

## Review of Polling Districts and Places

### Operations Committee, item 11

**Committee:** Operations

**Date:** 28 September 2006

**Title:** Review of Polling Districts and Places

**Author:** Peter Snow, Electoral Services Officer,  
01799 510431

**Agenda Item**

**11**

Item for  
decision

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### Summary

- 1 The Council commenced a statutory review of polling districts and places on 1 September 2005. Under legislation, the Council must decide on suitable arrangements for its district after appropriate consultation. A notice was published in the local press and letters sent to all relevant parties seeking views.
- 2 This report contains details of recommendations for the adoption of a revised scheme of polling arrangements. The delegation scheme authorises area panels to advise the Council on the designation of polling places and the review of boundaries of polling districts. Each of the area panels has now considered arrangements relating to the panel concerned and has made recommendations to this Committee which remains responsible for the determination of all electoral matters.
- 3 The new scheme adopted will be published and will operate at all elections held from 1 December 2006 onwards.

### Recommendations

- 4 That the Committee considers the Area Panel recommendations and adopts a suitable revised scheme of polling districts and polling places for the district, as further detailed in the report, from 1 December 2006.

### Background Papers

Polling District Review file, including responses to the public consultation, other background papers, and relevant maps.

### Impact

Communication/Consultation	<b>Member of Parliament for Saffron Walden, Members of the European Parliament for the Eastern Region, Essex County Council and County Councillors, District</b>
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## Review of Polling Districts and Places

### Operations Committee, item 11

	<b>Councillors, Parish Councils, local political parties, members of the public and any other interested party to the review.</b>
Community Safety	<b>No specific impact.</b>
Equalities	<b>Survey conducted by Essex Disabled People's Association Ltd.</b>
Finance	<b>No immediate financial implications but there is the possibility of a bid for future funding being made to enable the Council to meet its statutory responsibilities.</b>
Human Rights	<b>No specific implications.</b>
Legal implications	<b>Ensure the Council complies with statutory duties for polling provision.</b>
Ward-specific impacts	<b>All wards</b>
Workforce/Workplace	<b>No specific impact except where indicated.</b>

### Situation

- 5 Section 18 of the Representation of the People Act 1983 (RPA) places a duty on district councils to divide their area into polling districts, to designate a polling place for each polling district, and to keep them under review. This duty applies for the purpose of Parliamentary elections but the RPA also allows a county or district council to divide an area for the election of its councillors.
- 6 The rules applicable to this process are:
  - a. All electors must be given such reasonable facilities for voting as are practicable.
  - b. Each parish must, in the absence of special circumstances, be a separate polling district or districts.
  - c. The polling place shall be an area in the polling district, except where special circumstances make this undesirable, and shall be small enough to make it identifiable.
  - d. A polling place need not be designated if this does not materially affect the convenience of the electors.
  - e. As far as is reasonable and practicable, every polling place must be accessible to disabled electors.
- 7 A **polling district** (PD) is a geographical area that is either the same as, or a sub-division of, an electoral area.
- 8 A **polling place** (PP) may either be a building, a geographical area, or the entire polling district, depending on the circumstances.

## **Review of Polling Districts and Places**

### **Operations Committee, item 11**

- 9 The process of finalising this review has been complicated because the Electoral Administration Act (EAA) has introduced a number of new requirements. These include:
  - a. The authority must have regard to accessibility for disabled persons of potential polling stations (that is, the room to be used) within any designated PP, or of any building being reviewed for this purpose.
  - b. The EAA requires that a review is completed within 12 months of that part of the Act coming into force, and every four years thereafter.
- 10 The review should ideally be completed after the date that Section 16 of the EAA comes into effect. Draft regulations have now been published and the latest indications are that Section 16 will not become effective until early 2007. There seems no option other than for the Committee to sign off this review to enable any changes to be reflected in the revised register as at 1 December 2006. Otherwise, a further revised register must be published after that date, but before the May 2007 elections, to co-incide with the implementation of the new scheme. A further review must then be undertaken within 12 months.
- 11 Members are asked to note that, with effect from the coming into force of the new regulations, it will be a statutory requirement to consult every parliamentary returning officer affected by the review, as well as persons having particular expertise in relation to access for persons with disability, and to publish the representations made at the authority's office and on its website.
- 12 In effect, the Council will consult the RO for the Saffron Walden constituency on the polling review. The RO is obliged to make representations to the authority. In turn, the authority must take account of the representations received and give and publish reasons for its decisions in the review.

### **The existing scheme and recommendations for change**

- 13 The existing arrangements were last reviewed in 2002 and came into effect on 3 February 2003. The review co-incided with the implementation of the new district wards that were introduced following a Periodic Electoral Review of the district. The following document is appended to this report for Members' information:

Appendix 1: Description of existing polling districts and places.

- 14 As part of this review the Head of Building Surveying arranged for the Essex Disabled People's Association Ltd (EDPA) to undertake detailed inspections of all existing polling places to measure them against the Council's statutory responsibilities. Two trained disability access auditors were allocated to this task for a period of approximately 15 working days each to assess the buildings used against the required standards as contained in the Disability Discrimination Acts and the Electoral Administration Act.

## **Review of Polling Districts and Places**

### **Operations Committee, item 11**

- 15 This exercise resulted in a series of recommendations for minor improvements to as many as 45 polling premises and it is hoped that this work will be accommodated in due course. Although there is no specific funding for this work officers are optimistic that a direct approach to the owners of these buildings will result in an agreement for the work to be scheduled, even if the Council has to contribute some funding.
- 16 In eleven instances, however, the EDPA survey identified more serious problems associated with access to the buildings concerned. In these cases arrangements will be made to cost the work identified and for discussions to take place with the owners to determine a way forward. Until these discussions have taken place it is perhaps better that the premises are not identified.
- 17 There is a dilemma in the sense that the Council has statutory responsibilities in respect of the premises used as polling stations but does not own the buildings concerned (except at Four Acres) and can proceed only by agreement and co-operation. Generally speaking, especially in the villages, the availability of alternative buildings is severely limited. As a rule, aside from the village halls generally used the only other public buildings are schools and churches.
- 18 The feeling is that the Council can only do the best it can in the circumstances prevailing. Costings will be prepared for the work identified and a report submitted back to members in due course. A decision can then be taken on the action to be taken. In the meantime there is nothing to prevent a revised polling scheme from being adopted on the basis of the details contained in the following report.
- 19 The remainder of the report lists the recommendations made by the three area panels and adds relevant comments where considered necessary.

#### **East Area Panel**

- 20 The East Area Panel has recommended as follows to this Committee:
  - a. That the designated polling place for Little Bardfield be changed from Little Bardfield Village Hall to Little Bardfield Cricket pavilion (to reflect a change made in 2004 when the village hall was no longer available for hire).
  - b. That all other polling districts and polling places relating to the East Panel area, as set out in Appendix 1 to this report, remain unaltered.

#### **North Area Panel**

- 21 The North Area Panel has recommended as follows:

## Review of Polling Districts and Places

### Operations Committee, item 11

- a) That Saffron Walden Football Club in Catons Lane be designated as the polling place for Saffron Walden Castle South-West polling district in substitution for St Mary's Primary School in Castle Street, on a trial basis.
  - b) That the polling district boundary between Shire North and Shire South be amended to read: 'Shire North: that portion of Saffron Walden Shire ward north of a line commencing on the western boundary of the ward where it meets with Audley ward at the junction of South Road with Peaslands Road, and running in an easterly direction along the centre of Peaslands Road to a point on that road, and continuing in a generally easterly direction along the rear boundary of 1 Peaslands Road, and then in a generally northerly, easterly and then southerly direction around the perimeter of the development site east of Bell College, and then continuing along the line of the Slade and then in an easterly direction along the rear boundaries of properties fronting Peaslands Road, and then in a southerly direction along the centre of Thaxted Road to a point on that road, then in a generally easterly direction along footpath 37, bridleway 19 and bridleway 18 to the ward boundary west of Cole End Lane.'
  - c) That a separate polling district be formed in Wimbish based on Elder Street and Carver Barracks (and possibly Thaxted Road west of the junction with Elder Street and Cole End Lane as well), and that the village/community hall off Broad Oaks Close be designated as the polling place; the remainder of Wimbish parish would become a separate polling district and would continue to poll at Wimbish Village Hall.
- 22 In considering these recommendations, Members should be aware that officers have concerns about the decisions made in the following respects.
- 23 In respect of Castle South-West PD, it appears that the use of the Football Club instead of St Mary's School may not fully satisfy the statutory criteria because that building is considered both less suitable and less convenient than the existing facility. The statutory rules relating to the review process direct the Council to devise a scheme that gives electors such reasonable facilities for voting as are practicable, and to ensure, wherever possible, that the building so designated is accessible for disabled voters. In effect, the Council must have regard to the convenience of the electors in voting and this should be the primary factor in deciding upon a polling scheme.
- 24 Use of these buildings was considered carefully in 2002 and the decision made that the school was the most suitable and convenient building. Since then St Mary's school has been used for polling on at least four occasions and the arrangements have worked well. There were initial teething problems with the access to the main school hall in 2003 but these have been resolved satisfactorily and electors in this area are familiar with the use of the school. No complaints regarding the use of this building have ever been received.
- 25 At the Area Panel meeting, and in the past, Members have expressed reservations in principal about the use of school premises. Legislation specifically provides for the use of state provided school premises by the

## Review of Polling Districts and Places

### Operations Committee, item 11

returning officer free of charge. The implication is that schools will be used wherever practicable and, indeed, they are used widely and extensively for this purpose. It appears that the representation from Saffron Walden Town Council is based wholly upon the argument that the closure of St Mary's School is unsatisfactory and it therefore takes no account of the convenience of electors. This factor is the only one, other than accessibility, that the Council should take into account in designating a polling place.

- 26 As for accessibility, the Project Officer's report makes clear that there are minor problems of accessibility to the Football Club bar and social area as there is a threshold of 40mm into the lobby area and a further threshold of 45mm into the main area. Although these problems are relatively minor and are likely to be remedied by the Club in the near future, accessibility is clearly not as satisfactory as at the school.
- 27 It is understandable that Members should wish to avoid closure of the school for polling use but, in the officers' view, this would be a valid argument only if members are satisfied that the alternative facility has equally good, or better, facilities and is as conveniently located.
- 28 The final factor causing unease is the decision made at the Area Panel meeting that the change is to be made on a test basis only, with the implication that it can revert to the school if unsuccessful. However, the formal nature of a statutory review of polling arrangements is fundamentally unsuited to this type of arrangement. A review is normally carried out every four years, or when warding arrangements change. It must be advertised and extensive consultation carried out. Once a revised scheme is agreed it is published and remains in place until the next review.
- 29 The officers' recommendation therefore is to retain St Mary's School as the designated polling place for the reasons stated above. If Members wish to confirm the Area Panel's recommendation, it is requested that a reason is given other than that the school should not be closed.
- 30 The Area Panel decided to recommend amending the boundary between Shire North and Shire South PDs so that it would be diverted around the northern perimeter of the Bell College development site (option one in the report to the Area Panel) and that Four Acres Common Room should remain as the designated PP.
- 31 Although it does not affect materially the convenience of a large number of electors, officers still consider option 2 in the original report to be the sounder, more secure boundary division because it is simpler to explain to electors and because the location of the polling place would be marginally closer and therefore more convenient for those electors located to the north of Peaslands Road. Under option 2, the boundary would be amended to follow the centre of Peaslands Road to the junction with Thaxted Road. The R A Butler School would also be the officers' preferred option as the designated polling place as the main hall is large enough to accommodate two polling stations and there is provision for parking.

## Review of Polling Districts and Places

### Operations Committee, item 11

- 32 Members are requested either to confirm the Panel's recommendation or amend the scheme as suggested in paragraph 31.
- 33 At Wimbish, the Area Panel expressed a clear wish to proceed with a separate polling facility at Carver Barracks with immediate effect. Officers did not expect this to occur ahead of the 2007 election and had not therefore defined a suggested PD boundary. This report now remedies that omission. Two options are presented below for a suitable PD boundary division in Wimbish. Members must now decide whether to proceed with this arrangement with immediate effect and, if so, whether electors located to the west of the junction of Thaxted Road and Elder Street should be included in the Carver Barracks PD as well as those at and adjoining the Barracks.
- 34 However, as pointed out in the original report to the Area Panel meeting, there are significant problems relating to the use of the village hall at the Barracks arising from concerns about accessibility. The Project Officer's report states clearly that the centre would not allow for disabled users to access the facility and it is not currently suitable for polling station purposes. This is because there are a number of steps, slopes with steps adjacent to them and the main door into the centre is not wide enough. There is also a stepped approach into the lobby area.
- 35 The Project Officer now reports that a ramped access would need to be provided at the fire exit at the rear of the building as the front entrance is not suitable. The exit is reached by a circuitous path without a dropped kerb. Whether it is considered that disabled electors are likely to require access to the building or not, there is a legal requirement to provide fully accessible facilities. The Returning Officer therefore has no option but to arrange for a suitable ramp to be fitted on polling day, whether this is hired or purchased.
- 36 As previously reported, the authorities at Carver Barracks have arranged for a bid to the Defence Estates office to provide disabled access and it is hoped that this work will be accommodated sometime in 2007 after the May election.
- 37 Further discussions have now taken place with Lt Col Hemingway at the Barracks who has advised that the following conditions will apply in relation to the use of a polling station at the Community Centre:
- The use of the hall has to be agreed in a licence that sets out the overall terms and conditions (an example of this is now available).
  - The licence is prepared by Defence Estates at a cost of £100 including VAT. Officers are investigating whether this is a one-off arrangement or will need renewing annually.
  - The Returning Officer will need to obtain third party insurance (this might already be covered by the terms of existing insurance and will be checked).
  - The cost for use of the building will be £50.
- 38 If Members still decide to proceed with a new polling district based on Carver Barracks now a decision will be needed on a suitable boundary.

## Review of Polling Districts and Places

### Operations Committee, item 11

- 39 For background information, the following comments might be helpful. The degree of under-registration at the Barracks cannot be quantified. All household accommodation at the Barracks is canvassed in the normal way and attempts made to register all eligible electors. This year, in accordance with the new duty in the Electoral Administration Act, personal calls will be made upon all households failing to return the household form. It is possible that names of additional service personnel and their families will be captured in this way.
- 40 During last year's canvass, forms were distributed via the Unit Quartermaster to a number of accommodation units and a total of 27 service personnel were registered by this method. This exercise will be repeated this year.
- 41 The reason that registration performance cannot be measured more precisely is that all service personnel and their spouses may choose to register their names by completing a service declaration. The qualifying address used by applicants is not necessarily the current place of residence and can be an address where the applicant retains some connection such as a parental home. When canvassing for names it is not possible to tell how many have registered in this way.
- 42 As for the definition of the polling district boundary, the following options seem to be available:
- Option 1: The new Wimbish (Carver Barracks) polling district would comprise 'that portion of the parish of Wimbish west and then south of a line running from the north-east corner of Rowney Wood to a point on Thaxted Road immediately east of Myco House, then running along the centre of that road in a generally westerly direction to a point immediately south of Abbots Moat, then running in a westerly direction, and in a straight line, to the parish boundary'.
  - Option 2: The description of the polling district boundary would be: 'that portion of the parish of Wimbish west of a line running from the north-east corner of Rowney Wood to a point on Thaxted Road immediately east of Myco House, then running in a generally northerly direction in a more or less straight line immediately to the east of Parsonage Farm/Gosias Grange and then to the east of Tiptofts'.
- 43 Under option 1, all electors at Carver Barracks and Elder Street would vote at the newly designated community centre whilst all remaining electors in the parish would continue to vote at Wimbish village hall. There would be approximately 430 electors in the new polling district and some 500 electors in the Wimbish Village area.
- 44 Under option 2, electors in Thaxted Road west of the junction with Elder Street and those in Cole End Lane (but not those at Frogs Green near Hoys Farm) would poll at the community centre with the remainder still going to Wimbish Village Hall. This would give a mix of approximately 490 electors at Carver Barracks/Elder Street and 440 electors in the Wimbish Village area.



## **Review of Polling Districts and Places**

### **Operations Committee, item 11**

- 45 Of course there has not been the opportunity to consult locally or to gather views so that a judgement will need to be made based on the evidence available. Since the sole criterion (other than accessibility) is the convenience of electors, the report has sought to identify groups of electors who will be located physically closer to the new polling facility than the existing one.
- 46 It is still felt best to defer the new arrangement in Wimbish until after the May 2007 elections, to give the Defence Estates office the opportunity to complete the work required to be undertaken at the Community Hall and the officers' continue to recommend accordingly. If Members' wish to proceed with this arrangement now a decision is needed as to whether option 1 or 2 should be adopted.

### **South-West Area Panel**

47 The South-West Area Panel recommended as follows:

- a. That a separate PD of Bush End be reinstated (using the parish ward boundary with Hatfield Broad Oak), that is 'That portion of the parish of Hatfield Broad Oak lying to the north of a line commencing at a point on the western boundary of the parish, north of Wall Wood, along the road from Lodge Farm in a southerly direction towards Forest Hall to meet a footpath striking south-eastwards, along the line of the said footpath to join the road from Forest Hall Farm to Doodle Oak, following the line of the said road in a north-easterly direction for approximately 600 yards to a point where a footpath meets the road on the south side, then along the line of the said footpath in a south-easterly direction to a junction of the path at a point on the west boundary of Barrington Park, then along the line of the footpath proceeding north and east to meet the road from Hatfield Broad Oak to Takeley to Brumstead Common, then in a straight line in a north-easterly direction to the east boundary of the parish at the junction of the roads from Great Canfield and The Grange to Takeley) and that the Ancient Foresters be designated as the polling place.
- b. That the Peter Kirk Centre continue to be designated as the PP for Stansted North PD.
- c. That existing polling arrangements should remain unchanged at Little Canfield.
- d. That the remaining polling arrangements in the South West Panel area, as set out in Appendix 1 to this report, remain unaltered.

## **Risk Analysis**

**Review of Polling Districts and Places**

**Operations Committee, item 11**

Risk	Likelihood	Impact	Mitigating actions
<b>Not complying with statutory duty to give electors such reasonable facilities as are practicable</b>	<b>Unlikely because this is a statutory process with full consultation</b>	<b>Potentially serious</b>	<b>Ensure regular reviews with proper consultation</b>