

COUNCIL
20 JULY 2023

REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2023

**Responsible Cabinet Member -
Councillor Mandy Porter, Resources Portfolio**

**Responsible Director -
Elizabeth Davison, Group Director of Operations**

SUMMARY REPORT

Purpose of the Report

1. To give consideration to conducting a review of Polling Districts, Polling Places and Polling Stations.

Summary

2. The Representation of the People Act 1983 (RPA 1983), as amended by the Electoral Registration and Administration Act 2013, requires that local authorities conduct reviews of the Polling Districts, Polling Places and Polling Stations within their local authority area.
3. The Electoral Registration and Administration Act 2013 subsequently governs the timing of compulsory Polling District, Polling Place and Polling Station Reviews, with the next compulsory review due to commence within the sixteen-month period beginning on 1 October 2023 (the review must therefore take place and be concluded by 31 January 2025).
4. The last full review was held in 2018 and saw few changes to the Polling Districts and Polling Places, however during the Police and Crime Commissioner Election and the Tees Valley Combined Authority Mayoral Election in 2021, held during the Covid-19 pandemic, a number of Polling Places became unavailable, or were deemed no longer suitable. There was also, once again, a strong steer from Central Government to avoid the use of schools as Polling Places.
5. An interim review of our Polling Districts, Polling Places and Polling Stations took place in 2022, ahead of the Local Government (Borough Council) Elections in 2023, to ensure that suitable Polling Places were available, that all remained fit for purpose and more specifically were adaptable to the provisions brought forward from within the Elections Act 2022. During this review, consideration was given to the size and nature of a Polling Station, the potential need for a separate area or room in Polling Stations to allow for the viewing of photographic identification in private (for those electors who cover their faces for religious or other sensitive reasons), or to determine whether there was sufficient space to allow for the provision of privacy screens.

6. As elections are scheduled to take place on 2 May 2024 (Police and Crime Commissioner Election and the Tees Valley Combined Authority Mayoral Election), and as a UK Parliamentary Election must be held no later than 28 January 2025, it would seem prudent to commence the next compulsory review at the earliest possible opportunity (1 October 2023), and to conclude the review with sufficient time to book Polling Stations ahead of the next scheduled elections, to ensure that our Polling District, Polling Places and Polling Stations are suitable and fit for purpose.
7. This report sets out the requirements for the forthcoming review, and outlines a suggested approach to the review process, together with appropriate timescales.

Recommendation

8. It is recommended that the compulsory review of the Polling Districts, Polling Places and Polling Stations be conducted in accordance with the review process and timescales as outlined at **Appendix 1** of this report.

Reasons

9. The recommendation is supported in order to ensure that Polling Districts, Polling Places and Polling Stations are suitable and fit for purpose, ahead of the scheduled elections in May 2024.

Elizabeth Davison
Group Director of Operations

Background Papers

No background papers were used in the preparation of this report

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S17 Crime and Disorder	The report has no direct impact on crime and disorder.
Health and Wellbeing	There are no issues relating to health and wellbeing which this report needs to address.
Carbon Impact and Climate Change	There are no issues relating to carbon impact and climate change.
Diversity	All polling places will be assessed to ensure that they are accessible for voters who have a disability.
Wards Affected	The proposals affect all wards.
Groups Affected	The proposals do not affect any specific groups.
Budget and Policy Framework	The report does not change the Council's budget or Policy Framework but needs to be considered by Council.
Key Decision	The is not a key decision.
Urgent Decision	This not an executive decision.
Council Plan	There report has no links to the Council Plan.
Efficiency	There are no efficiency proposals identified as part of this review.

Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers
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MAIN REPORT

Information and Analysis

10. The statutory responsibility for reviewing Polling Districts, Polling Places and Polling Stations rests with each relevant local authority, for as much of any constituency situated within its area. This is outlined in the Representation of the People Act 1983 (RPA 1983), as amended by the Electoral Registration and Administration Act 2013.
11. As part of any review on the Polling Districts, Polling Places or Polling Stations, the Returning Officer must comment on both the existing Polling Stations, and any Polling Stations that would likely be used if any new proposal for Polling Places were accepted. It is also a matter for the Returning Officer to decide how many Polling Stations are required for each Polling Place, and the Returning Officer must allocate electors to the Polling Stations in such a manner as they feel most convenient.
12. Local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:
 - (a) Each Parish in England and community in Wales is to be a separate Polling District, unless special circumstances apply;
 - (b) 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;
 - (c) 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). This may be the case in rural areas where suitable premises can be few and far between; and
 - (d) 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.
13. Local authorities must also comply with the certain access requirements, and as part of a review, they must seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances, and ensure that so far as is reasonable and practicable every Polling Place for which it is responsible is accessible to electors who are disabled.
14. In determining that every Polling Place, and prospective Polling Place, is accessible to disabled voters, local authorities should give due consideration to the requirements of the Equalities and Human Rights Commission.

Prior to the formal review process

15. Whilst the next compulsory review cannot start before 1 October 2023, local authorities can start planning for the review before then. There are some preparatory steps, detailed below, which can be taken that fall outside the formal legal requirements of the review. For example:
- (a) local authorities may start compiling statistics and information which may assist them during the review. These may include:
 - (i) Electorate figures, broken down to street level within wards and existing polling districts.
 - (ii) Any local authority or national statistics that estimate population change within the area.
 - (iii) In England and Wales, a report from the authority's planning section detailing any proposed areas of new development and the approximate number of dwellings and expected population numbers for those areas.
 - (iv) Detailed up-to-date maps of a scale that will assist in the designation of polling district boundaries.
 - (v) Details of current polling places and an indication as to their overall suitability for purpose (including, for example, any surveys, diagrams or photographs completed with the assistance of Presiding Officers or polling station inspectors or as part of a previous review or post-election evaluation). Further guidance can be found under 'Assessing the current arrangements and proposals for change'.
 - (vi) Any comments or complaints regarding the current arrangements from the public, elected members or other bodies.
 - (vii) Up-to-date information gained from the existing and possible future polling station venue managers as to continued availability (highlighting, for example, planned renovation work or other future plans).
 - (viii) Details of potential alternative buildings (public, private or temporary type constructions) that might appear suitable.
 - (ix) Advice and guidance from local disability groups and disability organisations (such as, for example, DAD, SCOPE, etc.), and any expert help from officers within the council who are responsible for equality schemes.
 - (x) Terms of reference and the criteria for assessing the suitability of the current/proposed arrangements.
16. Local authorities may also set the timetable for conducting the review. This may include booking the date of the Council meeting where the detailed review proposals would be formally considered.

17. The documents required to be published or communicated during the review, such as the notice of review and the letters to Returning Officers and those with expertise in disabled access, could also be prepared. However, the notice cannot be published, nor the letters sent before 1 October 2023.
18. Local Authorities may also model possible options where changes may be necessary, using any planning or mapping tools available to them.

The review process

19. In conducting the review, local authorities are required to follow a specific process outlined in legislation.
 - (a) The local authority must give notice that it is holding a review. The notice must be displayed at the local authority's office, and in at least one conspicuous place within the authority. The notice must also be published on the local authority's website.
 - (b) The local authority should also send a copy of the notice to interested parties such as elected representatives (Councillors, MPs, etc.), Parish Councils, political parties, disability groups and other stakeholders. Additionally, the local authority could issue a Press Release and use social media to draw attention to the review and the process. It is also particularly important to consult with those with specific experience of assessing access for persons with different disabilities.
 - (c) The local authority must consult the Returning Officer in any constituency which is wholly or partly in its area, and the Returning Officer must make a submission commenting on both the existing Polling Stations and the Polling Stations that would likely be used based on any proposed Polling Places. The local authority must publish the Returning Officer's comments within 30 calendar days of receipt.
 - (d) Any person involved in the consultation process, will have the right to comment on the Returning Officer's recommendations, and any elector within the constituency, either partly or wholly within the local authority area, may comment on any of the recommendations. Any person or body that makes a representation should be invited to suggest alternative Polling Districts or Polling Places, together with reasoning for such a proposal, in order that it may be given appropriate consideration.

Assessing the Existing Arrangements and Proposals for Change

Polling Districts

20. When assessing the suitability of Polling Districts, it should be considered whether the boundaries are well-defined, for example, do they follow natural boundaries within the area (a river, for instance). If not, is it clear which properties belong in a Polling District.
21. Consideration should be given as to whether there are suitable transport links within the Polling District, and how these link to the areas that are most highly populated. Thought should be given to potential obstacles to electors in terms of crossing the Polling District and reaching Polling Places, e.g. steep hills, major roads, railway lines, etc.

Polling Places

22. There are a number of factors that should be taken into consideration when reviewing existing Polling Places or assessing new Polling Places, including:
 - (a) **Location** – Is the Polling Place reasonably accessible to all within the Polling District? Does it avoid barriers to voters, and are there convenient transport links?
 - (b) **Size** – Can it accommodate more than one Polling Station if required? Is the Polling Place capable of accommodating all voters accessing and egressing the Polling Station, especially at time of high turnout. The number of electors allocated to a Polling Station should not exceed 2500. Is there additional space to accommodate the new burdens of the Elections Act 2022?
 - (c) **Availability** – Is the building readily available in the event of any unscheduled elections? Is there a possibility that the building may be demolished as part of a new development prior to the next review?
 - (d) **Accessibility** – Is the building accessible to all those entitled to attend the Polling Place?
23. Ideally there would be a choice of a range of suitable, fully accessible buildings, conveniently located for electors, however in practice the choice of Polling Places will be a balance between the quality of building available (access, facilities, etc.) and the proximity of the building to electors. When making a decision, all factors will need to be considered and the local authority will need to demonstrate their reasoning behind the decision.
24. If a Polling Place has been selected, however is not fully accessible, then reasonable adjustments must be made to ensure access to all electors.

Polling Stations

25. When assessing the suitability of a room or area for use as a Polling Station, the Returning Officer should consider how the size and layout would allow for the most effective flow of electors, including at such times of high turnout. Each Polling Station should be designed to provide suitable conditions for an elector to vote in private, for polling staff to conduct elections in an efficient and effective manner and for those entitled to observe the voting process to do so without compromising the secrecy of the ballot.
26. Consideration should also be given to the new provisions contained within the Elections Act 2022, including the potential need for a separate area or room to allow for the viewing of photographic identification in private (for those electors who cover their faces for religious or other sensitive reasons), or sufficient space to allow for the provision of privacy screens.
27. **Appendix 2** outlines the Polling Places established as at the Polling District, Polling Places and Polling Stations Review 2018, and **Appendix 3** outlines the Polling Places adopted at the subsequent interim review in 2022.

Use of Schools

28. Historically, schools and colleges have often been used as Polling Places as they tend to be central to the communities that they serve, and fulfil the accessibility criteria. Indeed, the Representation of the People Act 1983 allows the Returning Officer to use, free of charge, schools maintained or assisted by a local education authority, as well as those schools that receive grants from moneys provided by Parliament. This includes academies and free schools.
29. If a school is designated as a Polling Place, this does not necessarily mean that the school must close, and the Elections Team have worked closely with those schools and colleges used as Polling Places across the Borough in an attempt to keep as many of those schools fully or partially open, where suitable safeguarding arrangements can be implemented.
30. In terms of those schools who do close, guidance previously issued by the Department for Education states:

“Schools which need to close as a result of being used as Polling Stations can move to alternative accommodation or make up the lost day by other means. The lost day could be made up at the beginning or end of a term, or a training day could be arranged on the day of the poll if the head teacher of governors so wish.”

31. Despite the provision within legislation, and the guidance from the Department for Education, there has been a strong steer from Central Government at recent elections to avoid the use of schools.
32. The opportunity has been taken at previous reviews to reduce the number of schools used as Polling Places, and those schools currently used in Darlington are usually within Polling Districts where no suitable alternative has previously been identified, or is available. It would, however, be opportune to examine all possible options in this regard going forward to further reduce the number of schools used as Polling Places.

Concluding the Review

33. After considering all the representations received, the local authority must decide on the most appropriate Polling Districts and Polling Places, which must then be approved by the Council. If the Review results in the alteration of one or more Polling Districts, the Electoral Registration Officer must make the necessary amendments to the Electoral Register, which may require the register to be re-published, depending on the timing of the review.
34. Once the Council has agreed the proposals, details of the new Polling Districts and Polling Places must be published on the local authority’s website, made available at the local authority offices, and in at least one conspicuous place within the constituency. The reasons for choosing each particular Polling District and Polling Place must be provided.
35. In addition to the reasons for the final decision of the Review, the local authority must publish all correspondence received by the Returning Officer in connection with the Review, all correspondence sent to any person whom the local authority contacted because they had particular expertise in relation to access to premises or facilities for

disabled people, all representations made by any person in connection with the Review, 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, details of the designation of Polling Districts and Polling Places within its area as a result of the Review, and details of the places where the results of the Review have been published.

36. Where a Polling Place or Polling Station does change as a result of the Review, it is important that electors are made aware of such changes. For example, the Poll Card for the next election they are entitled to vote at should indicate if their Polling Place or Polling Station has changed.

Appeals Process

37. Following the conclusion of the review, parish councils, thirty or more registered electors in each constituency, a person who made representations or a person who the Commission believe has sufficient interest in the accessibility of disabled persons to polling places, have the right to make representations to the Electoral Commission (EC). If, on receipt of such representations, the EC may direct the authority to make any alterations to the polling places that they think necessary if they find that the local authority did not:-
 - (a) meet the reasonable requirements of the electors in the constituency, or body of them; or
 - (b) take sufficient account of the accessibility for disabled persons of polling station(s) within a designated polling place.