

## **Review of Polling Districts, Places and Stations 2011 – Terms of Reference**

### **Context**

The Electoral Administration Act 2006 requires all local authorities to review parliamentary polling districts and polling places at least once every four years. The first review under these provisions was concluded by 1 December 2007. We must therefore conclude a further review by 1 December 2011. Though these four yearly reviews are now mandatory, Rotherham being a metropolitan authority has a cycle of elections such that all polling districts, places and stations are necessarily kept constantly under review.

### **Process**

The Council is required to publish notice of the holding of the parliamentary polling places review which must conclude by 1 December 2011. The notice must be published at the Council's relevant office, at least one other conspicuous place in the area and on the Council's website. The Council is required to consult the Returning Officer and the Returning Officer is required to make representations as to the location of polling stations within polling places. Within thirty calendar days of their receipt, the Council is required to publish the Returning Officer's representations.

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

- a) access to premises; or
- b) facilities for persons who have different forms of disability.

Such persons must be given the opportunity to make representations and to comment on the representations made by the Returning Officer. Other key stakeholders will be offered an opportunity to make representations.

In addition any elector may make representations on the designation of polling places to the Council. Any representations made should ideally include proposals for specified alternative polling places and reasons for the suggestion.

On completion of the review the council must give reasons for its decisions in the review and publish;

- i) all correspondence sent to the Returning Officer
- ii) all correspondence sent to any person whom the council thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability,
- iii) all representations made by any person in connection with the review,
- iv) the minutes of any meeting held by the Council to consider any revision to the designation of polling places,
- v) details of the designation of polling districts or polling places within its area, and
- vi) details of the places where the results of the review have been published.

## **Duties of the Council and the Returning Officer**

It is the duty of the Council to divide its electoral areas (i.e. constituencies and wards) into polling districts seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances. This is achieved at a ward level with the additional requirement that every parish must be in a separate polling district. Each parish is likely to contain more than one polling district especially if the parish area extends across borough ward boundaries. As a general rule of thumb polling districts will be determined by the availability of suitable venues for polling places.

It is the duty of the Returning Officer to provide a polling station within the designated polling place. It is permissible for the Returning Officer to provide more than one polling station in a designated polling place.

The duties of the Council and the Returning Officer are therefore inextricably linked. In undertaking a review it is practical to consider the suitability of the available polling places first, i.e. to identify what premises are available, and then to designate the polling district boundaries and allocate electors to what is actually available.

## **Factors for Consideration**

### **1. A sufficient number of polling places**

Polling places must be designated such that there are sufficient suitable premises to allow the Returning Officer to allocate a reasonable number of voters to each. Inadequate provision of polling places and polling stations could have a detrimental effect on voter turnout. It could lead to queues such as those seen in some areas in the parliamentary elections in 2010 and could be the source of legal challenge to an election. Voter allocations should be within the limits set in any guidance issued by the Electoral Commission.

### **2. Availability of suitable venues**

There are important factors to consider when considering suitable venues and not least of these is the absolute requirement that the premises must be available for each scheduled election and any other election called at short notice, e.g. parliamentary general elections and local or parliamentary by-elections. Electoral law therefore gives the Returning Officer an important resource:

The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes--

- (a.) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

### **3. Use of schools**

In relation to schools the Council operates a policy of requiring the school to set a teacher in-service training day to coincide with polling day if it is too close to pupils. Depending on the layout of the school, some head-teachers take the decision to remain open on polling day if they are satisfied that they can ensure the security of

the children whilst allowing unimpeded access to voters. There is often the perception that children lose a day's education when a school closes on polling day. This is not the case where a teacher in-service training day is set and to facilitate this schools are notified of scheduled election dates well in advance. In the case of by-elections, if possible within the statutory timetable requirements, the Returning Officer schedules polling day during school holidays.

In recent years, the tension between the head-teacher's responsibility for the security of the children and the right of the voters for free access to the polling station has resulted in more head-teachers deciding to close the school and schedule an in-service training day on polling day.

#### **4. Use of other council owned buildings**

In Rotherham, the current economic climate has resulted in closure or an uncertain future for some premises such as youth centres and community centres for which the Returning Officer has the right of use. The impact of this upon the number of polling places available will be one of the factors taken into account during the review.

#### **5. Use of private premises**

The Returning Officer's right to use schools and certain other premises is unlikely to provide a sufficient number of stations and so other premises, such as church halls, are used where practicable. The Returning Officer has less control over these and hire charges can be prohibitive. Private premises always carry the risk that use for polling may be refused, sometimes at short notice. There may be a change of ownership or policy or an alternative booking may be preferred.

### **Criteria and Scope for the review**

Taking account of factors outlined above, the review process should

- seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
- seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled, and
- have regard to the accessibility needs of disabled persons

Rotherham's cycle of elections means that polling places are kept under continual review and the number of polling places and the level of voter allocations are well within the Electoral Commission guidelines. The existing polling places and stations fit the criteria, no serious issues have been reported and no voter has been prevented from voting by being in a queue at the close of poll.

- Consultation with building owners or managers will be necessary to confirm the continued availability and suitability of polling places.
- Consultation with Planning Officers on future development will be required to ensure voter allocations will continue to meet guidelines.
- Following each election, comments from voters and reports from polling station inspectors and other stakeholders are reviewed and followed up where

practicable. The elections in May 2011 provided information and proposals which will be considered as part of this review.

- The statutory notice of the review will invite representations from the public and known stakeholders will be directly contacted and invited to make representations including alternative proposals.
- The review team will actively seek representations from persons with expertise in relation to access to premises or facilities with persons who have different forms of disability.

### **Known stakeholders for consultation**

- All elected members of the council
- MPs for the 3 constituencies in RMBC area
- Candidates (locally based) standing at the most recent parliamentary & borough elections
- Parish councils

### **Timescale**

The timescale for the review is tight; there is a statutory requirement that it be concluded by 1 December 2011. It is the Electoral Registration Officer's duty to make alterations to the registers of electors to reflect any changes in polling districts. If this is not done in time to be incorporated in the revised register published on 1 December it will have implications for the supply of registers to organisations and political parties and the planning of the elections to be held in May 2012.

### **Suggested Timetable**

Event	By (date)
Publication of notice of review	22 Jun 2011
Relevant documents on website and available for inspection	22 Jun 2011
Invite representations & comments	22 Jun 2011
Publish RO representation and comments	30 Jul 2011
Deadline for representations	22 Aug 2011
Report proposals to Management Board	9 Sep 2011
Deadline for Cabinet Report	22 Sep 2011
Report to Cabinet Approval	5 Oct 2011
Council Approval	2 Nov 2011
Publication of review result (subject to council approval)	18 Nov 2011
Revised register of electors published	1 Dec 2011

*Mags Evers  
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21 June 2011*