

Electoral Provisions Sub-Committee
11 June 2014

REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2014

1. Summary

1.1 To review the polling districts and polling places in the Dartford constituency area in accordance with the requirements of the Electoral Administration Act 2006 and the Electoral Registration and Administration Act 2013.

2. RECOMMENDATION(S)

2.1 That the Sub-committee agree the proposed timetable for the review, with any subsequent changes to be agreed in consultation with the Chairman.

2.2 That the Sub-Committee reviews the current polling districts and places and considers any changes necessary and arrives at a preliminary view as to the continuing suitability of the existing arrangements or identifies proposals for change.

2.3 That the Sub-Committee's initial review of polling districts and polling places be put out to public consultation together with the (Acting) Returning Officer's comments on polling stations.

2.4 That the organisations listed in paragraph 5.3 be invited to comment as part of the consultation exercise.

3. Background and Discussion

3.1 The Representation of the People Act 1983 places a duty on the Council to divide the borough into polling districts for the purposes of parliamentary elections and to designate a polling place for each district and to keep these arrangements under review.

3.2 Under the provisions of Section 16 of the Electoral Administration Act 2006, Dartford Borough Council had to undertake and complete a review of all the polling districts and polling places in the Borough at least once every 4 years but the Electoral Registration and Administration Act 2013 has changed this requirement to every 5th year from 2014 onwards. The last statutory review in Dartford was carried out in 2011 although it has been the Council's practice to undertake a light touch review on an annual basis as a result of which some minor changes to polling places have been made, mainly when building works have affected the usual designated place or a more suitable location has become available. Most recently a new Polling District, Waterside, was created with the agreement of the GAC in Littlebrook ward in December 2013 as a result of housing development in the area progressing ahead of plan. Apart from this no new Polling Districts have been created since the statutory review in 2011.

3.3 Under the legislation a full review of all of the polling districts and polling places in the Borough must be completed by January 2015.

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However in practice the review must be completed sooner so that if any changes are identified these can be incorporated in the publication of the Annual Register of Electors which takes effect on 1 December 2014.

4. The Requirements of the Review

4.1 The Sub-Committee can only consider the proposed polling districts and places as part of this review, as these are the responsibility of the local authority. The locations and provision of polling stations within each polling place remains the responsibility of the (Acting) Returning Officer.

4.2 The difference between a polling district, a polling place and a polling station is outlined below:

A **polling district** is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.

A **polling place** is a geographical area in which a polling station is located. 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.

A **polling station** is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district.

4.3 In conducting the statutory review local authorities must follow the rules set out in legislation which are that:

- The authority must publish the holding of the review by publishing a notice on its web site and in a conspicuous place in the borough;
- The authority must consult the (Acting) Returning Officer on its proposals as they apply to existing polling districts and polling places or on any proposed changes;
- The (Acting) Returning Officer must make representations to the authority which must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed);
- The local authority must publish the (Acting) Returning Officer's representations within 30 calendar days of receipt;
- The authority must 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 (Acting) Returning Officer's representations;

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- Any elector in a constituency situated in whole or in part in the authority's area may make representations;
- Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places;
- On completion of the review the authority must give reasons for its decisions in the review and publish such other information as is prescribed (this includes all documentation forming part of the review including any representations or returns made during the consultation exercise).

4.4 The Stages of the Review Process

There are 4 stages to the review

- Stage 1 – Notification of the review (by means of publication of a notice on the council's web site and by display in at least one conspicuous place within the authority)
- Stage 2- Administering the Review – The local authority should undertake a preliminary review of the current polling districts and polling places with a view to establishing their suitability
- Stage 3 – Consultation – the consultation stage is for representations and comments on the existing and proposed arrangements for polling districts and places. There are two parts to this stage:
 - A compulsory submission from the (Acting) Returning Officer which must then be published by the local authority
 - Any submissions from electors and other persons and bodies, including disability groups – these will be consulted on any proposals made by the Sub-committee and the (Acting) Returning Officer's proposals
- Stage 4 – Concluding the review – After considering all of the representations the local authority must decide on the most appropriate polling districts and polling places. Once the local authority has agreed the proposals they must make details available to the public on the Council's web site and in at least one conspicuous place within the borough. All documents considered as part of the review, including any representations made, must also be published.

A proposed schedule for the review of Polling Places and Polling Districts is attached to this report at Appendix A for agreement. It should be noted that depending upon the response to the consultation and the impact of other pressures on Electoral Services during 2014 it may be necessary to finesse the timetable.

Following the completion of the review certain people may make representations to the Electoral Commission if they believe that the authority has failed to conduct a proper review which would be

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considered by the Electoral Commission. The grounds for making representations are however limited.

5. Preliminary Review of the Current Polling Districts and Polling Places

- 5.1 The notice of the intention to carry out a review has been published on the Council's web site and is on display at the Civic Centre and at Dartford library.
- 5.2 Officers have carried out a preliminary review of how well the current polling districts and polling places are meeting electoral requirements in the borough.
- 5.3 The current polling districts and polling places are set out at Appendix B to this report.
- 5.4 Appendix B not only describes the current polling districts and polling places in terms of the address and geographical location within each polling district but also sets out the number of electors allocated to each polling station (there is one polling station in each polling district) in 2011 and at 17 February 2014, when the last register of electors was published. The Electoral Commission Guidance recommends that there is a maximum of 2,500 electors allocated to a polling station. None of the current polling stations exceeds this maximum number and the Electoral Commission guideline fails to take into account the increasing number of electors who choose to vote by post and therefore do not visit the polling station. In any event all polling stations are staffed in accordance with the number of electors allocated to that station.
- 5.5 Whilst it is not anticipated that any station will exceed the 2,500 elector figure immediately it is recognised that the pace and scale of residential development in the borough is increasing and that this will eventually result in the need for change. However a review of Polling Districts and Polling Places is a limited tool. Once any polling station is allocated a significantly higher number of electors to take it above the 2,500 elector threshold it will be necessary to create additional polling stations and, because of the limit of one polling station per polling district, this would require the creation of an additional polling district in each case. The increase in building in particular areas could therefore result in a proliferation of polling stations and polling districts in certain localities where the real issue will become an imbalance between wards where electors are over-represented (having a smaller number of electors per Councillor) and wards where there is under-representation (where there is a larger number of electors per Councillor). This can only really be addressed by a review of warding which is a matter for the Boundary Commission. It is likely that the Boundary Commission will require this to be done at some stage in the near future. Given this, and the fact that the Council can undertake reviews of its polling districts and polling places at any time and not just during the statutory review, it is not proposed to make any significant

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changes to the current polling districts, polling places or polling stations at this time but to keep this under light touch review on an annual basis.

- 5.6 The (Acting) Returning Officer has been consulted and is in agreement with this approach.
- 5.7 In terms of the designation of polling places these can vary in the degree of prescription but the Council has in the past applied very narrow parameters, sometimes to the extent of naming a particular room in a building as the polling place. This has limited the options for the (Acting) Returning Officer in locating polling stations. In a number of cases where a polling place has been narrowly defined and is unavailable for use it has been necessary to ask the GAC to agree to a change of location, sometimes merely to another room in the same building. This can present problems given the relative infrequency of the holding of GAC meetings. For this reason it is proposed that some of the polling places are more broadly defined to allow a degree of flexibility to the (Acting) Returning Officer. It is suggested that the polling place be defined as a “zone” within 500 metres of the normal polling station location to allow for the movement of the polling station in case of non-availability or emergency. This should minimise the need to seek GAC agreement for minor changes of location.
- 5.8 The Sub-committee is asked to take a preliminary review of the current polling districts and polling places and on whether to define the polling places as a geographical zone within 500 metres of the existing polling station location.

6. The Public Consultation Process

- 6.1 Once the Sub-Committee has completed its initial review of polling districts and polling places, the results must be made available to the public for consultation. It is proposed that the Sub-committee’s initial review be put out to consultation together with the (Acting) Returning Officer ’s comments on polling stations.
- 6.2 The information will be made available at the Civic Centre, at Dartford Library and on the Council’s web site (www.dartford.gov.uk). Responses are invited by 8 August 2014.
- 6.3 Whilst it is open to any elector to respond to the consultation it is proposed to ask the organisations listed below to comment on the proposals.
- Local Political Parties (including all members of the Council)
 - Member of Parliament
 - Town and Parish Councils in Dartford
 - Sevenoaks District Council
 - Children with Disabilities Team
 - Paediatric Physiotherapist

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- DGSMYourChoice
- Family Action
- D.I.A.L. NW Kent – (Disablement Information & Advice Lines)
- The Parents Consortium
- Age UK North West Kent
- Kent Association for the Disabled
- Ellenor Lions Hospice
- KASBAH, The Kent Association for Spina Bifida & Hydrocephalus
- Simon Paul Foundation
- Gravesend Epilepsy Network
- HomeStart North West Kent
- North West Kent Racial Equality Council
- Residents Forum

These organisations will be contacted and invited to comment using the SNAP on-line consultation tool, although it will be open to any consultee to respond by email or by post if they prefer.

- 6.4 The review guidance states that it is important to consult with those who have experience of assessing access for persons with different disabilities. The Council also asks its Presiding Officers to carry out an assessment of each polling station following every election which includes the suitability of the station in terms of disabled access and wider accessibility. Presiding Officers were asked to assess the suitability of their polling stations during the recent European elections and no significant issues were reported.
- 6.5 Concerns were however raised during the European elections about two of the polling stations. A candidate raised significant concerns about the apparent lack of disabled access to the Methodist Church Hall in Ship Lane (Sutton-at-Hone Polling District (MB)) as he had been unable to access the station in his motorised disabled buggy. Upon inspection it became clear that the entrance in use on the day would not have been accessible for a large motorised buggy but that if the main entrance to the Church hall had been used this would have allowed full disabled access. It is therefore recommended that the polling place and polling station remain unchanged but that the main entrance to the Church Hall should be open during all future elections.
- 6.6 Concerns have also been raised by a small number of residents about the use of a temporary mobile unit in New Barn West Polling District (IC). This is located at the junction of Nuthatch and Shearwater and has attracted complaints from three neighbouring properties since the location of the portacabin was moved approximately 20 feet to the right of its original location further along Nuthatch at the insistence of Kent Highways before the Police and Crime Commissioner elections in November 2012. This re-siting has resulted in the same complaints at both the Kent County Council and the European Parliamentary elections. These concerns were reported to the last meeting of the Sub-committee in November 2013. A local resident had suggested an alternative location, the junction of Pescot Avenue and New Barn

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Road, but this is not felt to be a suitable location as the grass verge on the junction has a heavy camber, New Barn Road is a busy thoroughfare with limited parking and there would also be issues with providing a power supply and disabled access. Officers visited the site and toured the polling district to see whether there were any potential alternatives but have been unable to find any other suitable location in the polling district. For this reason it is recommended that the existing location continues to be used due to the lack of a suitable alternative location.

7. Next Steps

- 7.1 Once the public consultation process has been completed the responses to that exercise will need to be collated and assessed. They will be presented to a further meeting of the Sub-committee so that the Sub-committee can formulate its final proposals for recommendation to the General Assembly of the Council. It is hoped to submit these final recommendations to the GAC in October. Any changes would then need to be incorporated into the Annual Register of Electors which will be published following the canvass to take effect from 1 December 2014.

8. Appendices

Appendix A – Proposed timetable for the Review.

Appendix B – Current Polling Districts and Polling Places

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
Electoral Commission Guidance		A Twyman (01322) 343430	Member Services	N/A
Review of Polling Districts and Polling Places Agendas, Minutes and Working Papers 2011				

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DRAFT TIMETABLE

Appendix A

June 2014	July/August 2014	September 2014	October 2014	December 2014
Publication of the Notice of the Review (Posters and website) Sub-Committee meeting held (Acting) Returning Officer comments on existing arrangements and recommendations	Consultation starts (<i>1st July</i>) Consultation ends (<i>8 August</i>)	Sub-Committee considers representations made and concludes its review	GAC to receive the Sub-Committee's report (<i>6 Oct</i>)	Register published on 1 December 2014 incorporating polling district changes, if any.