

**Report to: Cabinet**

**Date of Meeting: 9 January 2017**

**Report Title: Interim Review of Polling Places 2016**

**Report By: Christine Barkshire-Jones, Chief Legal Officer**

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### **Purpose of Report**

To report the findings and evaluation of the recent interim review and the Acting Returning Officer's subsequent recommendations.

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### **Recommendation(s)**

1. To recommend that Council adopts the Acting Returning Officer's recommendations (as appended to this report) and publish the results of the review
2. Delegate authority to the Director of Corporate Services and Governance to amend any decisions made under this review with regard to polling places or polling stations, should there be an urgent or necessary need.

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### **Reasons for Recommendations**

Due to the changes made as part of the recent boundary review by Local Government Boundary Commission for England (LGBCE), the council must carry out an interim review of polling places. The review must incorporate the division of its parliamentary constituency area (within the borough boundary) into polling districts and the places where electors are asked to vote. The council must comply with the requirements of the Electoral Administration Act 2006 (Section 16, EAA 2006) and complete regular reviews of all polling districts and polling places. The council has a duty to ensure that the most suitable premises are used as polling places with regard to the needs of the electorate, subject to availability.



## Introduction

1. The Electoral Administration Act 2006 (Section 16, EAA 2006) introduced a duty for all UK parliamentary polling districts and polling places to be reviewed by the end of 2007 and thereafter to be reviewed periodically. This did not prevent changes being made at any time between these full reviews.
2. The Council's last full review under the legislation was completed and approved in February 2013.
3. In 2014, the Local Government Boundary Commission for England (LGBCE) declared that it would be reviewing the ward boundaries within Hastings as there were discrepancies in electorate size for certain wards across the borough. This review commenced in 2015 and was completed in December 2016.
4. Within East Sussex, Wealden District Council and East Sussex County Council were also subject to a boundary review by LGBCE for their areas. As both the county council and two local authorities were subject to reviews, it was decided that the other local authorities within East Sussex (Eastbourne, Lewes and Rother) would also carry out boundary reviews in order to align the process.
5. Although the Parliamentary Order to accept the boundary changes was made in December 2016, the changes will not actually take effect until the next set of scheduled elections. For the East Sussex County Council elections, this will be May 2017 and for the Hastings Borough Council elections, the changes will take effect from May 2018.
6. Due to the differences in timescale for each set of scheduled elections, it has been necessary to create additional polling districts to ensure that, should there be any by-elections taking place before the changes come into effect, these can be run on the old boundaries. The new polling districts are not true polling districts in the sense that they will not require separate polling places, but simply a technical necessity to ensure elections can be run on either boundary in the interim period. These additional areas will form part of their new polling districts from 2018.
7. The Council must seek to ensure that, until the next full review, all electors within the borough boundary of the Hastings and Rye parliamentary constituency, have such reasonable facilities for voting as are practicable in the circumstances, and to ensure that, as far as is reasonable and practicable, the polling places are accessible to all electors, including those who are disabled
8. The arrangements made for UK parliamentary elections are also used at other elections.
9. The final proposals will be reported to Full Council on 18 January 2017. Assuming the proposals are agreed, the revised electoral register will be



published on 1 March 2017. As there are no proposed changes to polling district boundaries in this review, this will not impact on the publication date.

10. The Electoral Commission has no role in the review process itself. However, it can consider comments if people do not think the review has met the reasonable requirements of electors or taken sufficient account of the needs of disabled electors.
11. The following are not covered by the review:
  - Boundaries of UK parliamentary constituencies;
  - Borders and names of local authorities and electoral areas within local authorities; and
  - Electoral ward boundaries

## **The Review Process**

12. The timetable for the Review is set out as:
  - Notice of start of review: Friday 14 October 2016;
  - ARO's Representations published: Friday 14 October 2016;
  - Closing date for representations: 5pm, Friday 25 November 2016;
  - Final proposals heard by Cabinet: Monday 6 January 2017;
  - Recommendations considered and decision made by Full Council: Wednesday 18 January 2017;
  - Register published Wednesday 1 March 2017
13. The council consulted the ARO, Jane Hartnell, who is also the Returning Officer for all other elections and referenda.
14. The consultation has actively sought comments from people who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Any elector within the Hastings and Rye parliamentary constituency may make representations. Although not specifically required in law, the consultation carried out by the Council has included local political parties and elected representatives.
15. A cross party review group was set up consisting of Councillors Cartwright and Rankin. The group has met at regular intervals, has considered representations received and made site visits. Their deliberations / recommendations have been taken into account over the course of the review.
16. Electoral Services staff have visited every polling place to carry out an access audit, taking account of the needs of disabled voters. Questionnaires were also issued to each polling place under consideration, in order to provide us with a detailed overview of facilities and accessibility.



17. Following the conclusions of the review group, the council consulted the ARO. She made amendments to her original representations in view of the other representations and comments received, including the views of the review group, together with any new information received.

### **Use of schools / academies**

18. During the course of the review, several suggestions were made regarding the use of schools (including academies) as polling stations. The review group members were especially keen to investigate this further.
19. The schools contacted were reluctant to be used as polling stations at this stage, primarily due to safeguarding issues and disruption to pupils, parents and the curriculum. Although schools are able to remain open during polling day, most will close due to the safeguarding issues as highlighted.
20. Under electoral legislation (specifically The Representation of the People Act 1983, Section 22), the ARO may make use of a room within a school that is maintained or assisted by a local authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or persons responsible for the management of the school. This, in effect, means that schools can be required to make rooms available to the ARO for voting purposes, if they request it.
21. Currently, the ARO has no wish to enforce this legislation, due to the impact additional school closures has on working parents, but would like to work with schools identified as appropriate for polling stations in advance of the next full review of polling places. This would be in order to reach mutually convenient arrangements, and which give the schools appropriate notice e.g. to set in-service training days.
22. The review group understood and accepted the views of both parties and agreed to defer any further investigation until the next full review in 2018 / 2019.

### **Conclusion of the review / publishing stage**

23. Aside from the necessity of creating new polling districts (which will be served by existing polling stations) due to the changes made as part of the LGBCE boundary review, the ARO is proposing to keep the existing polling arrangements and to make changes only where circumstances require. The changes in venues proposed are:
- Polling district N1 (St Helen's Methodist Church, The Ridge to The Bridge Community Centre, Priory Road, due to former venue out of use)
24. Throughout the review, any working papers, correspondence, etc. have been available for public inspection at the Electoral Services office. All relevant items (correspondence, representations, minutes of meetings, ARO's



proposals, a list detailing places where the results of the review have been published) will be published when the review has been completed.

25. Once the council has agreed on the proposals these will be published on the council's website.

### **The ARO's representations and other representations**

26. In addition to contacting the various stakeholders, the council consulted the ARO for the Hastings & Rye constituency. The ARO is required to make representations to the authority and in doing so must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed). Rother District Council has consulted the ARO in respect of those wards within Rother that form part of the Hastings and Rye constituency. Rother District Council will make a decision in respect of those.

27. The ARO must also take account of the following:

- The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- The council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
- Ideally, the polling place should be in its own polling district.
- Ideally, no polling place should be shared by two wards.
- Where possible, "natural" boundaries should be used, e.g. railways, major roads, etc.
- All properties in a minor road or estate should, ideally, be in the same polling district.
- Polling places should be "logical"; that is, electors should not have to pass another polling place to get to their own polling place.

28. Appended to this report is a summary of the ARO's comments and recommendations to the authority.

29. Each polling district has one or more polling places allocated to it and the polling place is the premises, including the exterior access points, in which polling stations are situated. During this review, most existing polling places were found to be satisfactory.

30. The summary below lists those where problems have been identified or about which comments have been received. In each case every effort has been made to identify an alternative location or to resolve the problem.

31. In K2 polling district (Ore ward), the ward councillor raised concerns over the designation of the tellers area, explaining that tellers had remained inside the venue during previous elections without obstructing the process. The ARO will review the existing areas for tellers, as identified in the Code of Practice for Political Tellers, to ensure a consistent approach across all polling stations within the borough.



32. In C2 polling district (Braybrooke ward), the county councillor raised concerns over the designation of the tellers area, explaining that there were risks associated with the area designated. After consultation with the ARO, this area will be re-designated to minimise risk.
33. Numbers of tellers can vary at each polling station. Some polling places (i.e. the whole building within which a polling station is housed) have internal space which has, historically, been utilised by tellers, albeit only where they can be accommodated comfortably and without obstruction to voters. However, under no circumstances will tellers be allowed inside the polling station. This means that tellers may need to be located outside the polling place in which the polling station is located. Tellers must not obstruct access to the polling place or station, or obstruct the highway. Telling arrangements will be discussed with party agents in advance of each election, together with the existing code of conduct.
34. In B1 polling district (Baird ward), the ward councillor suggested the use of the Baird Primary Academy as an alternative venue to Elim Pentecostal Church. The ARO has investigated use of the school and has agreed to review further during the next full review in 2018 / 2019.
35. Members of the review group suggested various alternative venues as follows:
- In polling district F1 (Conquest ward), Cllr Rankin suggested the use of Little Ridge Primary Academy as an alternative to the Hastings Centre. The ARO has investigated use of the school and has agreed to review further during the next full review in 2018 / 2019;
  - In polling district G2 (Gensing ward), Cllr Rankin suggested the use of The Green Lawn Tennis Club as an alternative to St John's Church Hall, Brittany Road. The ARO investigated use of the venue, but it was agreed that the venue had issues with access and also that electors were familiar with the existing polling station.
  - In polling district L1 (St Helens ward), Cllr Rankin suggested the use of the Hastings and Bexhill Rugby Club as an alternative to Christchurch Blacklands. The venue is not available to us at the current time due to access being required through the grounds of Ark William Parker Academy. The ARO agreed to review further during the next full review in 2018 / 2019.
  - In polling district M2 (Silverhill ward), Cllr Rankin suggested the use of the Holy Redeemer Church as an alternative to St Luke's United Reformed Church Hall. The ARO investigated the use of this venue, however it was not available for use.

## Challenging the outcome of the review

36. Following the conclusion of the local authority's review, certain persons have a right to make representations to the Electoral Commission. There are only



two grounds on which a representation may be made. These are that the local authority has failed to meet the reasonable requirements of the electors in the constituency and that insufficient account of accessibility to disabled persons of the polling station(s) within a polling place has been made.

37. More detailed information is available on the Electoral Commission website - [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

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### **Wards Affected**

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

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### **Policy Implications**

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

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### **Additional Information**

Appended to this report is a summary of the ARO's comments and recommendations to the authority

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### **Officer to Contact**

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