

BRENTWOOD BOROUGH COUNCIL

REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2019

The Council is now starting the periodic review of polling districts and polling places, in accordance with the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.

During June 2019, each Borough Councillor will be sent information about the polling districts and polling stations as they currently exist, along with a map of their ward, and list of streets within the polling districts they represent.

The Returning Officer will publish a schedule of proposals on 18th July 2019. Members, representatives from parish councils and access groups should submit any representations by 29th August 2019, the consultation closing date.

Following this, draft proposals will be sent to Borough Councillors for comment by 12th September 2019. Final proposals will be submitted to the Ordinary Council Meeting on 8th October 2019 and the result of the review will be published by 30th October 2019.

Implementation of any changes to the polling districts and polling places will be made on publication of the revised Register of Electors on 1st December 2019.

Further information about the legal process can be found below.

Polling districts

A polling district is the geographical sub-division of an electoral area, e.g. UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division. The Council is responsible for dividing its area into polling districts for UK Parliamentary elections and for keeping the polling districts under review.

Although there is no requirement to sub-divide local government electoral wards into polling districts, it is recognised good practice to do so. When doing so, every effort must be made to ensure that the polling district scheme for local government elections mirrors as closely as possible that agreed for parliamentary elections.

When designating polling districts, the Council must seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.

In addition, and unless there are special circumstances that lead the Council to determine otherwise, each parish must be in a separate polling district.

Polling places

A polling place is a geographical area in which a polling station is located. However, there is no legal definition of what a polling place is and the geographical area could be defined as tightly as a particular building or as widely as the entire polling district.

The Council must designate a polling place for every polling district in the Borough, unless the size or other circumstances of the polling district are such that the situation of the polling stations does not materially affect the convenience of the electorate. The Council is required to keep the polling places under review.

The Council must:

- a) Seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
- b) Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.

In addition, the polling place for a polling district must be within the area of the polling district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district (e.g. because there is no suitable building within the polling district). The polling place must also be small enough to indicate to electors in different parts of the polling district how they will be able to reach their designated polling station.

Polling stations

A polling station is the actual area (building) where the process of voting takes place, and must be located within the polling place designated for the particular polling district. This function is the responsibility of the Returning Officer.

The review process

The Council is required to publish notice of the holding of a review. Whilst the law does not specify in what manner the Council is required to publish this notice, it is intended that this will be by way of a Notice posted at the Council Reception (currently 1-2 Seven Arches Road), on the Council's website, to parish clerks and the local libraries.

The focus of the review will be to ensure polling stations meet set criteria of:

- Location
- Facilities
- Health & Safety
- Capacity and available space
- Impact of use
- Value for money

Where existing polling stations do not meet these criteria, the review will aim to identify alternative locations.

The role of the Returning Officer

The Council is required to consult the Returning Officer for every parliamentary constituency that is wholly or partly within its area.

The Returning Officer is required to make representations to the relevant Council, which must include information as to the location of polling stations (both existing and proposed) within polling places (both existing and proposed).

Within thirty calendar days of their receipt, the relevant Council is required to publish the Returning Officer's representations, as a minimum:

- At the relevant council's office;
- At least one other conspicuous place in the area; and
- On the relevant council's website.

Other representations

In reviewing polling districts and polling places, the Council is required to actively seek representations from such persons as it thinks have particular expertise in relation to:

- Access to premises; or
- Facilities for persons who have different forms of disability.

Such persons must be given the opportunity to make representations by inviting suggestions and reasons for the alternative polling places, and to comment on the representations made by the Returning Officer.

In addition, any elector in the constituency may make representations on the designation of polling places to the Council.

Completion of the review

On completion of a review, the Council is required to give reasons for its decisions in respect of the designation of both polling districts and polling places.

In addition, the Council must publish:

- All correspondence sent to a Returning Officer in connection with the review, and all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability;
- All representations made by any person in connection with the review;

- The minutes of any meetings held by the authority where details of the review have been considered;
- Details of the actual designations of polling districts and polling places agreed as a result of the review; and
- Details of where the results of the review have been published.

Challenge of review

Although the Electoral Commission has no initial role in the review process itself, it has an extremely important role in respect of considering representations and observations made that a Council has not conducted a review so as to:

- Meet the reasonable requirements of the electors in the constituency, or a body of them (i.e. the reasonable requirements of a particular area of the authority have not been satisfactorily met); or
- Take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.

Who may make a representation 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:

- In England, any parish council which is wholly or partly situated within the constituency (or parish meeting where there is no such council);
- Not less than thirty registered electors in the constituency (although electors registered anonymously cannot make such a representation);
- Any person (except the Returning Officer) who made representations to the authority when the review was being undertaken; and
- Any person who is not an elector in a constituency in the authority's area who the Commission feels has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.

Also, the Returning Officer may make observations on any representations made to the Commission.

Review by the Electoral Commission

The Electoral Commission is required to consider any such representations and observations, and after doing so, may direct the relevant authority to make any alterations it sees necessary to the polling places designated by the review.

Should a Council fail to make the alterations within two months of the direction being given, the Commission may make the alterations itself.