

REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

Governance Committee - 5 November 2019

Report of	Chief Executive
Status	For Decision
Also considered by	Council - 19 November 2019
Key Decision	No

Executive Summary:

The Council has conducted a statutory consultation under the requirements of the Representation of the People Act 1983 (as amended) regarding the polling districts and polling places within the District. The Council is legally required to undertake and conclude the review, by determining the geographical polling districts and agreeing to the locations of polling places.

This report makes recommendations to confirm the location of every polling place throughout the district, and to implement a minor change to one existing polling district. Members are invited to agree the recommendations, bringing the review to a formal close in line with the legislated timetable.

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Recommendation to Governance Committee

That Council be recommended to:

- (a) agree to the minor adjustment to the boundary between polling districts BZ (Lower St. John's) and CC (Upper St. John's) such that all properties are included in the same polling district;
- (b) all other polling district boundaries are retained unchanged; and
- (c) agree to the proposed polling places as shown in Appendix C .

Recommendation to Council that:

- (a) the minor adjustment to the boundary between polling districts BZ (Lower St. John's) and CC (Upper St. John's), be agreed;
 - (b) all other polling district boundaries are retained unchanged; and
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(c) the proposed polling places as shown in Appendix C be agreed.

Reason for recommendation:

The Council has considered all responses from the statutory public consultation, along with the suitability and accessibility of all venues, and concludes that the revised polling districts and amended schedule of polling places best meets the requirements of the legislation, Electoral Commission best practice and the needs of the local electorate.

Introduction and Background

- 1 Every district council area is divided into geographical administrative areas known as polling districts. Each polling district must have a polling place assigned to it; this polling place is the location or venue in which a polling station will be placed.
- 2 All district councils are required by law to complete a review of polling districts and polling places every five years. The current statutory review must be completed by 31 January 2020. Best practice, however, dictates that the review should be concluded, where practicable, in advance of the publication of the next revised Register of Electors on 1 December 2019. This enables any changes to take effect from that date. Members are invited to note that should a major election take place before 1 December 2019, publication of the revised Register of Electors may be deferred until up to February 2020; in such a case any changes will take effect from that amended publication date.
- 3 The Electoral Commission have developed guidance to assist with determining polling districts and polling places (<https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/polling-place-reviews>). This is based on the relevant legislation (the Representation of the People Act 1983, as amended) which sets out the steps required within a formal review. This includes the following requirements:
 - Publish a notice formally initiating the public consultation as part of the 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 within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, 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 Acting Returning Officer(s).

- On completion of a review, give reasons for its decisions and publish all information relevant to the review.
- 4 As such, there is a requirement to undertake a formal public consultation in which members of the public, elected representatives, and other statutory consultees are invited to respond to the draft recommendations.

Definitions

- 5 The following definitions apply throughout this review:
- A **polling district** is a geographical area. District councils are required to divide their area into polling districts for the purposes of elections. The polling district determines which polling station an elector must attend in order to vote in person. Each parish and parish ward must have a separate polling district.
 - A **polling place** is the building or area in which polling stations will be selected by the (Acting) Returning Officer at an election. The district council must designate polling places for each polling district. Each polling place should be accessible to all electors, including those with disabilities, as far as practicable.
 - A **polling station** is the room or area within the polling place where voting takes place. These are chosen by the relevant (Acting) Returning Officer for a given election, and not by the council.
 - The **Returning Officer** is the individual who has responsibility for delivering free, fair, democratic elections in accordance with the relevant legislation. This role is independent of the council. At a Parliamentary Election, this individual is known as the Acting Returning Officer, hence the term '(Acting) Returning Officer' refers to the individuals responsible for delivering each level of election. This person is also known as the (A)RO.
- 6 It is important to note that polling districts determine to which polling place and polling station a voter must attend to vote in person. They are administrative areas within wards, and do not affect which candidate or party the elector may vote for.

Rules applicable to determining polling districts and polling places

- 7 Electoral Commission guidance states that each parish and parish ward is to be a separate polling district, and the boundaries and designations of

polling districts should not adversely impact on an elector's ability to attend their polling station.

- 8 Polling places should be considered taking accessibility, location and suitability into account. In practice, polling stations have to meet basic standards in order to be suitable for use bearing in mind the requirements for staff working in those venues and the numbers of electors who may attend to cast their vote.

Draft proposals and consultation

- 9 In developing the draft proposals, officers visited every current and proposed polling place and assessed them for their suitability based on Electoral Commission templates. They also reviewed every polling district boundary using high resolution digital mapping.
- 10 Based on these assessments, draft proposals were developed for consultation.
- 11 As part of the statutory review, contributions from the Acting Returning Officers for the Parliamentary Constituencies that represent the district should be sought. As such, Sevenoaks District Council has consulted with the Acting Returning Officers for the Dartford, Sevenoaks and Tonbridge & Malling constituencies on the draft proposals.
- 12 In addition, the current proposal by the Boundary Commission for England (BCE) for the realignment of parliamentary constituency boundaries would result (if that review receives Parliamentary approval in its current form) in part of this district being transferred from the Dartford parliamentary constituency to the Gravesham parliamentary constituency. As a result, Sevenoaks District Council has also consulted with the Acting Returning Officer for Gravesham. If the changes proposed by the BCE are implemented, that part of Sevenoaks District that is currently part of Tonbridge & Malling parliamentary constituency will form part of the new Tonbridge parliamentary constituency; the ARO will remain unchanged, however.
- 13 The draft proposals have also been sent, as part of the consultation process, as follows:
 - To all elected representatives of the district
 - District, parish and county councillors
 - Members of Parliament representing residents of this district
 - Members of the European Parliament for the South East Region
 - The Police & Crime Commissioner for Kent
 - Local political party representatives

- Local groups with expertise in disability and access issues, and a meeting held with the Sevenoaks District Access Group to discuss the proposals. This included:
 - Sevenoaks District Access Group
 - Alzheimer’s Society (West Kent)
 - Kent Association for the Blind
 - Avenues Group
 - Hft
 - IASK
 - Age UK
 - All keyholders for the existing and proposed venues were invited to confirm that their venues remain available for use as polling places.
 - Residents of the one property that would be affected by the proposed polling district boundary change.
- 14 Information about the consultation was also published on the Sevenoaks District Council website, and on public noticeboards. The draft proposals were published online and made available to view at the Council offices.
- 15 The public consultation ran from 31 July 2019 through to 1 October 2019.

Responses to the consultation

- 16 The Acting Returning Officers for the Parliamentary constituencies representing Sevenoaks District residents submitted their responses to the consultation as set out below. These were published along with the consultation documents as they were received. Note that the ARO for Sevenoaks is also the Chief Executive of Sevenoaks District Council and therefore the draft proposals were made in liaison with him.
- **Acting Returning Officer for Gravesham (non-statutory consultee):**
“We have no comments on the recommendations, and are happy with them.” (17 July 2019)
 - **Acting Returning Officer for Tonbridge & Malling:**
“I fully support and endorse the proposals prepared for this review of polling districts and polling places within the Tonbridge & Malling Constituency. I also endorse the comments attributed to each proposal.” (26 July 2019)
 - **Acting Returning Officer for Dartford:**
“I have reviewed the proposals by Sevenoaks District Council for the Dartford Parliamentary Constituency and support the recommendations

which seem to offer effective arrangements which support the council's priority to encourage strong and involved communities, by enabling the electorate to effectively engage in the democratic process.

Where possible no more than 2500 electors should vote at any one polling station however; more than one polling station can be situated in a polling place and these proposals would facilitate this.

The election timetable has been demanding and will continue to be challenging over the next four years. In this time, Sevenoaks will need to continue to review these arrangements and make any necessary changes to polling places as the electorate in each area changes.

Each of the proposed polling places would offer a suitable facilities for the location of a polling station.” (7 August 2019)

- 17 In response to the submission from Dartford, Members are invited to note that the staffing allocations for a Parliamentary Election are the responsibility of the Acting Returning Officer for that constituency. However we remain confident that the venues are suitable for individual and, where appropriate, two or more polling stations, and we will continue to monitor this over time.
- 18 During the consultation we received a total of 11 additional responses (in addition to confirmations from keyholders that venues remain available for use). These, along with our responses, are included at Appendix A. To summarise, the majority of the responses supported our draft proposals. However, the following are worth noting:
- Sevenoaks Community Centre is unavailable for use until 2021 due to building work. A suitable alternative, the Bat and Ball station building, has been identified and confirmed as suitable and available. I therefore **recommend** that the polling place be amended to reflect this.
 - Fordcombe village hall is likely to be unavailable due to building work. The community has limited alternative facilities, namely the Chafford Arms public house and the primary school. The Chafford Arms is unsuitable as it has no pavement access and is unlikely to be available for a short-notice poll at certain times of the year; it would also require temporary ramps to be installed, and the venue hire cost is prohibitive. The school is not ideal, as it has no step-free access and the layout of the building means that temporary ramps cannot be safely installed. However, of the two possible alternative venues the school is the only one considered suitable. Whilst we try to avoid using schools, in order to minimise disruption to staff and pupils, it is unfortunately unavoidable in this circumstance. That said, the exact timing of renovation work at the village hall is currently unknown. I therefore **recommend** that the polling place remain the village hall, with the caveat that when it is unavailable due to building work the primary school is used instead. This is likely to be for a limited period before

the village hall refurbishment is completed and the premises available again.

- District Councillors for Sevenoaks Eastern ward (response numbers 008 and 009) responded that the proposed polling place was not suitable for the Hillingdon polling district because of the distance that some residents must travel to get to it. Having reviewed the locations, the distance between the current venue and their alternative proposed site of a mobile venue is an 11 minute walk. Moving to Trinity school would also create the same issue for electors living nearer to the current polling place (the St Johns Church Hall) - they would have the same distance to travel as people who live near Trinity school and walk to St Johns Church Hall - as both venues are on opposite sides of the polling district. In addition, we try to minimise the use of schools as polling stations as far as possible to minimise disruption to students. There are issues with mobile polling stations, most notably in this location the lack of facilities for staff and electors. Whilst the current location of the venue is not ideal for residents of Hillingdon, Trinity school is no better, and a mobile or temporary venue creates more issues than it resolves for residents and polling staff. I therefore **recommend** keeping the venues as set out in the draft recommendations. Members are invited to note that the County Councillor for this area has also indicated (response 010) that they are happy with the draft proposals for polling places.
- Due to changes taking place at Swanley Youth Centre, the room currently used for elections may become unavailable in future. We have assessed the alternative room, and consider it would be suitable for use as a polling station when the main room is unavailable for use. I therefore **recommend** we retain the Swanley Youth Centre as a polling place, noting the actual room used may change depending on circumstances at the time of an election.

Final recommendations

- 19 It is worth noting that the authority to amend polling places is set by the Council; the decision as to exactly where in the polling place a polling station is located is determined by the (Acting) Returning Officer. Any changes close to an election (such as a venue being unavailable) can cause complications if the Council is required to meet to agree them; this is particularly difficult for unscheduled or short-notice polls. Whilst the (A)RO has authority to change a venue if required if there is insufficient time to consult Council, it is good practice to try to avoid such restrictions whilst retaining Council's overall responsibility for determining polling places. Some local authorities designate entire districts as their polling places; I do not agree that this gives a level of specificity required, and arguably does not fully comply with Electoral Commission guidance. I therefore recommend that each polling place is set as 'At or near...' the proposed

venue. This gives some flexibility in setting exact locations for polling stations, particularly where short-notice changes are required whilst retaining Council's decision-making responsibility. For all practical purposes this does not affect the actual location of polling stations unless there are unavoidable necessary changes.

20 In addition, Members are invited to note that the polling districts and polling places in use are monitored on an ongoing basis and that if circumstances change (such as a large residential development) before the next scheduled formal review, changes to polling districts and polling places can be made in the interim.

21 My final recommendations are:

Polling districts. Adjust the boundary between polling districts BZ (Lower St John's) and CC (Upper St John's) such that all properties are included in the same polling district. **Polling places.** Set the polling places as shown in **Appendix C**. These take the consultation responses into account.

Publication of materials

22 The legislation requires that the council publishes all information relevant to this review of polling places and polling districts. In addition, the Council is required to publish copies of all correspondence sent to Acting Returning Officers and to individuals or organisations the local authority consulted with as they have particular expertise in relation to access to premises or facilities for persons who have different forms of disability; these are available online as background documents. The publication of this report, along with appendices, background documents and minutes of the Governance Committee and Council, satisfy this requirement. A copy of these documents will be made available online and at the council offices, in line with both normal practice and the statutory requirements for this review.

Key Implications

Financial

This is a statutory review. Costs associated with the conduct of the review are met from within existing budgets.

Legal Implications and Risk Assessment Statement

This is a statutory review, conducted under the Representation of the People Act 1983 (as amended) and Electoral Commission guidance. There is a risk that, if the council does not take responses from the consultation into account, individuals

may appeal to the Electoral Commission. Given that all responses have been fully considered and where not taken on board we have set out our reasons, this risk is minimal.

Equality Assessment

The accessibility and suitability of each venue has been taken into account in the conduct of this review. As a result, the decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. Where access to venues is restricted, we have proposed temporary access changes where possible (such as ramps). In some locations this is unfortunately not possible. However all registered electors are entitled to request to vote by post, negating the need to attend the polling station. If an elector wishes to vote in person at a polling station with limited access, the polling station staff will assist them to enable them to vote in person, whilst ensuring the secrecy of the election. All polling station staff are trained prior to each election and reminded of their responsibilities in terms of supporting electors and enabling them to vote.

A very small number of the polling places are in venues that sell alcohol, and some are in churches or church halls. There may be some electors who are unwilling to visit such venues. However, there has been no change in the number or location of these venues from previous years, and in each case there is no suitable alternative venue. As noted above, all registered electors are entitled to request to vote by post, negating the need to attend the polling station in person.

Conclusions

This review of polling districts and polling places satisfies the legal requirement to undertake a review including completion of a public consultation and publication of all documents relating to the review. There is a legal requirement to agree to a new schedule of polling districts and polling places by the end of January 2020, taking the consultation into account and following Electoral Commission guidance.

Appendices

Appendix A - Summary of consultation responses and our comments thereon

Appendix B - Recommended change to Polling District boundary

Appendix C - Recommended polling places

Background Papers

Notice of Review as published

Draft proposals as consulted upon

Correspondence sent to statutory consultees

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=289&MId=2409&Ver=4&J=2>

Electoral Commission guidance on these reviews is available from <https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/polling-place-reviews>

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