

## COUNCIL

TUESDAY, 17 MARCH 2015

### REPORT OF THE CHIEF EXECUTIVE

#### RELOCATION OF POLLING PLACE FOR THE TR4 AND TR5 POLLING DISTRICTS

##### EXEMPTION INFORMATION

None

##### PURPOSE

To advise Members of the need to relocate the polling place for the TR4 and TR5 polling districts from Dosthill Primary School to Dosthill Boys Club as the preferred alternative location following appeal and subsequent review by Officers and the Electoral Commission..

##### RECOMMENDATIONS

That the Council

1. Considers and endorses the Officer recommendation together with reasons for said proposal to relocate the polling place from Dosthill Primary School to Dosthill Boys Club for the TR4 and TR5 polling districts, and
2. Publish such information as prescribed in compliance with legislation.

##### EXECUTIVE SUMMARY

The Electoral Administration Act 2006 (EAA 2006) introduced a duty upon all Local Authorities to review their parliamentary polling districts and polling places at least once in every four year period. Local Authorities are required to divide every constituency into polling districts for the purpose of Parliamentary elections and to designate a polling place for each polling district. Polling places should be within the polling district unless special circumstances make it necessary to designate an area outside this.

The last such review was completed at the end of 2013. Since the conclusion of the last review an appeal has been submitted to the Electoral Commission under section 18D of the Representation of the People Act 1983. The appeal is in regard to Dosthill Primary School, the designated polling place for the TR4 and TR5 polling districts. The appeal states that the Council has failed to take sufficient account of the accessibility to disabled persons to the polling place and requests that the polling place is moved to an alternative location, namely Dosthill Boys Club (see Appendix A). It is expected following detailed discussion with the Electoral Commission that they will uphold the appeal and instruct the Authority to find an alternative location within the locality. It is Officers opinion that the Dosthill Primary School does not provide appropriate parking or access for disabled persons. The Dosthill Boys Club does provide ideal access and parking for all voting persons. In light of the pending elections on 7<sup>th</sup> May 2015 it is prudent that the proposed alternative arrangements are confirmed by

Members at the earliest point in order to ensure the provision of an appropriate venue reducing the risk of any further disruption in the election process as voting cards will have to be issued and notices advertised shortly on polling station locations in compliance with legislation.

## **RESOURCE IMPLICATIONS**

The cost implications for moving are negligible, however, if the proposed relocation is not agreed then additional resource cost would be incurred and result in associated increased risk to the election process within the ward.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

Perhaps the most fundamental point to make here is that there is no such thing within the Borough or possibly the country as a purpose built polling station. Secondly, none are owned/under the control of the Returning Officer but are instead hired for the day of poll. The premises that are used within the Borough range from church halls, schools, to community centres and finally temporary stations. It is important to remember the elector when selecting suitable premises for the poll. This can at times cause conflict between what premises are available and providing a fully accessible polling station that is convenient to use.

The Representation of the People Act 1983 places an obligation on local authorities, so far as reasonable and practicable, to designate polling places that are accessible to disabled people and keep them under review. When selecting a polling place it is essential that regard should be given to ensure it offers accessibility for disabled people as stated by the Equalities and Human Rights Commission. If the Authority was to move away from a perfectly accessible building in favour of a temporary station so that the location is slightly more convenient it could open the door for a claim regarding disability discrimination. Also, the generators that the temporary stations use tend to be loud and can cause difficulties for those that are hard of hearing as well as being unpleasant for polling staff. Conversely, if the Authority was to turn down the use of an accessible building in favour of one that is not as suitable for use by disabled people this could also increase the risk of a claim for disability discrimination. It is important to remember that despite the growth in absent voting the majority of electors (86%) still choose to attend their local polling station. As an appeal has been submitted to the Electoral Commission under Section 18D of the Representation of the People Act 1983 the Local Authority could ultimately be directed to move the polling place from Dosthill Primary School.

## **SUSTAINABILITY / EQUALITIES IMPLICATIONS**

These have been considered as part of the officer determinations. The review has also considered disability and equality legislation on arriving at our conclusion and recommendations.

## **CONCLUSION**

The current scheme has been in place since the last review and took effect for the 2014 elections. It is important to remember that the Electoral Commission have received representations from Parliamentary electors stating that the current polling place at Dosthill Primary School is unsuitable for electors with mobility issues and as such it is a requirement for the Council to look at finding an alternative polling place. From discussion with the Electoral Commission it is highly likely that they will uphold the appeal and an alternative

location will need to be found. It is Officers opinion that the Boys Club (Appendix A) provides an ideal alternative location which satisfies all the points of the appeal and issues raised by the Electoral Commission who have favourably responded to the alternative location.

It is not tenable financially or from an accessibility point of view to move to a temporary station as an appropriate site is not available within easy access. It is the Electoral Commission's view that the use of temporary stations should be avoided if at all possible.

It is therefore recommended by the Returning Officer after considering all the issues and alternative locations (albeit limited) that the Polling station be relocated to Dosthill Boys Club who have confirmed their willingness to provide the venue.

## **BACKGROUND INFORMATION**

In accordance with the requirements of the Electoral Administration Act 2006 and Electoral Administration and Registration Act 2013 a review of polling stations with the Borough falling within the Tamworth Constituency was undertaken in 2013.

### **REPORT AUTHOR**

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## **LIST OF BACKGROUND PAPERS**

The Representation of People Act 1983  
(<http://www.legislation.gov.uk/ukpga/1983/2/contents>)

The Electoral Administration Act 2006  
(<http://www.legislation.gov.uk/ukpga/2006/22/section/16>)

The Electoral Registration and Administration Act 2013  
(<http://www.legislation.gov.uk/ukpga/2013/6/contents>)

Electoral Commission – Review of polling districts, polling places and polling stations  
([http://www.electoralcommission.org.uk/\\_\\_data/assets/word\\_doc/0020/161633/Pollingdistrict-review-guidance.doc](http://www.electoralcommission.org.uk/__data/assets/word_doc/0020/161633/Pollingdistrict-review-guidance.doc))

## **Appendices**

Appendix A –Visit Report for Dosthill Boys Club

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