

Review of Scheme of Polling Districts and Polling Places 2013**Report by Kenneth Lawrie, Chief Executive****1 Purpose of Report**

- 1.1** The Council is asked to agree a new Scheme of Polling Districts and Polling Places after taking into consideration the representations received, including those of the Returning Officer.

2 Background

- 2.1** The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary Polling Districts and Places. It requires local authorities to undertake a Statutory Polling District and Polling Place Review within the period 1 October 2013 and 31 January 2015 inclusive and every five years thereafter.
- 2.2** In view of the impending European Parliamentary Elections and the Referendum, both to be held in 2014 it is considered best practice that the Review be carried out now. The timescale complements the new electoral register which must be published by 10 March 2014. The format for the Review is laid down by the Act and includes a period of public consultation.
- 2.3** The public consultation period of the Review commenced on 1 November 2013 and has now been completed.
- 2.4** As part of the review process, local authorities must:-
- Seek to ensure that all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
 - Seek to ensure that so far is reasonable and practicable the polling places are accessible to those who are disabled; and
 - When considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons.

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- 2.5** Accordingly, the Electoral Commission guidance stresses the importance that the needs of electors with a disability are met in so far as practical.
- 2.6** In regard to the current Scheme all the buildings used for polling purposes with the exception of St Mary's RC Primary School, Bonnyrigg, are accessible by people with a disability by the main polling entrance - albeit in some cases with a temporary ramp fitted.

3 Public Consultation

Prior to the commencement of the public consultation process (1 November 2013) the initial observations of the Midlothian Parliamentary Constituency Returning Officer were sought and his response is shown at **Appendix I** to this report.

- 3.1** Annexed to his report is the current Scheme of Arrangements for Polling Districts and Places in Midlothian showing the Returning Officer's comments, observations, recommendations, etc, by Polling District.
- 3.2** Subsequently the Review entered the consultation period. In addition, to press advertisements and details being posted on the web, other stakeholders including, all Midlothian Councillors, the MP for the Midlothian Constituency, the Constituency MSPs, Community Councils, etc were informed of the Review. Also Capability Scotland was invited to comment.
- 3.3** The consultation process ended on 2 December 2013 during which time seven responses – all in respect of the use of King's Park Primary School, Dalketh were submitted (which are addressed at paragraph 4(iv) below) and are detailed at **APPENDIX II** to this report.

4 Polling Districts and Places

(i) Electoral Wards:-

No 1 – Penicuik;
No 4 – Midlothian West; and
No 6 – Midlothian South

Council Officers have updated the availability and suitability of current polling places and polling stations used and it is recommended that the use of the existing polling premises continue to be used and that the existing polling district boundaries remain unaltered.

(ii)/

(ii) Electoral Ward No 2 - Bonnyrigg

In this ward the former Bonnyrigg Leisure Centre is now unavailable, there is the continuing access problem for people with a disability at St Mary's RC Primary School (see paragraph 2 above), the availability now of the new Lasswade High Centre and the substantial house building which is ongoing, All of these factors have necessitated a comprehensive reappraisal of the Bonnyrigg polling requirements.

Substantial changes are recommended in terms of the polling district boundaries and the polling places used (as per the Returning Officer's submitted response).

The detailed new proposals are as shown in the map at **ANNEX I** in the Returning Officer's response at Appendix I. The table at Annex I has been updated as follows to show the maximum number of polling stations required for combined elections:-

Electoral Ward No 2 - Bonnyrigg	Polling Places	Polling District	No of Electors	Max No Stations (for combined elections)
	Lasswade Pavilion Lasswade Park Lasswade	MN2A	581	1
	Lasswade High Centre Eskdale Drive Bonnyrigg	MN2B	6,368	9
	Lasswade Primary School 7A Pendreich Drive Bonnyrigg	MN2C	2,811	4
	Bonnyrigg Primary School Cockpen Road Bonnyrigg	MN2D	2,179	3
	Burnbrae Primary School 144 Burnbrae Road Bonnyrigg	MN2E	1,424	3

(iii) Electoral Ward No 3 – Dalkeith

Council Officers have updated the availability and suitability of current polling places and polling stations used and all remain available and suitable for polling purposes.

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In regard to the existing polling district boundaries it is proposed to make one minor alteration:-

- Currently Woodburn Avenue is split with the north side voting at Cowden Park Pavilion and those on the south side voting at St. David's RC Primary School. The Electoral Registration Office staff have commented that anecdotally they recall that there was some voter confusion at the 2012 elections in regard to which polling place to use.

It is therefore proposed that all electors in Woodburn Avenue, Dalkeith, vote in future at St. David's RC Primary School and that apart from this amendment all the existing polling district boundaries remain unaltered.

In regard to polling places, while the Returning Officer recommended that they remain unchanged, the consultation response in paragraph (iv) below need to be considered in the context of the future use of King's Park Primary School.

(iv) Electoral Wards:-

No 3 – Dalkeith; and No 5 - Midlothian East

King's Park Primary School Polling Place

Seven consultation responses (the Co Chairs of Kings Park Primary Parent Council and six individuals) have been submitted asking for the use of King's Park Primary School for polling purposes to be discontinued. All are made on the non electoral basis that it disrupts the children's education and six of them are made on the extra provision that has to be made for childcare on election days. In this regard the following suggestions for alternative premises have been made:-

- *"Dalkeith Library and Arts Centre,*
- *Sports Halls;*
- *Clubs*
- *Justinlees Inn; and*
- *Church Halls".*

Currently 4,930 electors are allocated to vote at King's Park Primary School. This equates in terms of Electoral Commission Guidance for the need to have accommodation suitable for at least a total of seven Polling Stations (four for Ward No - 5 Midlothian East (MN5A) and three for Ward No – 3 Dalkeith (MN3B)).

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In regard to private premises the Council and the Returning Officer have in the past been wary of the risk in using such buildings as there is always the possibility of the premises being unavailable (due to other lets) or a let being refused at short notice with the consequent implications of conducting an election in terms of best practice. In addition there have been ongoing problems over the years of gaining access to premises 'at dawn' on polling day and also setting up and dismantling the polling stations on the day before and then after the election.

Also, the General Election in 2010 exposed serious deficiencies in a number of English voting venues which led to electors being disenfranchised. The Electoral Commission in its subsequent review identified that a major contributory factor to this was that the most suitable buildings available to the local authority were often not being used due to conflicting pressures such as local authority revenue generation (such as a Sports Hall) or, indeed, education requirements.

Subsequently the Commission reinforced the requirement that the designation of polling places be made on the basis of the needs of the elector.

Notwithstanding the above, the following premises have been investigated/considered for use as possible polling places and I wish to comment as follows:-

- (a) **Dalkeith Library & Arts Centre** – The Arts Centre part of the building could be used for two Polling Stations. There is one parking space for voters with disabilities at the rear of the building (but access to it has to be taken through the security barrier). There is a lack of parking for the general public.
- (b) **St John's & King's Park Church Hall, 31 Eskbank Road, Dalkeith** – There are two small halls each capable of holding a polling station. Unfortunately access involves a near 50 yard walk down the side of the church which could be challenging for people with a walking disability who were not in a wheelchair. To enter one of the halls would involve a substantial temporary ramp being provided and there is a small vestibule area that could be difficult to navigate by wheelchair users before entering the actual hall. The church has no dedicated parking and there are double yellow lines directly outside its pedestrian entrance.
- (c) **St David's Church Hall, 41 Eskbank Road, Dalkeith** – This hall has the capacity to accommodate one polling station. Whilst the floor area would suggest the possibility of two stations being provided at this location, the hall is fitted with permanent fixtures and fittings thus reducing the available floor space. Substantial ramping would be required to facilitate front door access for disabled voters.

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It should also be borne in mind that (a) Mass is held at the church at 9.00am every Thursday and it may therefore be necessary to provide some form of traffic management within the church grounds at least covering the period that church services take place and (b) other church services, such as funerals would similarly and probably to a greater degree, affect vehicular access to the polling station.

- (d) **Westfield Park Hall**, 9 Dalhousie Park, Eskbank – This property was returned by the Council to its owners last year. Part of the property is occupied by Alzheimer Scotland and it is understood that the owners are currently looking for new tenants for the balance of the premises which would preclude its availability for polling purposes.
- (e) **Midlothian Indoor Bowling Stadium**, Old Edinburgh Road, Dalkeith – While no approach has been made to the Club regarding its availability to let it is known that the configuration of the building would mean that the premises would have to be closed for Club use. The catering/social area could accommodate two polling stations.
- (f) **Dalkeith Rugby Club**, Eskbank Road, Dalkeith - While no approach has been made to the Club regarding its availability to let it is known that the configuration of the building would mean that the premises would have to be closed for Club use. The bar/social area could accommodate one/two polling stations. However, the main entrance is stepped and therefore would require a substantial temporary ramp to allow access for those with a disability.
- (g) **King's Park Bowling Pavilion**, King's Park, Dalkeith – The social area could provide one or perhaps two polling places. While voters with a disability with a car could take vehicular access to the main pavilion entrance other voters would have to park outwith Kings Park.
- (h) **Justinlees Inn** – 1-5 Dalhousie Road, Eskbank – This option has not been pursued as it is anticipated that this and similar commercial premises would charge for loss of revenue in addition to a letting charge. As there is a suitable local authority building in the area for electoral purposes (King's Park Primary School) it is likely that the Government Election Claims Unit would insist that the Council meet any additional costs of a let.

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In Summary:–

Electoral Commission Guidance requires that designated polling places must be capable of handling the biggest combined set of elections likely in the ensuing five year period following a Review. An example of a 'large' election was the 2011 Scottish Parliament Elections and the AV Referendum which were combined and had three ballot papers. In such a scenario more polling stations must be provided.

In addition account must also be taken of new house building and population projections.

Currently King's Park Primary School provides for at least 7 polling stations broken down into three for Ward No – 5 Midlothian East and four for Ward No 3 – Dalkeith.

None of the above venues are of a size suitable for the requirement to provide either a four or a three station polling place. At most there are varying degrees of difficulty in regard to access for people with a disability. Some are in private ownership and therefore there is the risk that they might not always be available on a polling day. If the above venues were to be used the polling districts for both wards would require to be split and four polling places established rather than the current one.

The Council in reaching a decision has to decide what is in the best interest and convenience of the electors. In this instance I recommend that the *staus quo* prevail and King's Park Primary School continue to be used as a polling place.

(v) Ward No 5 - Midlothian East

Gladstone's Gait, Bonnyrigg

In preparing for this Review it was discovered that the Electoral Registration Officer had placed 139 electors, in new housing at Gladstone's Gait, Bonnyrigg, in error in the Electoral Register for Ward No 2 – Bonnyrigg, instead of Electoral Ward No - 5 Midlothian East.

The Electoral Registration Officer has advised that she will be correcting this error when the new register is published (by 10 March 2014).

However, as currently the nearest polling place for these Ward No 5 electors is the remote King's Park Primary School, Dalkeith, it is proposed that their designated Polling Place be Bonnyrigg Primary School where special arrangements will be made for them to vote in a ballot box for Electoral Ward No 5 - Midlothian East. This will mean the establishment of a new polling district (MN5H) for this street as shown at **ANNEX III** to the Returning Officer's response at Appendix I.

(Note: /

(Note: Representations were made to the Secretary of the Local Government Boundary Commission for Scotland who has advised that the Commission are currently preparing to commence the Statutory Review required for the 2017 Scottish Local Government Elections and anomalies such as Gladstone's Gait will be addressed in this Review.)

Otherwise it is recommended that for Ward No 5 – Midlothian East the use of the existing polling premises be continued and that the polling district boundaries remain unaltered.

5 Report Implications

5.1 Resource

The overall number of Polling Places will remain broadly unchanged and it is not anticipated that there will be any significant additional resource implications to the Council.

5.2 Risk

Conducting this Review and implementing the recommendations will ensure that the Council meets its statutory duty in respect of reviewing its Scheme of Polling Districts and Polling Places.

Many of the premises used for polling purposes are in Council ownership and this mitigates the risk of venues becoming unavailable or unsuitable for polling purposes at short notice.

However, if the Council were to increase the use of premises in private ownership this would increase the risk in conducting an election in terms of best practice and could have substantial resource implications eg – last minute hire of portakabins to replace unavailable private ownership polling places and reprinting and delivering poll cards intimating amended polling arrangements.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:-

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- x None of the above

5.4 Impact on Performance and Outcomes

Not applicable

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5.5 Adopting a Preventative Approach

Not applicable

5.6 Involving Communities and Other Stakeholders

Consultation has been carried out on this review of Polling Places and Districts in accordance with the Electoral Administration Act 2013, and guidance contained in the Electoral Commission Circular – *Reviews of Polling Districts, Polling Places and Polling Stations*.

5.7 Equalities

If the recommendations in this report are approved all the buildings used for polling purposes will be accessible by people with a (mobility) disability (some with minor adaptations such as temporary ramping) and all electors will use the same building entrance.

5.8 Sustainability

There are no sustainability issues arising from this report.

5.9 IT Issues

There are no IT issues arising from this report.

6 Recommendations

I recommend that the Council:-

- (a) Adopt the current Scheme of Polling Districts and Places with the following revisions:-
 - (i) Electoral Ward No 2 – Bonnyrigg:– That the Polling Districts and Polling Places be as detailed in the Map and Table in the Annex to the Returning Officer's response to the consultation;
 - (ii) Electoral Ward No 3 – Dalkeith:– That all electors in Woodburn Avenue, Dalkeith, vote in future at St. David's RC Primary School and the Polling Districts MN3C and MN3D be adjusted accordingly;
 - (iii) Electoral Wards No - 3 Dalkeith and No - 5 Midlothian East:– That Kings Park Primary School, Dalkeith continue to be used as a Polling Place for electors in MN3B and MN5A; and
 - (iv)/

(iv) Electoral Ward No 5 – Midlothian East:–

- (1) Agree that provision be made for the electors in Gladstone's Gait, Bonnyrigg to vote at Bonnyrigg Primary School in a new Polling District (MN5H); and
 - (2) That representations be made to the Local Government Boundary Commission for Scotland, at the appropriate time as part of the Fifth General Review of Electoral Arrangements in Scotland (to be in place for the 2017 Council Elections), that these electors be included in the Bonnyrigg electoral area.
- (b) Agree to carry out the statutory procedures, in liaison with the Electoral Registration Officer, to publish the revised Scheme of Polling Arrangements to take effect from 10 March 2014; and
- (c) Remit to the Chief Executive to continue to liaise with political representatives for Scheme revisions.

12 December 2014

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Background Papers:-

- Public Consultation Documents – 'Midlothian Review of Polling District and Polling Places 2013' published 1 November 2013;
- Electoral Commission Circular - Reviews of Polling Districts, Polling Places and Polling Stations;
- Reports on Inspection of Polling Places and Polling Stations by Council Officers; and
- Electoral Register for the Midlothian Council local area published by the Electoral Registration Officer (Lothian Valuation Joint Board).

Declaration Box

Instructions: This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.

Title of Report: Review of Scheme of Polling Districts and Polling Places 2013

Meeting Presented to: Midlothian Council – 17 December 2013

Author of Report: Allan R Brown

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- ☒ All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Human Resources.
- ☒ All risk implications have been addressed.
- ☒ All other report implications have been addressed.
- ☐ My Director has endorsed the report for submission to the Council Secretariat.

For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.

Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.