

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 8 October 2019</p>	
<p>Report of: Asmat Hussain, Corporate Director Governance</p>	<p>Classification: Open (Unrestricted)</p>
<p>Polling districts and polling places review</p>	

Originating Officer(s)	Rob Curtis, Head of Electoral Services Steve Morton, Project Manager – Polling Review
Wards affected	All

Executive Summary

As required by Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) all local authorities must review their UK Parliamentary polling districts and polling places at least once every four years and for Tower Hamlets this is now scheduled to take place.

This report informs the General Purposes Committee of the review process and sets out the timescale and key decision points for information.

Recommendations:

The General Purposes Committee is recommended:

1. To note the ongoing review of polling districts and polling places in Tower Hamlets;
2. To note equalities considerations as set out in section 4.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for information only.

2. ALTERNATIVE OPTIONS

- 2.1 This is a compulsory review covering the steps set out in Schedule A1 to the Representation of the People Act 1983 as set out in paragraph 3.9 below. The review must be completed within the timescale set out in legislation, that is, between 1 October 2018 and 31 January 2020 (inclusive).

3. DETAILS OF THE REPORT

- 3.1. As required by Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) all local authorities must review their UK Parliamentary polling districts and polling places at least once every four years and for Tower Hamlets this is now scheduled to take place.
- 3.2. The Electoral Registration and Administration Act 2013 also introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. Compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. This means that this review must be completed by the 31 January 2020.
- 3.3. The formal Notice of Review is appended to this report and is also available on the council's website at <http://www.towerhamlets.gov.uk/PDreview2019>.
- 3.4. The council is seeking views on any changes that relevant stakeholders consider are required to the existing polling districts and polling places to ensure that these continue to reflect local requirements.
- 3.5. The electorate in some of the polling districts in Tower Hamlets has changed significantly in recent years and is likely to continue to change in the future. There may be a need to create further polling districts within the borough wards redrawing the polling district boundaries, add additional polling places, merge smaller polling places or it may be considered that the status quo is retained in some or all of the polling districts.
- 3.6. Each polling district should be evaluated in terms of the current electorate figure, the alignment with the borough ward boundaries, the impact of regeneration on the area, existing natural boundaries (major roads and waterways) and if necessary to identify suitable additional polling places or alternative polling places.
- 3.7. It is important to note that this is not a review of ward boundaries but the polling districts that are the building blocks for each ward and of the polling places within them.

- 3.8. Polling districts and polling places for other elections (for example, local government, European or referenda) are not automatically part of the compulsory review. However, as polling districts and polling places for other elections are based on UK Parliamentary polling arrangements, the requirements of any other elections that are held within the local authority area should be taken into consideration as part of the review.
- 3.9. When carrying out a review, local authorities must:
- publish a notice of the holding of a review
 - consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
 - publish all representations made by an (Acting) Returning Officer
 - 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.
 - on completion of a review, give reasons for its decisions and publish documentation relating to the review including correspondence, representations, minutes and details of the designation of polling districts and polling places within the local authority area as a result of the review.
- 3.10. The full list of Schedule A1 requirements can be found in the guidance published by the Electoral Commission on its website at www.electoralcommission.org.uk/i-am-a/electoral-administrator/polling-place-reviews.
- 3.11. Local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:
- the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors
 - the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district)
 - the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station
- 3.12. Local authorities must also comply with the following access requirements. As part of the review, they must:
- seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances
 - seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled

- 3.13. The council must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing.
- 3.14. Following publication of the Notice of Review on 23 August 2019, a letter seeking views on the current arrangements was sent to the (Acting) Returning Officer for the parliamentary constituencies of Bethnal Green and Bow and Poplar and Limehouse, all elected representatives for the area under review, local political parties, and persons and organisations who have a particular interest and expertise in relation to the different aspects of the polling places including location, and accessibility to premises or facilities for persons who have different forms of disability.
- 3.15. The Acting Returning Officer for the parliamentary constituencies of Bethnal Green and Bow and Poplar and Limehouse is a statutory consultee who is required to comment on the review. Any observations made will be published on the council's website as soon as they are received.
- 3.16. Information about the review seeking the views of local electors has been published on the council's consultation webpages. A press release, social media, and an article in Our East End have also been issued. Council staff have been informed through Tower Hamlets Now and Manager Briefing. Councillors have been informed by letter and through the Members' Briefing.
- 3.17. The review has also been promoted through the Tower Hamlets Council for Voluntary Services bulletin. Organisations and groups working with people with disabilities are being contacted directly during the consultation period with a number of focus groups and events planned.
- 3.18. The consultation period for the review formally commenced with the publication of the Notice of Review on Friday 23 August 2019 for a period of 8 weeks until Friday 18 October 2019.
- 3.19. As well as formal representations and consultation findings, statistics and other information which will be considered include:
- Electorate figures, broken down to street level within wards and existing polling districts.
 - Estimates of population change within the area both retrospective and prospective.
 - New development and the approximate number of dwellings and expected population numbers for those areas.
 - Details of current polling places and an indication as to their overall suitability for purpose.
 - Any comments or complaints regarding the current arrangements from the public, elected members or other bodies.
 - Information gained from the existing and possible future polling station venue managers as to continued availability and suitability.
 - Details of potential alternative buildings that might appear suitable.

- Advice and guidance from local disability groups and disability organisations and council officers who are responsible for engagement with people with disabilities.

3.20. The timetable for the review is as follows:

- Formal Review Notice published Friday 23 August 2019
- Consultation period commences Friday 23 August 2019
- Consultation period ends Friday 18 October 2019 (8 weeks)
- General Purposes Committee* Tuesday 10 December 2019
- Full Council for decision Wednesday 15 January 2020
- Publication of conclusions of review Friday 31 January 2020
- End of Review Friday 31 January 2020

3.21. Further information, including electorate figures, broken down to street level within wards and existing polling districts together with maps showing the location of polling stations, polling districts and wards can be found on the council's web site at <http://www.towerhamlets.gov.uk/PDreview2019>.

3.22. Representations can be emailed to PDreview2019@towerhamlets.gov.uk or sent to:-

Polling Districts and Polling Places Review 2019
Electoral Services
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG

4. EQUALITIES IMPLICATIONS

4.1. The Public Sector Equality Duty at s.149 Equality Act 2010 requires the council to have due regard to the following when exercising its functions:

- The need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act;
- To advance equality of opportunity between those with a protected characteristic and those that do not share it; and
- To foster good relations between those with a protected characteristic and those that do not share it.

4.2. Local authorities have a duty to review the accessibility of all polling places to disabled voters and ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters 'so far as is reasonable and practicable'.

4.3. According to the Equalities and Human Rights Commission the duty to make reasonable adjustments comprises three requirements. For service providers and those exercising public functions, these requirements are:

- where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.
- where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

4.4. An initial equality analysis has been prepared to inform the review. A final equality analysis will accompany the report for decision by the General Purposes Committee and full Council.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 The review follows steps set out in Schedule A1 of the Representation of the People Act 1983. It is informed by guidance issued by the Electoral Commission which sets out the appeals process following conclusion of the review. It is also guided by consultation principles issued by the Cabinet Office in July 2012 (as updated May 2018).

5.3 The council is required to publish all representations received in relation to the review. Personal details will be redacted in line with the General Data Protection Regulation 2018.

5.4 The council may carry out an interim review and change some of their polling districts and polling places before the end of the five year review cycle. The same processes should be undertaken for the affected areas as for the compulsory review.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

This report requests that the General Purposes Committee note the ongoing review of polling districts and polling places in Tower Hamlets and the equalities considerations as set out in section 4. Any costs arising from the conduct of the

review and implementation of review recommendations will be met from within existing budgets.

7. COMMENTS OF LEGAL SERVICES

7.1 S.16 Electoral Administration Act 2006 (EAA) provides the amendments to the Representation of the People Act 1983 (ROTPA) requiring a review of polling places. S.18A to s.18E and Schedule A1 have consequently now been added to the ROTPA.

7.2 S.18A ROTPA regards the polling districts for the parliamentary elections. Under this legislation a local authority must divide its area into polling districts for the purpose of these elections. All electors must have reasonable facilities for voting in each constituency within the area of the local authority. If there is an alteration made to the polling districts of each area, the registration officer for the district in question must make adaptations to the register of parliamentary electors which are necessary to take into account the alteration. Once a notice is published by the registration officer that such an adaptation has been made, the alteration comes into effect.

7.3 S.18B ROTPA regards polling places for each polling district of a constituency. A relevant authority must designate polling places for the polling districts in its area and keep these polling places under review.

7.4 S.18C ROTPA regards the review of polling districts and places which must take place before the end of a period of four years either starting from when the designation of the area (s.18C(3)) or the completion of the previous review (s.18C(4)).

7.5 Circumstances where a representation is made to the Electoral Commission which may trigger a review is covered by s.18(D) ROTPA.

Schedule A1 of the ROTPA contains the guidance for local authorities to follow before any review of the polling districts takes place. The requirements of Schedule A1 have been set out in p.3.9 of this report.

7 In order to carry out its public sector equality duty under s.149 Equality Act 2010, local authorities must ensure that accessibility to all polling places is reasonable and practicable. This is also a rule covered by s.18B(c) ROTPA.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Notice of Review

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- None

Officer contact details for documents:

Rob Curtis, Head of Electoral Services

Email: robert.curtis@towerhamlets.gov.uk

Phone: 020 7364 3139

Appendix

NOTICE OF REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

1. Notice is hereby given that the London Borough of Tower Hamlets (“the Council”) is conducting a review of polling districts, polling places and polling stations that fall within the Borough area.
2. The Acting Returning Officer (ARO) for the Parliamentary Constituencies of Poplar & Limehouse and Bethnal Green and Bow will make comment on the review and any proposals and those representations will be published on the Council’s website and notice boards in accordance with the timetable set out below.
3. Electors within Tower Hamlets Borough and the Parliamentary constituencies of Poplar & Limehouse and Bethnal Green & Bow may make representations as part of this review.
4. The Council would also welcome the views of all residents, particularly disabled residents, or any person or body with expertise in access for persons with any type of disability, on any proposals in the ARO’s representation, or any other related matters.
5. Persons or bodies making representations of alternative polling places should, if possible, propose alternative locations within the appropriate polling districts.
6. Comments and representations may be submitted as follows:

By post:

Polling Places and Districts Review 2019
Electoral Services
London Borough of Tower Hamlets
Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BG

By email: PDreview2019@towerhamlets.gov.uk

Documents relating to the review can be inspected on the Council’s website at www.towerhamlets.gov.uk/PDreview2019 or in the Electoral Services Office based at the Council’s offices, Mulberry Place, 5 Clove Crescent, London, E14 2BG

7. Timetable for the review:

Date	Detail
Friday 23 August 2019	Publication of notice and commencement of the review.
Friday 23 August 2019	Start of the public consultation period
Within 30 days of receipt	Publication of the (Acting) Returning Officer’s response
Friday 18 October 2019	Public consultation period closes
Wednesday 15 January 2020	Final proposals considered at council meeting
Friday 31 January 2020	Publication of review conclusions