
REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

Report by Director – Corporate Governance

SCOTTISH BORDERS COUNCIL

26 OCTOBER 2023

1 PURPOSE AND SUMMARY

1.1 This report seeks approval for a review of the current Polling Districts and Polling Places within the Scottish Borders Council Area to seek to ensure that:-

- (a) all electors in a constituency in the local authority area have such reasonable facilities for voting as practical in the circumstances; and**
- (b) so far as is reasonable and practicable, every polling place for which the Council is responsible, is accessible to electors who are disabled.**

1.2 The Electoral Registration and Administration Act 2013 sets out the timing of reviews of UK Parliamentary polling districts and polling places. The next compulsory review must be completed by 31 January 2025. Although there are no scheduled elections it is important to note that the next general election must take place by January 2025. It is also important to keep our polling districts and polling places up-to-date in preparation for any unexpected electoral events. The timescale is set to allow any changes to be made in advance of the next General Election. This report sets out how the review will be undertaken and the timescales for achieving Council approval.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees:-

- (a) the proposals and timescales for carrying out the review of Polling Districts and Polling Places, as detailed in Section 4 of this report; and**
- (b) that a report on the outcome of the review be submitted to a meeting of Council as early as possible after the conclusion of**

the consultation period to allow any proposed amendments to be made in advance of the next General Election.

3 BACKGROUND

- 3.1 Section 17 of the Electoral Registration and Administration Act 2013 amended Section 18(c) of the Representation of the People Act 1983 which sets out the provisions for reviewing polling districts and polling places and requires that our next review must be completed by 31 January 2025. The Electoral Commission publishes guidance on how these reviews should be conducted and we follow this guidance and use their checklists.
- 3.2 The legislation states that the review is a function of the Council and not the Returning Officer although they are required to be asked for their comments as part of the review process. Polling Districts and Polling Places for both parliamentary and local government elections should always be the same.
- 3.3 The current Polling Districts and Polling Places were approved by the Council in October 2019 following our last review, with some minor amendments having been made since then to take account of local circumstances.
- 3.4 A polling district is a geographical area created by the sub-division of a UK Parliamentary constituency for the purposes of a UK Parliamentary election. In Scotland, each electoral ward must be divided into two or more polling districts unless there are special circumstances. A polling place is the building or area in which polling stations will be selected by the Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district. A polling station is the room or area within the polling place where voting takes place. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the relevant Returning Officer for the election.
- 3.5 The identification of suitable venues for polling places includes a number of important factors and there needs to be a degree of certainty that the venue will be made available for all elections, including any which are called at relatively short notice. In the past, a large number of schools were used but in recent years every opportunity has been taken to move a polling place out of a school where a suitable alternative venue could be identified. Given the rural nature of the area a large number of the designated polling places we use are in the only suitable venue for many miles and this will reduce the options for change to the existing list of polling places.
- 3.6 Given the requirement for the Council to check that none of their own buildings (including those operated by Live Borders) are affected by RAAC it is also important to check that the privately owned halls used as polling stations have no such issues. All private halls will therefore be asked to confirm that there is no RAAC within their construction or that measures have been taken to make the building safe before they can be used as polling places.

4 THE REVIEW PROCESS

- 4.1 The review of polling districts, polling Places and polling Stations will be carried out by the Democratic Services Team in accordance with the process detailed below.

- 4.2 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within it. However, the time allowed for consultation should be sufficient to enable interested persons and groups to read and understand the proposals, gather comments and respond with any alternative arrangements that they may wish to submit. The Council is also asked to have regard to their own guidelines on public consultation when carrying out the review. The main matters to consider when setting the timescale for the review are the date for publishing the new Register of Electors and any scheduled polls.
- 4.3 It is proposed that the timescale for the review be set to allow for any amendments to be made in advance of the next General Election. The final report must include the proposals for the new polling district and polling place arrangements. There is no requirement to make any changes to existing arrangements. However, any change or decision to make no change must be supported by a reason.
- 4.4 When carrying out the review the Council must:-
- Publish a notice of the holding of a review
 - Consult the UK Parliamentary Returning Officer for each constituency which is wholly or partly in its area
 - Publish all representations made by the Returning Officer within 30 days of receipt by posting a copy of them at the Council's office and in at least one conspicuous place in their area and by placing a copy on the authority's website
 - 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 have an opportunity to make representations and to comment on the representations made by the Returning Officer(s).
 - On completion of a review, give reasons for its decisions and publish:
 - (a) All correspondence sent to the Returning Officer in connection with the review;
 - (b) 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;
 - (c) All representations made by any person in connection with the review;
 - (d) The minutes of any meeting held by the authority to consider any revision to the designation of polling districts or polling places within its area as a result of the review;
 - (e) Details of the designation of polling districts or polling places within its area as a result of the review; and
 - (f) Details of the places where the results of the review have been published
- 4.5 The Council is also required to send a copy of the notice to interested parties such as elected representatives (Councillors, MPs, MSPs etc.), Community Councils, political parties, disability groups and any other stakeholders. It is intended that these interested parties will be contacted as part of this review. A press release will be issued and social media feeds

will be used to draw attention to the review and the process. A survey will be made available on Citizen Space to allow any interested party to submit their comments on the review. The consultation will be open for a period of 12 weeks. The questions which will be asked as part of the Citizen Space consultation are contained in Appendix 1 to this report.

4.6 Following the publication of the review conclusions, individuals have a right to make representations to the Electoral Commission within 6 weeks of the publication date. There are only two grounds on which a representation may be made. These are:

- (a) the local authority has failed to meet the reasonable requirements of the electors in the constituency
- (b) the local authority has failed to take sufficient account of accessibility to disabled persons of the polling station/ polling stations within a polling place.

5 IMPLICATIONS

5.1 Financial

There are not expected to be any costs attached to any of the recommendations contained in this report. The review will be undertaken using existing staffing resources.

5.2 Risk and Mitigations

If the Council does not approve the carrying out of this review it will be failing to meet its legislative requirements.

5.3 Integrated Impact Assessment

An integrated impact assessment has been undertaken. There is no impact or relevant to the Equality Duty or Fairer Scotland Duty for this report.

5.4 Sustainable Development Goals

There are no direct economic, social or environmental issues with this report.

5.5 Climate Change

There are no direct carbon emissions impacts as a result of the report.

5.6 Rural Proofing

A Rural Proofing check is not required.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in the report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in your report.

6 CONSULTATION

- 6.1 The following have all been consulted: the Director - Finance & Procurement, the Director - Corporate Governance, the Chief Officer - Audit and Risk, the Director - People Performance & Change, the Clerk to the Council, Corporate Communications, and the Chief Executive.

Approved by

Name Nuala McKinlay

Title Director – Corporate Governance

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 31 October 2019

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Declan Hall can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA, Telephone: 0183526556

Questions to be asked as part of the public consultation.

Is your polling station easy to locate?

Is it convenient to your home address?

Is there sufficient parking?

Do you think the building is suitable for use as a polling station?

Is there disabled access if required?

Once inside the building is it easy to access the voting area?

Are there premises within your polling district which we could use that would be more suitable?

Do you face any barriers to voting and are there any steps we could take to overcome these barriers?