum

1.6.4 Please find attached at **Annex 1** Timetable for the review.

1.7 Legal Implications

1.7.1 The Representation of the People Act 1983 (as amended) requires borough councils to undertake reviews of polling districts and polling places for each change to Parliamentary boundaries. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places.

1.8 Financial and Value for Money Considerations

1.8.1 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 embarrassment to the Council.

1.9 Risk Assessment

1.9.1 The requirements of our 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.

1.9.2 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.

1.10 Equality Impact Assessment

1.10.1 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.

1.11 Recommendations

1.11.1 For General Purposes Committee to note and agree the commencement of this review.

Background papers:

contact: Daune Ashdown

Nil

Julie Beilby
Chief Executive