



Review of Polling District and Polling Place

Ward 5 – Strathtay Parliamentary Polling District SBB

September 2021

Consultation Document

Section 1 Introduction

- 1.1 Section 18(c) of the Representation of the People Act 1983, as amended, places a duty on local authorities to review the UK parliamentary polling districts, polling places and polling stations in their area on a regular basis. The Council's last full review of Polling Districts and Polling Places was completed in December 2019.
- 1.2 This interim review has arisen due to the recognised growth of the area known as Bertha Park and requests from Elected Members and MSP from the area.
- 1.3 As a result, the Parliamentary Polling District SBB which currently vote at Luncarty Memorial Hall has been amended to create a new Parliamentary Polling District to vote at a community facility within the Bertha Park area. A map of the proposed new Parliamentary Polling District (hatched area) can be found in **Appendix 1**.

This change will be implemented for all elections held on or after the 5 May 2022.

- 1.4 The responsibility for reviewing UK parliamentary polling districts and polling places rests with the local authority and the responsibility for the allocation of polling stations rests with the Returning Officer. However, for the purpose of this review, all aspects of the review process will be undertaken jointly.
- 1.5 The scope of this review does not cover parliamentary constituency or local government ward boundaries as these are the responsibility of the Boundary Commission and Local Boundary Commission for Scotland respectively and therefore subject to separate review.

Definitions:

- 1.6 **"Parliamentary constituency"** the Parliamentary Constituencies Act 1986 states that "there shall for the purpose of parliamentary elections be the county and burgh constituencies each returning a single member, which are described in Orders in Council made under this Act. [...] In this Act and, except where the context otherwise requires, in any Act passed after the Representation of the People Act 1948, "constituency " means an area having separate representation in the House of Commons."

The subject of this review is the current division of the UK parliamentary constituencies within the Perth and Kinross local government area into polling districts. The UK parliamentary constituency boundaries **cannot** be amended by this review.

- 1.7 **"Polling District"** is defined as the geographical area created by the sub-division of a constituency or ward into smaller parts. In Scotland, each electoral ward must be divided into two or more polling districts unless there are deemed to be special circumstances.
- 1.8 **"Polling Place"** is defined as the building or area in which polling stations will be designated by the Returning Officer. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the polling district.
- 1.9 **"Polling Station"** is defined as the room or area within the polling place where voting actually takes place. These are designated by the Returning Officer for each election.

Section 2 Review Process

- 2.1 The aim of this review is to ensure that every elector in Ward 5 – Strathtay Parliamentary Polling District SBB has such reasonable facilities for voting as are practicable. As part of the review process the Council must seek to ensure that so far as is reasonable and practicable the polling place is accessible to those who are disabled.
- 2.2 The Council is required to publish notice of holding a review and this is available to view at Perth and Kinross Council Offices, Pullar House, Kinnoull Street, Perth; AK Bell Library and North Inch Community Campus. It can also be downloaded from the [Perth and Kinross Council website](#).
- 2.3 As part of the review process this consultation document has been issued to the following person(s):
- Local Elected Members;
 - Local MP's and MSP's;
 - Political Parties;
 - Community Councils;
 - Returning Officer, Clackmannanshire Council;
 - Electoral Registration Officer – Perth and Kinross;
 - PKAVS
 - PUSH;
 - Macular Society;
 - Vison PK;
 - Centre for Inclusive Living.
- 2.4 In addition, any elector for a UK Parliamentary constituency either wholly or partly within the Perth and Kinross local government area may make representations to the Council on the current polling arrangement or draft proposal contained in this document.
- 2.5 All representations received during the course of this review will be made available for public inspection.
- 2.6 The timetable for this review is as follows:

15 September 2021

Publication of Notice of Review

Consultation document containing existing polling arrangement, draft proposal and Returning Officer's comments issued to consultees and made available at Pullar House, Kinnoull Street, Perth; AK Bell Library; North Inch Community Campus and on the Council website.

15 September to 27 October 2021

Public consultation period

27 October 2021

Closing date for representations

Section 3 Accessibility Issues

- 3.1 Local authorities must now take proactive steps to ensure that polling stations do not disadvantage disabled people and ensure that they give due regard to accessibility for disabled voters when designating polling places. They must also give consideration to the different types of disability which may make voting in person more difficult.
- 3.2 In 2010, SCOPE an organisation which offers disability expertise and advice and support to disabled people and their families in England and Wales produced a report “Polls Apart 2010” which highlighted some of the barriers which disabled voters face when trying to cast their vote in person.
- 3.3 Some of the main physical access issues identified by SCOPE which should be considered as part of any review of polling places are noted below:
- Polling places and stations with steps into the entrance, or otherwise inaccessible;
 - Narrow doorways and corridors;
 - Lack of space and secrecy for an elector and their companion to discuss the elector's choice of vote;
 - Lack of space within the polling place that does not enable motorised wheelchair manoeuvrability; and
 - Inadequate lighting.
- 3.4 The Returning Officer currently reviews the availability of alternative polling places prior to each major election to ensure that a more suitable venue has not become available and will continue to do so.
- 3.5 In addition to the above, the Returning Officer has also considered the following before making recommendations:-
- Location and size of venues;
 - Transport links;
 - Facilities for polling station staff;
 - Proposed areas of new developments;
 - Expected population numbers;
 - Continued availability of venues for use as polling places;
 - Cost per elector; and

Section 4 Existing Polling Arrangements and Draft Proposals - Returning Officer's Comments

4.1 Introduction

- 4.1.1 The current local government boundaries were introduced for the 2017 local government elections.
- 4.1.2 The Returning Officer has delegated authority to make changes to the polling scheme in the run up to any major statutory election.
- 4.1.3 The Returning Officer holds detailed accessibility checklists of all polling places which hold comprehensive information including many photographs of the polling places in use in Perth and Kinross.
- 4.1.4 As part of the on-going commitment to ensure that electors in Perth and Kinross have such reasonable facilities for voting as are practicable and that polling places are accessible to those who are disabled, the Returning Officer reviews the polling arrangements prior to every major election and requires Polling Station Inspectors to complete an accessibility assessment of polling places on polling day. The findings of these assessments are considered by the Returning Officer as part of the evaluation of each electoral event and where necessary changes are implemented to improve accessibility for future elections.

4.2 Polling Districts

- 4.2.1 Major residential development or the cumulative effect of smaller developments is normally the most significant factor affecting the size of the electorate in a particular area.
- 4.2.6 The Scottish local government elections are due to be held in May 2022 and the change to the polling district outlined in this consultation document takes account of a new and growing residential development.

4.3 Polling Places

- 4.3.1 In an ideal world, electoral administrators would have the choice of a range of fully accessible buildings, conveniently located for electors in the area when designating polling places. However, in practice, it is recognised that this is often not the case and in some areas there is very little choice of suitable venues. In reality, the choice of polling places will often be a careful balance of a number of factors including access, facilities, location etc.
- 4.3.2 The Election team continuously monitor polling places and reviews any comments received after each election. They are also required to respond to instances where a polling place may become unavailable at short notice prior to an election.

4.4 Use of schools as Polling Places

- 4.4.1 It is recognised that the use of schools as polling places, with the consequent loss of a day's education for pupils, is far from ideal and where it has been possible, the Returning Officer has made every attempt to move polling places from schools. It should be recognised that where a school has been designated as polling place this is because there are currently no suitable alternative venues within the polling district.

4.4.2 The use of schools continues to be carefully monitored on an on-going basis by the Returning Officer and as local halls and community facilities are developed, polling places will be relocated whenever possible.

4.5 Draft Proposals

4.5.1 After due consideration the Returning Officer is recommending the following amendment to the current polling scheme:

- A new Parliamentary Polling District be formed to the south of the current Parliamentary Polling District SBB (hatched section of Appendix 1) with a new designated polling place in a local community facility for voters within the Bertha Park area.

4.5.2 The Returning Officer for parliamentary constituency Ochil and South Perthshire, part of which fall within the Perth and Kinross local government area, will be consulted as part of the review process and her comments on the current arrangement and draft proposal will be published along with any other representations received.

Section 5 How to comment on the Review

5.1 Any elector in the Perth and Kinross local government area may make representations to the Council. Representations will also be considered from persons who have particular expertise in relation to access to premises and facilities for persons who have different forms of disability.

5.2 Any person or body making representations should, if possible, include proposals for venues that may be suitable for consideration as alternative polling places.

5.3 Any representations or comments on the Councils draft proposals must be received by **5pm on 27 October 2021**. Any representations received after this date will not be considered as part of this review.

5.4 All representations should be addressed to:

The Returning Officer
Perth and Kinross Council
Council Building
2 High Street
Perth
PH1 5PH

5.5 Those who wish to email their representations should forward them to elections@pkc.gov.uk

5.6 All representations received during the course of the review will be published on the Council's website and will also be made available for public inspection at Pullar House, Kinnoull Street, Perth (appointment only), AK Bell Library and North Inch Community Campus.

Section 6 Completion of the Review

- 6.1 A report containing the findings of the review and the proposed change to the current polling arrangements will be submitted to the meeting of Perth and Kinross Council on 15 November 2021 for consideration.
- 6.2 Any amendments to the scheme as a result of this review will be implemented prior to the publication of the new Electoral Register.
- 6.3 On completion of the review the Council will publish the following:-
- All correspondence sent to the Returning Officer in connection with the review and all correspondence sent to any person who the Council 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 Council where details of the review have been considered;
 - Details of the actual designation of polling district and polling place agreed as a result of the review; and
 - Details of where the results of the review have been published.

Section 7 Appeals Process

- 7.1 Following the conclusion of the Council's review, certain persons have a right to make representations to the Electoral Commission and this section sets out the Appeals Process which requires to be followed.

7.2 Who is entitled to make a representation to the Commission?

- Thirty or more registered electors in each constituency (although electors registered anonymously cannot make a representation);
- A person (except the Returning Officer) who made representations to the local authority when the review was being undertaken;
- Any person who is not an elector in a constituency in the authority's area but who the Commission thinks 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.

- 7.2.1 In addition, the Returning Officer may make observations on any representations made to the Commission.

7.3 Format for all representations:

- 7.3.1 All representations made to the Commission must be made in writing either by post or e-mail. The representation must be as specific as possible and should clearly state the manner in which it is alleged that the Council has failed to properly conduct the review. 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(s) within a polling place

7.3.2 Representations based on any other premise will not be considered.

7.3.3. The representation should include the location and any other relevant information regarding the polling place at issue, stating specifically why it is inaccessible or does not meet the reasonable requirements of the electors.

7.3.4 A representation may also include for consideration specific proposals for changing the place that has been designated as the polling place.

7.4 Decision making process of the Commission

7.4.1 Upon receipt of a representation, the Commission will request all relevant documentation from the Council and will show the Council the representation.

7.4.2 The Returning Officer is entitled to make observations on the representation submitted to the Commission and should give a report on the probable polling stations which would likely be used should the representation be successful.

7.4.3 The documentation from the Council, the observations of the Returning Officer and any other relevant information will be taken into consideration, in conjunction with the representation.

7.4.4 The Commission may seek advice from persons with expertise on accessibility issues when making its decision.

7.4.5 The Commission will set out in writing its conclusions and reasons for its decision. The Commission's decision will be issued to the person(s) who made the representation, the Council and the Returning Officer. The decision and related documents will also be published on the Commission's website and Perth and Kinross Council's website.

7.4.6 The Commission may direct the Council to consider any alterations to the polling places that it deems necessary under the review. After two months, if the Council has failed to make the alterations the Commission can itself make the alterations as if the Council had implemented them.

Please send any representations to:

Legal Counsel
The Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

Tel: 0333 103 1928

Email: appeals@electoralcommission.org.uk

APPENDIX 1

