

# North Tyneside Council

## Report to Council

Date: 23 January 2014

### ITEM 7

Title: Review of Polling  
Places and Polling  
Districts

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs Norma Redfearn

Report from: Law and Governance

Report Author: Vivienne Geary – Head of Law and Governance and Returning Officer (Tel: 643 5339)  
Joanne Macgregor- Manager Statutory Services & Business Support (Tel: 643 5350)

Wards affected: All

#### PART 1

##### 1.1 Purpose:

The Council is required to formally consider the results of the Review of Polling Places and Polling Districts and to publish its findings by 31 January 2015.

##### 1.2 Recommendation(s):

It is recommended that Council:

- 1.2.1 Consider the representations received in response to the statutory consultation in respect of the Review of Polling Places and Polling Districts;
- 1.2.2 Authorise the Returning Officer to publish the Review of Polling Places and Polling Districts as agreed by Council at Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY, in at least one place within the constituencies and on its website.

##### 1.3 Forward Plan:

This report appears on the Forward Plan for period 27<sup>th</sup> November to 23<sup>rd</sup> January 2014.

## 1.4 Information:

### 1.4.1 Background

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. This compulsory review must now be started and completed between 1 October 2013 and 31 January 2015 (inclusive). Further reviews must be undertaken at least every five years.

This review has been brought forward due to the forthcoming European and local elections in May followed directly by the implementation of the Individual Electoral Registration scheme. The review also seeks to contribute to the cost effective means of delivering elections.

All electors should have reasonable facilities in which to vote. The Electoral Commission has identified various factors to be considered when reviewing existing polling places or when assessing new polling places, including:

- The location: is it reasonably accessible within the polling district? Does it avoid barriers for the voter such as steep hills and major roads? Are there any convenient transport links?
- Size: Can it accommodate more than one polling station if required? If multiple polling stations are required, is the polling place ample enough to accommodate all voters going into and out of the polling stations, even where there is a high turnout?
- Suitability: is the building readily available in the event of any unscheduled elections? Is there any possibility that the building may be demolished as part of a new development? Is the building accessible to all those entitled to attend the polling place?
- Compliance with accessibility requirements: accessibility of some existing polling stations, such as temporary units (currently we use 12), present a challenge in respect of accessibility. It is necessary where possible to improve accessibility by the use of appropriate alternative facilities, and reducing the number of temporary units that are used.

### 1.4.2 The Process

A public notice advising North Tyneside residents of the details of the review was published on the Authority's website and at the Authority's Offices, and was followed by a public consultation exercise during the period 13 December 2013 – 10 January 2014.

Any elector in the constituency may make representations on the designation of polling places. Representations were also specifically requested from Members of Parliament, Members of the European Parliament, all Councillors, Group Leaders, the Elected Mayor and local constituency parties. By doing so, key stakeholders involved in the electoral process have been given the opportunity to participate.

In reviewing polling places, representations were actively sought from such persons or organisations considered to have particular expertise, in relation to the access to premises and facilities for persons who have different forms of disability. Such persons have been given the opportunity to make representations and to comment on any representations received from the Returning Officer. Assistance was sought from the North Tyneside Coalition of Disabled People to assist in the fulfilment of this requirement.

An internal consultation exercise was undertaken by the Returning Officer with Ward Members, Group Leaders and the Elected Mayor. The Returning Officer put forward a set of proposals for consideration and invited representations. After taking into account representations received as part of this exercise, the Returning Officer produced a final set of proposals, which is attached in Appendix 1.

It has been possible to reflect the consultation responses received in the final proposals submitted for agreement to Council

Any changes made by Council to polling districts will be incorporated in the new Register of Electors, due to be published on 17 February 2014. Any amendments agreed to the proposed list of polling places will be introduced at elections held after that date.

It should be noted that for some considerable time, polling places have been reviewed by the Returning Officer following each election. The Returning Officer reviews the location, suitability and condition of polling places as a result of comments and suggestions received from election candidates, election agents, polling staff and voters.

Following the current review, details of the new polling districts and polling places must be made available to the public. These will be made available at the Authority's offices, in at least one conspicuous place in the constituency, and on the Authority's website.

Together with the reasons for the final decision of the review, the following must also be published:

- all correspondence sent to the Returning Officer in connection with the review;
- all correspondence sent to any person whom the 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 authority 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 or 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.

#### 1.4.3 Publication of New Polling Districts and Polling Places

Following the conclusion of the review, certain persons have a right to make representations to the Electoral Commission. Section 18D (1) of the RPA 1983 sets out who may make representations to the Electoral Commission, namely:

- any parish council (North Tyneside do not have any);
- not less than 30 electors in a constituency;
- a person who made representation to the authority when the review was being undertaken; and
- a non-electoral who the Commission determines has a sufficient interest or expertise in relation to the accessibility of disabled persons to the polling stations.

All representations made to the Commission must be in writing, either by post, email or fax. The representations must be as specific as possible. The representation should

clearly state the manner in which it is alleged that the local authority has failed to conduct a proper review. These are:

- the Authority has failed to take into account the reasonable requirements of the electors in the constituency
- the Authority has failed to take sufficient account of accessibility to disabled persons of the polling stations within a polling place.

Representations based on any other premise will not be considered.

The Commission will set out in writing its conclusions and the reasons for its decision. The Commission may direct the Authority to consider any alterations to the polling places that the Commission deem necessary under the review. After two months, if the Authority has failed to make the alterations, the Commission can itself make the alterations as if the Authority had implemented them.

### **1.5 Decision options:**

Option 1: To receive and agree the changes to the Polling Districts and Polling Places as set out in Appendix 1 attached to this report;

Option 2: To request that officers undertake further work to identify alternative proposals to those submitted to Council and report back to the next Council meeting.

Option 1 is the recommended option as these proposals are in accordance with the Electoral Commission guidelines for identifying polling places and, further, the proposals reflect the consultation responses received through the consultation exercise referred to in the report and which closed on 10 January 2014.

### **1.6 Appendices:**

Appendix 1: Review of Polling Districts and Polling Places - Returning Officer's Final Proposals for Agreement

### **1.7 Contact officers:**

Vivienne Geary, Head of Law and Governance and Returning Officer (643 5339)  
Joanne Macgregor, Manager Statutory Services & Business Support (643 5350)  
Alison Campbell, Financial Business Manager (643 7038)

### **1.8 Background information:**

(1) EC19/2010 – The Electoral Commission – Review of polling districts, polling places and polling stations.

(2) Responses to consultation on the Returning Officer's draft proposals

(3) Election results including, numbers of electorate and turnout 2009 – 2013

(4) The Representations of the People Act 1983

(5) Electoral Registration and Administration Act 2013

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

If the proposals are accepted by Council, there would be a saving in total of approximately £0.008m which will compensate for existing budget pressures within this area.

### **2.2 Legal**

Under Sections 18A to 18E of the Representation of the People Act 1983 as amended by the Electoral Registration and Administration Act 2013, an authority is required to keep the designation of polling places and polling districts under review. The Electoral Registration and Administration Act 2013 requires the Authority to carry out a review of Polling Districts and Polling Places on a regular five yearly cycle. This compulsory review must now be started and completed between 1 October 2013 and 31 January 2015 (inclusive). Failure to meet this requirement will result in a breach of the Authority's statutory duty.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

Responses were sought in relation to the non-statutory consultation on the Returning Officers draft proposals, from the Elected Mayor, all Councillors, and Group Leaders. Information has also been obtained from Polling Station Inspectors and Polling Station Officers.

#### **2.3.2 External Consultation/Engagement**

A public consultation exercise was undertaken during the period 13 December 2013 – 10 January 2014, this was open to all North Tyneside residents, Members of Parliament, Local Constituency Parties and North Tyneside Disability Coalition.

### **2.4 Human rights**

This report supports Protocol 1 Article 3 of the Human Rights Act, which provides a right to free elections.

### **2.5 Equalities and diversity**

The proposals support the Authority's equality and diversity policies by seeking to provide all electors with reasonable and practicable facilities to vote. An Equality Impact Assessment has been undertaken and monitored throughout the review. Changes to the current polling place and district proposals will be subject to further equality impact assessments as they arise.

### **2.6 Risk management**

The relevant risks have been assessed with the Senior Risk Advisor and will be added to the risk register as appropriate.

### **2.7 Crime and disorder**

There are no implications arising from this report.

## 2.8 Environment and sustainability

There are no implications arising from this report.

### PART 3 - SIGN OFF

- Chief Executive  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Strategic Manager Policy,  
Partnerships, Performance  
And Communications  X