

Committee: Electoral Arrangements Working Group

Agenda Item

Date: 25 October 2010

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Title: Partial Review of Polling Districts and Polling Places

Author: Peter Snow, Democratic and Electoral Services Manager, 01799 510430

Item for decision

Summary

1. The Council has a statutory duty to undertake a review of its Parliamentary polling districts and polling places every four years. The next review must be completed by 1 December 2011. Members agreed to complete a partial review of those polling districts in which problems were reported at the general election in May this year. A notice of a partial review at Duton Hill and Margaret Roding was duly published on 24 September. This report contains recommendations for the polling districts concerned, together with other minor amendments.

Recommendations

2. That Members agree a revised scheme of polling district arrangements in the district for recommendation to the Finance and Administration Committee

Financial Implications

3. There are no financial implications associated with this report.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Statutory guidance, correspondence and the Schedule of Parliamentary Polling Districts and Polling Places dated December 2008

Impact

- 5.

Communication/Consultation	Consultation has been undertaken with the owners of existing polling places in Duton Hill and Margaret Roding, the two parish councils concerned, the Acting Returning Officer and with the Uttlesford Disability Forum
Community Safety	No impact

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Equalities	The Council must meet minimum statutory duties in relation to the accessibility and convenience of the buildings used for polling
Health and Safety	See under Equalities
Human Rights/Legal Implications	See under Equalities
Sustainability	No impact
Ward-specific impacts	Thaxted and The Rodings (as well as minor changes affecting some other wards)
Workforce/Workplace	No impact

Situation

6. The Electoral Administration Act 2006 placed a duty on all local authorities in Great Britain to review their Parliamentary polling districts and polling places at least once every four years. The first such review had to be completed by the end of 2007.
7. The Council completed reviews in 2006 and 2007 and must complete the next full review by December 2011. In view of the parish reviews being undertaken this year and next, it was decided to defer the full review until 2011 and carry out a partial review now of those locations where difficulties were reported on the day of the Parliamentary General Election (PGE) in May 2010. Those locations are The Function Room, Three Horseshoes Public House, Duton Hill, and The Reid Rooms, Marks Hall Lane, Margaret Roding.
8. In England, each parish must, unless there are special circumstances, be a separate polling district. A **polling district** is a geographical area within which polling takes place and is either a parish, a parish ward, or a smaller division of a parish defined for the convenience of electors in that area.
9. A **polling place** is the building or area in which the polling station(s) is located. The precise polling station location does not have to be defined as that is a matter for the returning officer to determine but the polling station must be situated within the building or location set out in the agreed scheme.
10. The Council must follow the rules set out in the 2007 Act. Broadly, these are:
 - Publish notice of the review (on the website and sent to the parish councils concerned)
 - Seek to ensure that all electors have such reasonable facilities for voting as are practicable

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- So far as is reasonable, ensure that designated polling places are accessible to those who are disabled and have regard to the accessibility needs of disabled persons
 - Consult and receive representations from the Acting Returning Officer as to the location of polling stations within the defined polling places; those representations must then be published within 30 days
 - Seek representations from persons having particular expertise in relation to access for electors with disabilities
 - Enable any elector to make representations and provide for proposals to be submitted
 - On completion of a review, publish a statement of reasons for its reasons
11. The comments of the Returning Officer have been received as required under the terms of the polling review and a copy is attached as an appendix to this report.
12. I attended and spoke to a meeting of the Disability Forum on 23 August and circulated a copy of a document entitled 'Evaluating the suitability of potential polling stations'. The Council will be guided by this document in deciding on the suitability of buildings for polling and it is attached as an appendix to this report.
13. In her capacity as Project Officer for the Disability Forum, Sue Locke commented that the document appears robust enough to cover the needs of voters with disabilities.
14. Further comments were received from Councillor Perry as follows: 'The only other areas that could be considered is that village halls and other such buildings are made up of blocks of colour – could this not be broken up very cheaply and quickly with some banding (tape etc). The disabled parking area should be of sufficient size to allow side and back exit ie ramps and wheelchairs. A seat or chair outside the premises where gradient is steep or distance from road or drop off. Everything else is covered.'
15. The only other person to comment on the review is Councillor Barker who states 'the Church (at Margaret Roding) is not a suitable alternative to The Reid Rooms and I think that we should look to find a house that might be suitable in case of non availability'.

Duton Hill

16. For very many years the Function Room at the Three Horseshoes Public House has been designated as the polling place for the polling district of Duton Hill, presently catering for in the region of 260 electors. There is no village hall or other community building in Duton Hill and, prior to the present arrangement, a private house had been used for voting.

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17. Access to the Function Room is obtained via a set of internal stairs to the first floor of the building. This has the advantage of keeping voting separate from the bar area of the public house. However, disabled electors would clearly find access to the first floor difficult and the landlord has made his garage available for the location of a screen to be used by any elector unable to access the polling station.
18. This arrangement is not ideal but it has operated without any complaints being submitted for a number of years. However, in May this year, I received the following report from the deputy acting returning officer designated to visit at this location:

'Despite having a designated disabled entrance, in my opinion the Duton Hill Polling Station was not suitable for wheelchair users or indeed anyone elderly/infirm.

The polling station itself was situated upstairs with the disabled voting area being in the ground floor garage. However, access to the garage was by means of a crudely constructed steep concrete ramp with ridges on both edges of the ramp that constituted a tripping hazard. In my opinion the garage was not accessible to wheelchair users.

The Presiding officer reported to me that a few elderly customers, unable to use the stairs, had used the disabled voting area but had tripped on the ramp. The P.O. therefore moved the disabled voting screen outside onto the yard – this was in the open air which is clearly unsatisfactory (although the weather was fine, fortunately).

It is also the case that the P.O. was physically taking the ballot box downstairs so that elderly voters could place their votes in the box personally rather than having to negotiate the stairs. I am not sure that this practice is in accordance with regulations.

The P.O. proactively brought the above to my attention and not knowing any better I indicated that the solutions she had identified were pragmatic in the circumstances and should continue, but that a report should be made.

Presumably as a pub, the venue by law has to have a proper disabled access but a tour of the building by the P.O. and I did not reveal any suitable entrance.

I recommend that before the next election the venue is visited and an assessment carried out. If alternative arrangements for disabled voters cannot be found at this venue then a different venue needs to be identified.'

The presiding officer reported that: 'Access into disabled voting area potentially very dangerous for infirm voters using sticks, frames and crutches. This facility needed by 9 voters – difficult for polling staff to be aware of their arrival & to manage two separate areas on different levels.'

19. I wrote to Mr Connell – landlord of the Three Horseshoes – and to the Parish Council and visited him on 7 October. It appears that there are a number of potential options in deciding what future polling arrangements should be, although none of them are totally satisfactory. They are:

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- Locate an alternative polling venue within Duton Hill that meets all of the statutory criteria (although not ideal, this could be part of a domestic dwelling)
 - Investigate the possibility of meeting the concerns about accessibility at the Three Horseshoes, perhaps within a different part of the building
 - Accept that no suitable venue is available and designate instead a building outside the polling district, such as Great Easton Village Hall
 - Accept that no improvement is possible and retain polling facilities as at present
20. The discussion with Mr Connell was entirely amicable and the parish clerk, Mrs Miller, was also in attendance. We discussed a number of solutions. The best solution available seems to be to cordon off for use by elderly/infirm or disabled voters a part of the bar area next to a connecting door to the stairs leading to the Function Room. Infirm and disabled electors could then enter the polling area via the main level entrance to the public bar which is fully accessible. The voting screen for use by disabled voters could then be located in that area. The only potential problem would remain that the presiding officer would need to be alerted to the presence of a voter in another part of the building and would then either have to physically bring the ballot box to the voter, or in busy periods in the main polling station, it might involve conveying the completed ballot paper to be placed in the box on the voter's behalf.
21. The alternative solution is to locate the entire polling station in the bar area and for this area to be screened off from the remainder of the bar. However, Mr Connell intends to keep the public bar open during polling hours and it is desirable for the bulk of the voting function to be kept as far separate from the commercial activities in the pub as possible.
22. The other options listed in paragraph 14 are not seen as feasible. It has not proved possible to locate an alternative venue in Duton Hill. Even if another building were to be identified, it would have to be inspected and may not prove suitable.
23. The option of asking electors to visit the village hall in Great Easton is not seen as feasible because it would not meet the statutory duty to provide polling facilities within the polling district. This might not be seen as providing a convenient facility for electors. Moreover, Duton Hill is located in a different district ward to Great Easton village and two separate polling stations would be needed.
24. After consideration of all of the options therefore, the recommendation is to retain the Three Horseshoes as the designated polling place in Duton Hill but simply to delete the Function Room from the description.

Margaret Roding

25. After the demise of the village hall in Margaret Roding, a search for a new polling venue culminated in the offer from the owners of the Reid Rooms in Marks Hall Lane to use those premises instead. The Reid Rooms have been designated as the polling place in Margaret Roding for several years. In recent years the increasing popularity of the venue for weddings has meant that the main buildings are often not available for polling.
26. This was the case in 2009 when the parish church was used instead. The use of the church was not entirely successful and arrangements were made with Mr Ritchie for another part of the site at the Reid Rooms to be used at the PGE. The use of this building prompted the following adverse comments from the presiding officer in May this year:
- ‘Polling station site was poor.
- 1) About 200 yards from road
 - 2) Not suitable for wheelchair access – a lip on the door step – narrow doors
 - 3) Ramp to door had 5” drop on one side toward access route
 - 4) Path unlit for 20 yards round side of building
 - 5) Path uneven round building
27. The main buildings will again be unavailable in May 2011 as there is a wedding booked. It therefore seems that the designated polling place will be available in future only on an intermittent basis, if at all. The alternative location in the outbuildings as used in 2010 is not really suitable on a long-term basis but there is seemingly no better option available.
28. In 2009, the possibility was investigated of using offices maintained by the Parish Chairman Tom Whirledge at his home address at White Hall, Chelmsford Road, but he was unwilling to pursue this option and offered the use of the church instead.
29. One possible alternative might be to consider the hire and location on an agreed site of a mobile polling unit similar to the arrangement made at the Friends School in Saffron Walden in 2009. However, this would be expensive and arrangements for the provision of a suitable ramp would still be required. It would not necessarily provide a better facility for electors. There is no obvious location where such a unit could be sited.
30. I hope to discuss all of these matters with Mr Ritchie in the coming days and will report any progress made. On balance, it is felt that polling should remain somewhere on the Reid Rooms site in the absence of anything more suitable. However, the best solution may be to change the designation of the polling place to ‘the polling district of Margaret Roding’ as this will allow added flexibility to make such suitable arrangements as are possible on the occasion of each election.
31. The Electoral Commission guidance really discourages this practice but, in the circumstances, it seems the best option to choose. Members are asked to decide on the course of action to take.

Risk Analysis

32. The risk analysis is set out below.

Risk	Likelihood	Impact	Mitigating actions
That suitable arrangements for voting are not made on behalf of electors	2 – It is not always possible to identify premises for polling that are totally suitable for the purpose intended as not every parish will have a village hall, or other community facility that is available for use	2 – if suitable premises cannot be found there is some risk of disadvantage to electors from the arrangements made on their behalf	All potential polling locations are inspected and are expected to meet minimum standards of access and suitable facilities for use by the Returning Officer’s staff and by the voting public

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.