

Rother District Council

Report to	-	Licensing and General Purposes
Date	-	21 October 2019
Report of the	-	Executive Director
Subject	-	Review of Polling Districts and Polling Places 2019

Recommendation to COUNCIL: That:

- 1) the Polling Places Scheme in Appendix 2 be approved; and
 - 2) the Executive Director's current 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 be maintained. 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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Electoral Services Manager: Richard Adams

Introduction

1. The Council must regularly review the division of its area into polling districts for the purposes of Parliamentary elections, and designate polling places for these polling districts. A full review must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. The period for the current review to be conducted is therefore between 1 October 2018 and 31 January 2020.
2. The relevant legislation can be found in the Representation of the People Act 1983, Electoral Administration Act 2006, the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, and the Electoral Administration Act 2013.
3. The Council's last statutory review under the legislation was undertaken in 2013. However, in 2015 the Local Government Boundary Commission for England (LGBCE) commenced boundary reviews of the county divisions and district wards for all East Sussex local authorities, including Rother. These reviews reached their conclusion in December 2016, with the resulting Orders published on 15 December 2016. As a result of these boundary reviews, we were required to hold an interim review of our polling districts and polling places to ensure they were aligned where possible and were fit for purpose. This process was concluded in 2017.
4. The current statutory review began in July 2019, and is scheduled to conclude in time for any changes to electoral arrangements to be included in the revised registers of electors which is due to be published on 1 December 2019, within the 16 month timeframe noted above.

5. 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 be, for example, a UK Parliamentary constituency (e.g. Bexhill and Battle), a county division (e.g. Battle and Crowhurst), a district ward (e.g. Bexhill Central) or a parish (e.g. Ashburnham). In England, each parish is to be a separate polling district unless there are special circumstances. However, if a parish is warded then each ward should itself be a separate polling district. Polling districts are also used at other elections such as European Parliamentary elections and Police and Crime Commissioner elections, where the whole of the Rother area is the electoral area.
 - 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.
6. The review considers the arrangements for polling districts and polling places at UK 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.
7. It is important to note that the review does not cover parliamentary, local government or parish boundaries, or the naming of these electoral areas, which are subject to a separate review process conducted by the LG BCE as noted above.
8. 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.
9. 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, staffing is a consideration and in addition to a Presiding Officer there should be one Poll Clerk for polling stations with up to 1,000 electors, with one additional Poll Clerk for polling stations with up to 1,750 electors, and one further Poll Clerk for polling stations with up to the maximum of 2,500 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.

10. Rother currently has 81 polling districts of which 31 are within the non-parished area of Bexhill. The remaining 50 polling districts are either aligned with parish or parish ward boundaries.

The Review Process

11. The statutory criteria for a 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.
12. The Council is required to publish notice of the holding of a review and a consultation document. Information about the review was made available on the Council's website and could also be obtained in person from Electoral Services at the Town Hall, Bexhill on Sea.
13. The Council is required to consult the Acting Returning Officer for every Parliamentary constituency that is wholly or partly within its area.
14. 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.
15. A total of 17 responses to the consultation were received. These are included in Appendix 2.
16. In addition to responses received as part of the consultation, feedback from polling station staff and Polling Station Inspectors has also been considered. In particular, all Presiding Officers and Polling Station Inspectors are given a survey to complete at each election, to provide feedback on the polling station venue. This feedback is reviewed post-election and informs the recommendations made during the review.
17. The timetable for this review is set out below:

Letter and questionnaire sent to current polling station venues	Monday 8 July
Publication of notice of review and proposed polling scheme	Monday 19 August
Beginning of public consultation period	Monday 19 August
Letter sent to (Acting) Returning Officers of Bexhill & Battle and Hastings & Rye Constituencies for their comments and proposals	Monday 19 August
Letter sent to district councillors, county councillors, parish councils, political parties active within Rother, and various disabilities	Monday 19 August

groups within the region	
End of public consultation period	Monday 30 September
Publication of final proposed polling scheme	Friday 11 October
Report to Licensing & General Purposes Committee	Monday 21 October
Recommendation to Full Council	Monday 11 November
Publication of all correspondence connected with review, including representations received, and minutes for meetings held by the council, along with final polling scheme	Friday 15 November
Publication of a revised register of electors	Sunday 1 December

Outcome of the Consultation Process and Summary of Recommendations

18. In considering the representations for polling districts and polling stations the Committee has to balance the needs of disabled electors with those of the majority of electors, together with the lack 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 disrupt 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.
19. 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

20. As part of the interim polling review conducted in 2017, polling district boundaries were altered to ensure they were aligned with the revised county division and district wards that were created by the 2015 LGBCE boundary reviews.
21. However, although the new county division boundaries took effect at the county council elections in May 2017, the new district ward boundaries did not take effect until the district council elections in May 2019, which were after the conclusion of the interim polling review. Any unscheduled district or parish elections prior to this (such as the Bexhill St Marks ward by-election in January

2019) had to be conducted using the previous ward boundaries. Therefore, the decision was taken to create 12 new temporary polling districts which would allow the polling district boundaries to align with both the new and existing district ward boundaries until after the local elections in May this year.

22. As there is no longer a requirement for the polling districts to be aligned with the previous district ward boundaries, it is intended that these polling districts are now merged with a neighbouring polling district in the same ward. The polling districts that are proposed to be merged are detailed in Appendix 2.
23. Additionally, there are five polling districts where the electorate is now over 2,500, and therefore above the Electoral Commission's recommended maximum number of electors per polling station. This is either as a result of the changes to district ward sizes in the 2015 LGBCE boundary review, or as a result of new developments within the ward and/or polling district area. These polling districts are: BH002 in Bexhill Pebsham & St Michaels ward, BF in Bexhill Sackville ward, BG001 in Bexhill St Marks ward, BI001 in Bexhill St Stephens ward, and BAJ in North Battle, Netherfield & Whatlington ward.
24. It is therefore proposed that these polling districts are split into two smaller polling districts. The proposed changes that the Committee is asked to recommend are detailed in Appendix 2.
25. Partly due to the changes mentioned above, it is intended that the current polling district references (e.g. BC001) will be changed when the revised register of electors is published on 1 December. However, the current polling district references have been used throughout this report and in the proposed polling scheme for simplicity. The change is for administrative purposes and will not impact the other proposed changes in this report.

Polling Places and Stations

26. 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.
27. 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 is due to the lack of suitable available buildings.
28. The ARO's comments and proposals regarding polling places and polling stations are included in the consultation document for this review, and are detailed in the attached Appendix 2. There are seven changes to the existing polling places and polling stations that the Committee is asked to recommend:
 - i. **BF (Bexhill Sackville)** - The whole of the polling district is currently designated as the polling place, with St Mary Magdalene Church Hall currently used as the polling station. However, it is proposed that the polling district is split into two, as noted above. St Mary Magdalene Church Hall is located in the new BF001 polling district, and therefore it is proposed that

this be designated the polling place for this polling district. It is proposed that the whole of the new BF002 polling district be designated as the polling place, to allow for the use of an alternative venue within the polling district should one become available in future.

- ii. **BJ001 (Bexhill Sidley)** – The current polling place is Our Lady of the Rosary Church Hall, however it has now been closed on a permanent basis. All Saints Community Hall was used successfully at the recent elections, and there are no issues identified with the venue. It is therefore proposed that it be designated the polling place.
- iii. **BU (Flimwell)** – The current polling place is Flimwell Cricket Pavilion, however we have been made aware that that the new Flimwell Village Hall is nearing completion and should come into use in the near future. It is considered that this venue would be an improvement over the current venue. As the new venue is not yet completed, it is proposed that the whole polling district be designated as the polling place, to allow the venue to be changed to Flimwell Village Hall, subject to availability and suitability.
- iv. **BZ (Netherfield)** – The whole polling districts is currently designated as the polling place, however Netherfield C.E. Primary School is currently used as the polling station. Whilst the use of a school is not considered preferable, there are currently no suitable alternative venues in the polling district. Therefore, it is proposed that Netherfield C.E. Primary School is designated as the polling place.
- v. **HI001 (Rye)** – It is proposed that the polling place is changed from Badger Gate to Tilling Green Community Centre as this is considered a more suitable venue.
- vi. **HBW (Kent Street)** – The whole polling district is currently designated as the polling place as the previous venue, Sedlescombe Golf Club House, is no longer available for use. Claverton Country House Hotel, Bluemans Lane has recently been identified as a possible venue. Following a visit by officers, it has been determined that the venue would be available and is considered suitable for use. It is therefore proposed that it be designated as the polling place.
- vii. **BX (Battle – Marley Ward)** – The whole polling district is currently designated as the polling place, however The Emmanuel Centre was used at the most recent elections, and is considered a suitable venue. Therefore it is proposed that The Emmanuel Centre is designated as the polling place.

Conclusion

29. The Committee is asked to recommend to Council that it adopts the scheme of polling districts and polling places detailed in Appendix 2.
30. Additionally, the Committee is asked to recommend to Council that the Executive Director's current 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 be maintained. 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

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.”