

POLLING PLACES REVIEW 2019

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| Head of Service/Contact: | Amardip Healy, Chief Legal Officer |
| Urgent Decision?(yes/no) | no |
| If yes, reason urgent decision required: | no |
| Annexes/Appendices (attached): | Annex 1: Review Of Polling Districts, Polling Places & Polling Stations: Consultation – September 2019 Annex 2: Review Of Polling Districts, Polling Places & Polling Stations: Consultation Responses - October 2019 |
| Other available papers (not attached): | Report to Council 23 July 2019, Notices of Motions; Report to S&R Committee, 24 September 2019 Electoral Commission: Reviews Of Polling Districts, Polling Places And Polling Stations https://www.electoralcommission.org.uk/i-ama/electoral-administrator/polling-place-reviews |

Report summary

Sets out the outcome of the consultation process on Polling Places and Districts and recommendations for proposed changes.

Recommendation (s)

The Committee recommends to Council:

- (1) the location of the polling places and districts as set out in Annex 2 for a five year period from 1st January 2020, or until it is superseded by any subsequent review of any polling place or district; and
- (2) delegates to the Chief Executive any ongoing review or change of polling places during this period, to ensure that polling arrangements in the Borough remain fit for purpose for each election called.

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1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 This report does not contribute directly to the above strategies specifically, but is being presented as part of the Chief Executive's statutory duty to comply with this review process as part of her role as Returning Officer.

2 Background

- 2.1 The Electoral and Registration Act 2013 requires that a review be completed between 1st October 2013 and 31st January 2015 inclusive, and also mandates for a further review to be carried out in every five year period subsequent to this.
- 2.2 The Council's Chief Executive, as Returning Officer for Epsom & Ewell Borough Council, is required to undertake regular reviews of polling districts and places in the Borough, and the polling stations within them.
- 2.3 Returning Officers are also responsible for providing a sufficient number of polling districts and polling places for elections, and for allocating electors to those districts and stations as they consider appropriate.
- 2.4 At least one polling place must be identified for each polling district. Polling places have polling stations located within them; so, for example, a primary school may be a polling place, with the classroom or hall where voting takes place comprising the actual polling station.
- 2.5 There are a number of factors that need to be considered when reviewing existing polling places or when assessing new polling places. In practice, the designation of polling places is very much dependent on the availability of suitable premises that can be used as polling places.
- 2.6 The current review cannot propose changes to Ward (or Borough or Constituency) boundaries, which is the responsibility of the Boundary Commission.
- 2.7 The Council has carried out the required review, and it is required to agree the outcome of the review by 31st January 2020. If agreed, the polling places proposed will be confirmed with effect from 1st January 2020, and will be those used for the Police & Crime Commissioner's Elections on 7th May 2020, or for any election called subsequent to 1st January 2020.
- 2.8 It is important to note the review has been carried out within a background that the Local Government Boundary Commission for England (LGBCE) is due to review the governance arrangements in the Borough. A further, more in-depth review of polling places will be carried out following the completion of that process, in line with its findings.

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Council Motion on use of Schools as Polling Places

- 2.9 At its meeting on the 23rd July 2019, Council passed a Motion, where “This Council agrees that it will no longer use any schools that, in order to act as a polling station, would have to close for the day. It will provide polling districts which have been accustomed to using such schools with alternative polling stations as near as possible to that polling stations”.
- 2.10 It is important to note that the legislation (Representation of the People Act 1983, Schedule A1) sets out the requirements for polling place reviews. This requires Local Authorities to comply with the access requirements. As part of the review they must:
- Seek to ensure that all electors in a constituency in the local authority area have such reasonable facilities for voting as are practicable in the circumstances
 - Seek to ensure that so far as is reasonable and practical every polling place for which it is responsible is accessible to electors who are disabled.
- 2.11 In the event these tests are not met, an elector has a right of representation (ie appeal). The two appeal grounds are:
- The local authority has failed to meet the reasonable requirements of the electors in the constituency
 - The local authority has failed to take sufficient account of accessibility to disabled persons of the polling station/ polling stations within a polling place.

It is therefore clear, that a polling place is determined with the elector as the primary interest, no other considerations form part of the legislative requirements.

Set up of Member Working Group to consider representations on Review

- 2.12 The public consultation on the review of polling district and places processes started on the 11th September and ended on the 16th October 2019. In light of Members’ wish to avoid the use of schools following the Council meeting in July, a report was taken to Strategy & Resources Committee on the 24th September 2019 to establish a Working Group of Members to consider representations received and for their proposals to be brought back before Strategy & Resources Committee on 26 November 2019.

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- 2.13 The Working Group consisted of cross party members and met on 17th October 2019 to review and consider the responses received. At the meeting they asked Officers to carry out further enquires and met again on 29th October 2019 to review and finalise their discussions.

3 Proposals

Current Arrangements

- 3.1 The Borough is divided into 13 electoral wards. Of these Wards:
- 3.1.1 Two are made of 1 polling district and has one polling place (Auriol, Ruxley);
 - 3.1.2 Seven are made of 2 polling districts with 2 polling places in each Ward (Cuddington, Ewell Court, West Ewell, Court, Stoneleigh, Nonsuch, College);
 - 3.1.3 Four are made up of 3 polling districts with 3 polling places in each Ward (Stamford, Ewell, Town, Woodcote)

Consultation Exercise

- 3.2 Consultation in relation to the Polling Districts and Places review was carried out for five weeks between September and October 2019, a copy of the consultation document is attached at **Annex 1**. The review was conducted in accordance with the Electoral Commission's guidance on conducting such reviews.
- 3.3 So as to ensure as wide a circulation of the Consultation exercise, all the affected Schools (ie those allocated as Polling Places) were contacted directly to advise of the review and were asked to disseminate the details of the review to the school community.
- 3.4 Following close of the Consultation exercise, a number of representations were received, and the breakdown for all the representations is contained at **Annex 2**. In essence, the representations were made up as follows:

| Ward | Total Number Received |
|---------------------|-----------------------|
| GENERAL | 2 |
| RUXLEY | 2 |
| COURT | 22 |
| EWELL | 1 |
| NONSUCH | 14 |
| TOWN/COLLEGE | 1 |
| WOODCOTE | 1 |

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- 3.5 All the representations for Court and Nonsuch and one from Ruxley related directly to the use of three schools as polling places.

Working Group considerations

- 3.6 The Working Group considered all the representations at their meeting on 17th October. There were a number of alternative venues suggested both by those making representations, but also by the Working Group members and Officers.
- 3.7 Following an assessment of the options, the Working Group met again on 29th October 2019 and number of recommendations were agreed to be put forward for consideration by Strategy & Resources Committee.
- 3.8 The recommendations are as follows:

3.8.1 Ruxley Ward

- a. Of the two representations received, one was from Epsom & Ewell High School requesting the School not be used. The School is currently a double polling place.
- b. Although the School does not need to close, it chooses to limit access to certain School years. The School also complained that over the years a number of incidents arising out of those voting at the School.
- c. In response to the School's concerns, the Council did instigate a number of steps to manage the concerns raised by the School. These steps worked well for both the Local Elections and the European Elections in 2019 this year, with no incidents being reported.
- d. Officers were asked to look at the local Scout Hut to see if was suitable to replace the polling place at the school. The Scout Hut is in a poor state of repair and has a number of accessibility issues and therefore is not suitable as a polling place.
- e. It is therefore recommended that Epsom & Ewell High School remains as a polling place.

3.8.2 West Ewell Ward:

- a. The recommendation of the Acting Returning Officer in the Consultation document was for the Polling Place for Polling District EA of Harrier Centre, King George V Recreation Ground, Poole Road, West Ewell to be changed. The suggestion is to use West Ewell Evangelical Church, Lansdowne Road, West Ewell. The Church was used previously but has been unavailable until now.

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- b. **Recommendation:** to change EA to West Ewell Evangelical Church, Lansdowne Road, West Ewell

3.8.3 Court Ward:

- a. In principle, the representations related to the use of Southfields School and the impact of the School having to close on the school community. The School confirmed it tries to use inset days for pre-planned elections, but those elections which were not anticipated required the School to close. The School is currently used as a double Polling Station.
- b. An option was considered and accepted which allowed the School to be used as a single polling station, which would then allow it to remain open. The School have confirmed such an arrangement would allow them to remain open.
- c. This arrangement would require the creation of a further polling district within the Ward ie from two to three with the use of Bowling Pavilion at the Court Recreation Ground as the polling place for the third polling district. The Pavilion is not large enough to be set up as a double station, but is sufficient for one. This allows Southfields School to alter their arrangements in a way which then allows it to remain open.
- d. The longer term solution to the use of Southfields School will be the use of the refurbished Horton Chapel. It is hoped all works will be completed in time for the next Borough Elections. Once completed Horton Chapel will be assessed as to its suitability as a Polling Place to replace Southfields School.
- e. It is therefore recommended that the Ward is split into three Polling Districts, that Southfields School changes to a single polling place and that a new District of FC be created and that the Bowling Pavilion at the Court Recreation Ground be allocated as a single polling place for the new district. The breakdown of FA and FC to be as follows:

Table 1: New FA: Southfields School

| Road | No of Properties | No of electors |
|----------------|------------------|----------------|
| Brettgrave | 24 | 46 |
| Briane Grove | 4 | 8 |
| Burnhams Grove | 35 | 55 |
| Buxton Close | 12 | 23 |
| Calvert Close | 6 | 14 |
| Cavendish Walk | 68 | 128 |
| Chantilly Way | 2 | 3 |
| Davison Close | 5 | 13 |
| Eastman Way | 85 | 114 |
| Haven Drive | 60 | 18 |

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| Hine Close | 5 | 11 |
| Hook Road 291-337b inc Horton Farm & 260-330 evens | 67 | 130 |
| Horton Crescent | 111 | 182 |
| Long Grove Road | 28 | 65 |
| Marston | 13 | 22 |
| Norris Close | 7 | 16 |
| Parkhurst | 24 | 42 |
| Pelman Way | 70 | 106 |
| Riley Close | 6 | 17 |
| Saville Close | 12 | 25 |
| Tichmarsh | 24 | 36 |
| Tobin Close | 7 | 14 |
| Westcote Road | 34 | 55 |
| | 709 | 1143 |

Table 2: New FC: Court Recreation Ground

| Road | No of Properties | No of electors |
|--|-------------------------|-----------------------|
| Almond Road | 28 | 67 |
| Andover Close | 48 | 85 |
| Blakeney Close | 14 | 34 |
| Eastway | 45 | 71 |
| Holland Close | 7 | 12 |
| Hook Road 181-289 odds & 178 – 232 evens including Tomlin Court | 129 | 206 |
| Horton Hill | 166 | 310 |
| Hurst Road | 16 | 28 |
| Lower Court Road | 128 | 251 |
| Manor Green Road | 49 | 71 |
| Pound Close | 6 | 11 |
| Pound Lane | 46 | 57 |
| Relko Court | 14 | 27 |
| Temple Road | 3 | 0 |
| Tomlin Close | 6 | 11 |
| Tonstall Road | 96 | 172 |
| Trigo Court | 5 | 6 |
| Upper Court Road | 73 | 135 |
| Vancouver Close | 3 | 5 |
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3.8.4 Nonsuch Ward:

- a. All the representations for Nonsuch Ward relate to the use of Wallace Fields Junior School. The make-up of the representations was as follows:
Members: 2: Cllr C Frost and Cllr N Collin
Public representations: 12
- b. The objections relate to the impact on the school community from closure, since the School closes on a Polling Day.
- c. A number of alternative sites were considered: NESLOT, Alexander Recreation Ground Football Pavilion, Wallace Fields Infant School, Alexander Recreation Ground Martial Arts Centre and Glyn School Pavilion, Reigate Road, although a response is still awaited from one of the listed options. Prior to the start of the review, Officers have been working to identify suitable alternative sites, as yet without success. The nature of Polling District IB has made finding a new location very difficult and this is why the current Polling Place, even though it sits just outside the Ward, has previously been selected.
- d. The Working Group has asked for work to continue in finding an alternative and this has included consideration of the use of temporary buildings such as a portacabin. Therefore, although with great reluctance it was agreed there is no recommendation for a change to IB, Officers have been asked to continue to urgently find an alternative solution in time for the Police & Crime Commissioners Elections in May 2020.
- e. It was agreed that if a recommendation for a change could be brought to the Working Group a request would be made to allow such a change to be brought to Council in February 2020.

- 3.9 To enable changes to be made quickly, in the event they can be, not just in relation to those matters identified as a part of this review, a delegation is being sought for the Chief Executive to agree both a review and a change more generally without the need to go back to both Strategy & Resources and Council to instigate a new polling place. This delegation would enable any necessary change which to be made in time for the Police and Crime Commissioner's election in May 2020.

4 Financial and Manpower Implications

- 4.1 The cost of venue hire for national elections and referenda is met by central Government. Costs for local elections are covered by allocated budgets

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- 4.2 **Chief Finance Officer's comments:** In the event the use of temporary structures is accepted as a solution, then this will have a cost implication and these additional costs will need to be funded from within existing resources.

5 Legal Implications (including implications for matters relating to equality)

- 5.1 This review has been undertaken in accordance with Section 18 of Representation of the People Act 1983 (as amended by Section 16 of the Electoral Administration Act 2006), which requires such a review to be undertaken every five years. A review requires all of the steps set out in Schedule A1 of Representation of the People Act 1983 to be met, as demonstrated by this report and its appendices.
- 5.2 In addition, due consideration has been given to the requirements of the Electoral and Registration Act 2013 in relation to the timing of this review.
- 5.3 The Council has due regard to its equality duties under Section 149 of the Equalities Act 2010. In addition, it is a legal requirement of the Returning Officer that, in so far as is reasonable and practical, every polling place is accessible to electors with disabilities. This has been taken fully into account during this review process.
- 5.4 Appropriate equipment (such as ramps, visual enhancement aids and braille information) will continue to be provided at all polling stations, and all polling staff will continue to be fully trained to provide support and facilities for voters with disabilities.
- 5.5 The regulations that govern the use of schools falls under rule 22, Schedule 1 of the Representation of the People Act 1983. There is a duty imposed on schools who are either maintained or assisted in any way by money provided by Parliament, to be used free of charge (with the exception of certain expenses) as polling places.
- 5.6 **Monitoring Officer's comments:** none arising from the contents of this report.

6 Sustainability Policy and Community Safety Implications

- 6.1 None

7 Partnerships

- 7.1 None

8 Risk Assessment

- 8.1 None

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9 Conclusion and Recommendations

- 9.1 The Committee is asked to note the outcome of the public consultation exercise and approve the proposed changes and recommendations to Council.

Ward(s) affected: (All Wards);