

Report to	-	Licensing and General Purposes Committee
Date	-	23 January 2017
Report of the	-	Executive Director of Resources
Subject	-	Review of Polling Districts and Polling Places 2016/17

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**Recommendation to COUNCIL:** That

- 1) the Polling Places Scheme in Appendix 2 be approved; and
  - 2) the Executive Director of Resources be granted delegated authority to agree necessary changes of polling place after consultation with the Chairman of the Licensing and General Purposes Committee, relevant District Ward Member(s), County Council Member and Parish Council. Should any of the consultees not agree the proposed change the decision to be brought to the Licensing and General Purposes Committee and full Council for determination.
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**Service Manager: John Collins**

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**Introduction**

1. The Council must regularly review the division of its area into polling districts for the purposes of elections, and designate polling places for these polling districts. Full reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013.
2. The relevant legislation can be found in section 16 of the Electoral Administration Act 2006, the Representation of the People Act 1983 and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.
3. The Council's last full review under the legislation was undertaken in 2013, however, during the intervening period the Council has kept its polling places under continual review and changes have been made as required. The next scheduled elections are the East Sussex County Council elections on 4 May 2017.
4. In 2014, the Local Government Boundary Commission for England (LGBCE) declared that it would be reviewing the division boundaries for East Sussex County Council and ward boundaries for two East Sussex local authorities; Hastings Borough Council and Wealden District Council. It was subsequently agreed that the other local authorities within East Sussex, including Rother District Council, would also carry out boundary reviews in order to align the process. These reviews commenced in 2015 and reached their conclusion in December 2016, with the resulting Orders published on 15 December 2016.

5. The changes to electoral arrangements as a result of the LGBCE boundary reviews will apply at the next scheduled local government elections; at county level in 2017 and district level in 2019.
6. As a result of the boundary reviews undertaken by LGBCE, we are now required to hold an interim review of our polling districts and polling places to ensure they are aligned where possible and fit for purpose.
7. To understand the scope of the review it is helpful to explain the terminology used:
  - A **polling district** is a geographical sub-division of an electoral area. An electoral area can either be a UK Parliamentary constituency (e.g. Bexhill and Battle), a European Parliamentary electoral region (e.g. the South East), a district ward (e.g., Bexhill Central), a county division (e.g. Brede Valley and Marsham) or a parish or parish ward (e.g. Icklesham Parish, Icklesham Ward). In England, each parish is to be a separate polling district unless there are special circumstances.
  - A **polling place** is a geographical area in which a polling station is located. However, there is no legal definition of what a polling place is. The geographical area could be defined as tightly as a particular building or as widely as the entire polling district. An example of a polling place might be a particular school, where the actual polling station within the school might vary from year to year.
  - A **polling station** is the actual area where the process of voting takes place, and must be within the polling place designated for the particular polling district.
8. The review considers the arrangements for polling districts and polling places at Parliamentary elections and thus covers the arrangements in place for the parts of Bexhill and Battle and the Hastings and Rye constituencies that fall within Rother. These arrangements remain in place for other elections.
9. The Electoral Commission has no role in the review process itself but can make recommendations if it receives direct representations from voters and believes that the reasonable requirements of electors have not been met or there has been insufficient account of the needs of disabled electors.
10. The Electoral Commission has also issued guidelines about the number of voters going to any one station. It recommended the maximum per polling station is 2,500. There is no minimum recommended, and theoretically there is no limit on the number of polling districts an electoral area can be divided into. However each polling station requires a Presiding Officer and Poll Clerk for up to 1,000 electors. Whilst expense should not be an overriding factor in determining polling station arrangements, it is one of a number of pragmatic considerations alongside the availability of trained staff and suitable polling places in a polling district.
11. Rother currently has 68 polling districts of which 20 are within the non-parished area of Bexhill. Forty-six polling districts are either aligned with town council,

parish or parish ward boundaries. The remaining two polling districts cover Rye Town Council which is divided into two polling districts because of its size and geographic convenience for voters.

12. As a result of the review, we are required to publish a revised register of electors on 1 March 2017 to include any changes to electoral arrangements.

### **The Review Process**

13. The statutory criteria for review of polling districts and polling places is attached to this report as Appendix 1. In particular, as part of the review process the Council 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 as 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.
14. The Council is required to publish notice of the holding of a review and a consultation document. Information about the review is made available on the Council's website and can also be obtained in person from Electoral Services at the Town Hall, Bexhill on Sea.
15. The Council is required to consult the Acting Returning Officer for every Parliamentary constituency that is wholly or partly within its area. The consultation document includes the proposals made by the Acting Returning Officer.
16. The consultation document was also sent to the local Member of Parliament, District Councillors, County Councillors and local political parties. It was also sent to persons who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
17. The timetable for this review is set out below:

Letter and survey sent to all polling station venues	14 October 2016
Publication of notice of review and consultation document	14 October 2016
Closing date for representations	25 November 2016
Final proposals published as part of the report for L&GP Committee	13 January 2017
Recommendation to L&GP Committee	23 January 2017
Recommendation to full Council	27 February 2017
Publication of a revised electoral register including any changes to electoral arrangements	1 March 2017
Letter to selected polling station venues advising outcome of Council decision	1 March 2017

## **Outcome of the Consultation Process and Summary of Recommendations**

18. As noted above, the primary function of this interim review is to ensure our polling districts are aligned to reflect the changes to division and ward boundaries as a result of the LGBCE reviews, and that our designated polling places are fit for purpose. The specific proposals for polling districts and polling places are outlined below.
19. In addition, when considering these proposals, the Committee has to balance the needs of disabled electors with those of the majority of electors, together with the dearth of suitable alternative locations. The Acting Returning Officer (ARO) has the ability to commandeer publicly funded buildings but there is a reluctance to use schools, play schools and day care centres because of the potential to dislocate child care arrangements on a major scale. Those schools that are used usually manage to fit scheduled elections with staff training days. We liaise very closely with them, giving them as much notice as possible as an early general election can be called, but only under specific circumstances.
20. Furthermore, whilst there is a legal requirement for public places to comply with the Disability Discrimination Legislation, when hiring halls and schools we can only make recommendations to the building managers about how to improve physical accessibility. In terms of non physical factors it is also worth noting that various election rules make it compulsory to provide aids for visually impaired voters, such as Braille and magnifying devices, and oversized ballot papers. There is also provision for the Presiding Officers (PO) at the polling stations to assist voters. Where we have identified issues the PO is advised to take the ballot paper to the voter if access is restricted provided the secrecy of the ballot and security of the station is not compromised in any way.

### **Polling Districts**

21. Following the changes to division and ward boundaries as a result of the LGBCE boundary reviews, current boundaries are no longer aligned with our existing polling district boundaries. It is therefore recommended that our existing polling districts are aligned with the LGBCE proposed new division and ward boundaries.
22. However, although the new division boundaries will begin to apply at the forthcoming county elections in May, the new district ward boundaries will not begin to apply until the next scheduled district elections in 2019. Any unscheduled district or parish elections prior to this will be conducted using the existing ward boundaries. Therefore, our polling districts must be able to align with both the new and existing district ward boundaries. It is therefore proposed that 12 new temporary polling districts are created, each of which will encompass a section of an existing ward which will become part of a different ward in 2019. Each will have the same polling place as the existing polling district, and which will allow our polling scheme to align with both new and existing boundaries. These new polling districts are detailed in the attached Appendix 2.

23. These temporary polling districts will be merged with the new polling districts as part of the next full review of polling districts and polling places, which is scheduled to take place in Autumn 2019, aligning our polling districts with the new district ward boundaries.

### Polling Places and Stations

24. The Council is responsible for designating polling places within a polling district with the ARO being responsible for which polling stations within a polling place he wishes to use for an election. Part of the consultation process therefore was to seek the AROs' views on the adequacy of polling stations. This meant that views were sought from the AROs covering all parts of Parliamentary Constituencies falling within the Rother District Council Boundary i.e. Bexhill and Battle, and Hastings and Rye.
25. It should also be noted that we have a number of polling stations that serve two wards, i.e. the polling place is not within the polling district. This has been forced on us by the lack of suitable available buildings.
26. The ARO's comments and proposals regarding polling places and polling stations were included in the consultation document for this review, and are detailed in the attached Appendix 2. There are five changes to the existing polling places and polling stations that the Committee is asked to recommend:
- i. **Ewhurst and Sedlescombe Ward BT (Ewhurst Green)** - The whole of the polling district was designated as the polling place following a recommendation by the Licensing and General Purposes Committee to Council in February 2016, to allow for the use of an alternative venue, should one come into use in the near future. This was because the previous polling place, the White Dog Inn Pub, was no longer available for use. The Arthur Herdman Pavilion was used at the Police and Crime Commissioner elections in May 2016 on a trial basis. No issues have been identified with this venue. It is therefore recommended that The Arthur Herdman Pavilion be designated as the polling place.
  - ii. **Ticehurst and Etchingham Ward BS (Etchingham)** – The whole of the polling district was designated as the polling place as part of the 2013 review of polling districts and polling places, to allow for the use of an alternative venue, should one come into use in the near future. This was because of uncertainty regarding the future of the current venue at the time. However, since then the new Etchingham Village Hall has been built, and is currently in use, with no issues identified. It is therefore recommended that Etchingham Village Hall be designated as the polling place.
  - iii. **Brede Valley Ward HBW (Kent Street)** – Due to uncertainty regarding the future of the current venue, it is recommended that the whole of the polling district be designated as the polling place, to allow for the use of an alternative venue at such time as it is needed.
  - iv. **Eastern Rother Ward HB (East Guldeford)** – The whole of the polling district was designated as the polling place following a recommendation by the Licensing and General Purposes Committee to Council in October 2015, to allow for the use of an alternative venue, should one come into use in the

near future. This was because the previous polling place, Half Acre Farm, was no longer available for use. Salt Farm Shop Café was used at the Police and Crime Commissioner elections in May 2016 on a trial basis. No issues have been identified with this venue. It is therefore recommended that Salt Farm Shop Café be designated as the polling place.

- v. **Rye Ward HI001 (Rye)** – Badger Gate was designated as the polling place on an interim basis following a recommendation by the Licensing and General Purposes Committee to Council in February 2016. This was because the previous polling place, Tilling Green Community Centre, was no longer available for use. No issues have been identified with this venue. It is therefore recommended that Badger Gate be designated as the polling place on a permanent basis.

- 27. In addition, there are four other instances where the whole polling district is currently designated as the polling place; Bexhill Sackville Ward BF, Battle Town Ward (Marley), Darwell Ward BZ (Netherfield) and Marsham Ward HD (Guestling). These are detailed in the ARO's comments and proposals in Appendix 2. No changes to these arrangements are recommended at this time, as the circumstances have not changed significantly since the review in 2013.

## **Conclusion**

- 28. The Committee is asked to recommend to Council that it adopts the scheme of polling districts and polling places detailed in Appendix 2.
- 29. Additionally, the Committee is asked to recommend to Council that the Executive Director of Resources be granted delegated authority to agree necessary changes of polling place after consultation with the Chairman of the Licensing and General Purposes Committee, relevant District Ward Member(s), County Council Member and Parish Council. Should any of the consultees not agree the proposed change the decision to be brought to the Licensing and General Purposes Committee and full Council for determination.

Malcolm Johnston  
Executive Director of Resources

## **Risk Assessment Statement**

It is a statutory duty of the Council to review and approve Polling Districts and Polling Places arrangements at least every five years. The changes proposed in this review are minor and can only benefit voters. There are therefore no risks associated with this report.

## STATUTORY CRITERIA FOR REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

The Representation of People Act 1983 (Sections 18A and 18B) sets out the criteria which the local authority must demonstrate that they have met as far as practicable. The statutory criteria are:

### Polling districts at Parliamentary Elections

- “18A (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must -
- (a) divide its area into polling districts for the purpose of Parliamentary elections for so much of any constituency as is situated in its area; and
  - (b) keep the polling districts under review
- (3) The following rules apply -
- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
  - (b) in England, each parish is to be a separate polling district.
- (4) Subsection (3) (b) does not apply if, in any case, there are special circumstances.”

### Polling places at Parliamentary Elections

- “18B (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) A relevant authority must -
- (a) designate the polling places for the polling districts in its area, and
  - (b) keep the polling places in its area under review.
- (4) The following rules apply -
- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;

- (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled.
  - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing;
  - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district.
  - (e) the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.”