1. Summary

1.1 To report the responses received from the public consultation exercise carried out as part of the review of the polling districts and polling places in the Dartford constituency area and to make recommendations for consideration by the General Assembly of the Council on 6 October 2014.

2. RECOMMENDATION(S)

2.1 That the Sub-committee notes the public consultation document issued as part of the Review of Polling Districts and Polling Places 2014 (Appendix A).

2.2 That the Sub-Committee notes the responses submitted during the consultation exercise (Appendices B and C) and considers the recommendations of the (Acting) Returning Officer as to the location of Polling Districts and Polling Places (Appendix D) in light of the submissions received and the (Acting) Returning Officer's comments.

2.3 That the Sub-committee formulate its recommendations for agreement by the General Assembly of the Council on 6 October 2014.

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.
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;
- Any elector in a constituency situated in whole or in part in the authority's area may make representations;
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- 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:
  o A compulsory submission from the (Acting) Returning Officer which must then be published by the local authority
  o 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.

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

5. The Public Consultation Process

5.1 The Sub-committee considered the arrangements for existing polling districts and polling places at its meeting on 11 June 2014 and the (Acting) Returning Officer's initial recommendations that no significant
changes were needed to the arrangements already in place given the Council’s practice of reviewing its arrangements annually.

5.2 The Sub-committee noted that none of the current polling stations exceeded the maximum figure of 2,500 electors recommended by the Electoral Commission (taking into account the increasing number of electors who choose to vote by post and therefore do not visit the polling station) and that all polling stations are staffed in accordance with the number of electors allocated to that station.

5.3 The Sub-committee also noted that whilst it is not anticipated that any station will exceed the 2,500 elector figure immediately the pace and scale of residential development in the borough is increasing and that this will eventually result in the need for change. However Members also recognised that 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 would 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 and the real issue would 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). The Sub-committee recognised that this could only be meaningfully 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. In view of 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, the Sub-committee accepted the (Acting) Returning Officer’s recommendation not to make changes to any polling districts at this time.

5.4 The Sub-committee was also advised about concerns raised during the European elections about two of the polling stations. A candidate had 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. The Sub-committee therefore accepted the recommendation 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.

5.5 The Sub-committee was also advised about concerns raised by a small number of residents about the use of a temporary mobile unit in New Barn West Polling District (IC). This was located at the junction of Nuthatch and Shearwater and had 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 resulted in the same complaints at both the Kent County Council and the European Parliamentary elections. These concerns had previously been reported to Sub-committee in November 2013. A local resident had suggested an alternative location, the junction of Pescot Avenue and New Barn Road, but this was 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 had visited the site and toured the polling district to see whether there were any potential alternatives but had been unable to find any other suitable location in the polling district. The Sub-committee accepted the recommendation that the existing location should continue to be used due to the lack of a suitable alternative location.

5.6 The Sub-committee was also consulted about the (Acting) Returning Officer’s proposal to designate polling places as a geographical zone of 500 metres from the usual location of each existing permanent polling station. This was in order to allow the Acting Returning Officer sufficient flexibility to find alternative premises for polling in cases where the normal building or room was unavailable on the day of any election without requiring the approval of the General Assembly of the Council, which was currently the case due to the very tight definition of a polling place applied by the Council in the past. The Sub-committee accepted the logic of this but felt that a 250 metre geographical zone would provide sufficient flexibility.

5.7 These options were incorporated along with the (Acting) Returning Officer’s proposals into the document issued for public consultation immediately after the meeting. This document appears at Appendix A to this report.

5.8 Notice of the consultation exercise was displayed at the Civic Centre and at Dartford Library and on the Council’s web site where the consultation document was also published. Any elector or interested organisation was able to make representations either online or by writing or emailing the Electoral Services Team. Responses were invited by 8 August 2014. A public notice was published in The Reporter on 3 July 2014 (Appendix E). The Council is required to make all materials considered as part of the review publicly available.

5.9 The Council also wrote to the organisations listed below to invite them to participate in the consultation and contacted all members of the Council to invite their views and comments:

- 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
These organisations were contacted as they were considered to have experience or expertise in terms of accessibility for disabled people. Comments were invited by using the SNAP on-line consultation tool, by email or by post.

6. The Response to the Public Consultation Exercise

By the close of the public consultation exercise on 8 August 2014 ten responses had been received.

Of these four had not proposed any changes (Appendix B), including Sevenoaks District Council and Kent County Council, and three had raised concerns or objections to the location of a current polling station within a polling place (Appendix C). The three remaining responses were merely acknowledgements of the invitation to comment.

The concerns raised by members of the public related to the siting of two mobile polling stations:

6.1 IB– Southfleet West Polling District – Mobile unit stationed at the Amenity Area opposite Betsham House

This mobile unit has been stationed at its current location since 2011. It was previously located in the layby by the former Colyers Arms public house, approximately 100 metres away from the current location. The mobile unit had had to be moved when the Colyers Arms was re-developed for housing and the current site was identified as a suitable alternative within clear view of the former location with which residents would have been familiar. The former location had the benefit of taking power and kitchen and toilet facilities for election staff from the Colyers Arms but in the current location the mobile portacabin is supported by a diesel generator, portaloop and external lighting.

Two respondents (Respondents 5 and 6 in Appendix C) object to the current location. One is a resident of a property directly adjacent to the site of the mobile unit and has raised strong concerns about the placement of portacabin which she states is within close proximity of her property, disrupting and invading family life extensively. The complaint also relates the noise and pollution associated with using a
generator, the location of the portaloo close to the front door of the property and the external lighting. The respondent works from home and has a nine year old daughter and feels that the operation of the polling station during long polling hours is particularly disruptive. She has suggested that the mobile unit should be placed across the road on the car park outside the BT phone box or at least that the portacabin should not face her property and that a silent generator should be used.

The second respondent does not vote at this polling station but drives past the crossroad at the site to and from her home and is concerned about the siting of the portacabin which she says completely obscures vision to the right when wishing to turn left at the crossroad towards Southfleet station.

6.2 IC – New Barn West Polling District – Mobile unit stationed at the junction of Shearwater and Nuthatch, New Barn, Longfield

Although only one response (Respondent 7 in Appendix C) was received to the public consultation in respect of this mobile unit this particular location has been subject to a number of complaints from neighbouring residents since 2012. These have been reported to the last two meetings of the Sub-committee and the history is rehearsed in paragraph 5.5 above.

The concerns stated in the response to consultation relate to the disruption caused to the respondent and his immediate neighbours, the problem with parking their vehicles during the time that the mobile unit is in-situ and when the unit is open on polling day and the narrowing of access to the road and in particular for access by service vehicles. No alternative location within the polling district has been suggested, although previously the respondent had suggested an alternative location at the the junction of Pescot Avenue and New Barn Road.

7. The Returning Officer’s Response to Options previously identified by the Sub-committee and during the Consultation Exercise

7.1 IB – Southfleet West Polling District – Mobile unit stationed at the Amenity Area opposite Betsham House

The (Acting) Returning Officer has considered the comments made during the consultation and accepts that the siting of the mobile unit is problematic. The positioning of the portacabin has been challenged by a local resident previously when the unit was being delivered by the contractor which resulted in the unit being moved further back from the road, and closer to the nearby properties, to preserve sight-lines at the road junction. The portacabin would not in any event be positioned so that it was considered to be dangerous to road users. However this does mean that the position has been closer to the neighbouring properties. The positioning of the cabin so that it faced the neighbouring property was not specified but was put in place by the
contractor. This would be more intrusive than placing the cabin with the entrance facing the road.

The alternative location suggested by Respondent 5 is not suitable as it is not large enough to house the portacabin. Officers have visited the polling district to try and identify a suitable alternative location but have been unable to find anywhere more suitable or which would not be more disruptive to local residents. The (Acting) Returning Officer recommends that the existing location is retained but that any future siting should face away from the neighbouring properties and that the siting of the portaloo and generator should be as sympathetic to the routines of neighbouring properties as possible and that external lights should only be on during the hours of darkness on polling day to keep the disruption to a minimum.

7.2 IC –New Barn West Polling District – Mobile unit stationed at the junction of Shearwater and Nuthatch, New Barn, Longfield

The (Acting) Returning Officer accepts that the siting of this mobile unit has been of concern for a number of years, which has been reflected in the fact that this has been reported to the Sub-committee on previous occasions. However the position remains as previously stated in paragraph 5.5 above. There are no suitable community buildings within the polling district and officers have not been able to identify any location in the polling district which would be more suitable or less disruptive than the current location for the mobile unit and indeed local residents appear to accept that any alternative location within the district is likely to be as problematic for immediately neighbouring properties. The Council’s contractors do attempt to site the unit in the best position available to minimise the extent of the disruption to the local residents, including providing a walkway for the public and ramping for the entrance to the portacabin and to ensure that there is appropriate lighting in place for the duration that the structure is in place. Every effort is made to ensure that the unit is in place for as short a period as possible but logistics do dictate that the unit will be in position for a few days before and after an election. Given these factors, and in the absence of a better alternative, the (Acting) Returning Officer recommends that the current location is retained.

8 Conclusions and Recommendations

The Sub-committee is asked to give consideration to the recommendations made by the (Acting) Returning Officer throughout the review and to the responses to the public consultation exercise and to recommend accordingly to the General Assembly of the Council. The (Acting) Returning Officer’s recommendations are attached at Appendix D.

Once the Sub-committee has made its recommendations these will submitted to the General Assembly of the Council with a short covering report on 6 October 2014 for approval.
9. Appendices


Appendix B – Responses to Public Consultation – No Change

Appendix C – Responses to Public Consultation – Objections to Current Arrangements

Appendix D – The (Acting) Returning Officer’s Final Recommendations

Appendix E – Newspaper cutting.

BACKGROUND PAPERS

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