

North Tyneside Council Report to Council Date: 26 September 2019

ITEM 5

Title: Review of Polling
Places and Polling
Districts

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs Norma Redfearn

Service Area: Law and Governance

Responsible Officer: Bryn Roberts, Head of Law and Governance (Tel: 643 5339)

Wards affected: All

PART 1

1.1 Executive Summary:

The Representation of the People Act 1983 (as amended by the Electoral Registration and Administration Act 2013) introduced a duty for all parliamentary polling districts and polling places to be reviewed every five years.

The latest review was required to be undertaken between October 2018 and January 2020. The review that has been undertaken meets this requirement.

This report sets out the Returning Officer's final proposals for polling districts and polling places as a result of this review, in the light of any responses received during the review process.

Council is required to formally consider the results of the Statutory Review of Polling Places and Polling Districts and to publish its findings by 31 January 2020.

1.2 Recommendation(s):

It is recommended that Council:

1.2.1 Note the outcome of the Statutory Review of Polling Places and Polling Districts and either:

- (a) approve the Returning Officer's proposals as set out in Appendix 1; Or
- (b) approve the Returning Officer's proposals, as modified by the proposed change following the receipt of representations in relation to Riverside Ward, as set out in Appendix 1; and

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 first appeared on the Forward Plan that was published on 2 August 2019.

1.4 Council Plan and Policy Framework:

This report does not relate to any of the priorities contained in the Our North Tyneside Plan.

1.5 Information:

1.5.1 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 2018 and 31 January 2020 (inclusive). Further reviews must be undertaken at least every five years.

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 readily accessible within the polling district? Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc? 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 capable of accommodating all voters going into and out of the polling stations, even where there is a high turnout?
- Availability: 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?
- Accessibility: Is the building accessible to all those entitled to attend the polling place?

1.5.2 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 an initial public consultation exercise during the period 2 October – 7 December 2018.

Any elector in the constituency may make representations on the designation of polling places. Representations were also specifically requested from Members of Parliament, all Councillors, the Elected Mayor and political 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. Assistance was sought from the North Tyneside Disability Forum to assist in the fulfilment of this requirement.

Following the initial consultation, the Returning Officer produced a set of proposals for consideration and again sought the views of those stakeholders referred to above who were initially invited to submit representations. The Returning Officer's submission was published on the Authority's website on 8 August 2019 and made available at the

Authority's offices. After taking into account any representations received as part of this exercise, the Returning Officer has produced a final set of proposals, which is attached in Appendix 1.

The Returning Officer's proposals are based on experience and feedback from recent elections and investigation into the availability of premises for the next elections - for that reason, these proposals are recommended for approval. In relation to Riverside Ward (polling district FH), a representation has been received to propose an alternative polling station – a temporary station in Upper Elsdon Street to replace the polling station at The Parks – for the Council's consideration.

Any changes made by Council to polling districts will be incorporated in the new Register of Electors, due to be published on 1 December 2019. Any amendments agreed to the proposed list of polling places will be introduced at elections held after that date.

It should be noted that polling places and polling districts adopted for parliamentary elections will also be effective for local government elections; in addition 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.

1.5.3 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 Representation of the People Act 1983 sets out who may make representations to the Electoral Commission, namely:

- any parish council (North Tyneside does not have any);
- 30 or more registered electors in a constituency (although electors registered anonymously cannot make a representation);
- a person who made representations to the authority when the review was being undertaken; and

- a non-elector 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 and should clearly state the manner in which it is alleged that the local authority has failed to properly conduct the 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 station(s) 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 and 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.

1.6 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, either as originally proposed or subject to the modification suggested in respect of Riverside Ward; or

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.

1.7 Reasons for recommended option:

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 have been prepared taking into account the consultation responses received through the consultation exercise referred to in the report.

1.8 Appendices:

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

1.9 Contact officers:

Dave Brown, Senior Manager Democratic and Electoral Services (643 5358)
Jan Peirs, Team Leader, Electoral Services (643 5995)
Claire Emmerson, Senior Manager Financial Strategy and Planning (643 8109)

1.10 Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author

(1) Circular 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 2014 – 2018
- (4) The Representation of the People Act 1983
- (5) Electoral Registration and Administration Act 2013
- (6) Equality Impact Assessment August 2019

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The cost of any additional temporary polling stations will be approximately £1,000 per unit. Any additional costs arising from the Polling Places review will be met from within existing resources.

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 2018 and 31 January 2020 (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

The Elected Mayor and all Councillors were invited to submit representations on polling places and polling districts during the initial consultation period between 2 October and 7 December 2018 and also following the submission of the Returning Officer's draft proposals published on 8 August 2019. A Members' briefing was held on 4 and 5 September 2018 to inform Members about the review. Information has also been obtained from Polling Station Inspectors and Polling Station Officers.

2.3.2 External Consultation/Engagement

An initial public consultation exercise was undertaken during the period 2 October – 7 December 2018, and a further consultation undertaken in relation to the Returning Officer's draft proposals which were published on 8 August 2019. This was open to all North Tyneside residents, Members of Parliament, Political Parties and North Tyneside Disability Forum.

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 if 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

- Head of Service

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Head of Corporate Strategy
and Customer Service