

POLLING DISTRICT AND POLLING PLACES REVIEW

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1: Review of Polling Districts, Polling Places & Polling Stations: Consultation – October 2023

Summary

This report sets out the recommendations from the Strategy and Resources Committee for proposed changes following the conclusion of the Polling Places and Districts review.

Recommendation (s)

The Council is asked to:

- (1) Agree the location of the polling places and districts as set out in Appendix 1 for a five-year period from 1st March 2024, or until it is superseded by any subsequent review of any polling place or district; and**
- (2) Delegate to the Chief Executive in their capacity as the Council's Returning Officer 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.**

1 Reason for Recommendation

- 1.1 Following the completion of the Electoral Review of the Parliamentary Constituency of Epsom and Ewell by the Boundary Commission for England, the Council is required to undertake a review of polling districts and places before 31 January 2025. Mindful that there is an election for the Surrey Police and Crime Commissioner on 2 May 2024 and an anticipated parliamentary election in 2024, it was decided that it would be preferable to conduct the review prior to both sets of elections.

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2 Background

- 2.1 The Representation of the People Act 1983 (the Act) was amended by the Electoral Administration Act 2006 (Section 16) and later by the Electoral Registration Act 2013 (Section 17) to detail the current process regarding the way reviews of polling districts and polling places must be undertaken.
- 2.2 The Act specified how frequently reviews should be undertaken and made it a requirement that relevant authorities (i.e. this Council) carry out a review every four years (this was changed in 2013 to every five years). The Council was required to conclude the first review by 31 December 2007. The review was duly undertaken in September 2007 and the outcome of the review reported to Council in December of that year.
- 2.3 The Electoral Registration Act 2013 introduced a change to the timing of compulsory reviews and these were subsequently held in December 2014, December 2019 and December 2022. The next statutory review period commenced on 1 October 2023 with all local authorities required to review their UK Parliamentary constituency polling districts before 31 January 2025.
- 2.4 The Council is responsible for undertaking each review to provide a sufficient number of polling districts and polling places for elections.
- 2.5 The Council's Chief Executive, as Returning Officer for Epsom & Ewell Borough Council, is responsible for undertaking the reviews. The Returning Officer is also responsible for deciding how many polling stations are required for each polling place and for allocating electors to those polling stations as they consider appropriate.
- 2.6 At least one polling place must be identified for each polling district. Polling places have polling stations located within them; so, for example, a church building may be a polling place, with the room or hall where voting takes place comprising the actual polling station.
- 2.7 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.
- 2.8 The current review cannot propose changes to Ward, Borough or Constituency boundaries, which are the responsibility of the Local Government Boundary Commission for England (LGBCE) or Boundary Commission for England (BCE).
- 2.9 If the proposals of this review are agreed, the polling districts and polling places proposed will be confirmed with effect from 1 March 2024, and will be used for the Police and Crime Commissioner elections on 2 May 2024, or for any election called subsequent to 1 March 2024.

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3 Council Motion on use of Schools as Polling Places

3.1 At its meeting on 23 July 2019, Council passed the following Motion:

“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 it has been accustomed to using such schools with alternative polling stations as near as possible to that polling district”.

3.2 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.

3.3 In the event these tests are not met, an elector has a right of representation (i.e. 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.

3.4 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.

4 Current Arrangements

4.1 The Borough is divided into 14 electoral wards:

4.1.1 Five are made of one polling district and have one polling place in each (Auriol, Ruxley, Stoneleigh, Ewell Village, Horton);

4.1.2 Seven are made of two polling districts with two polling places in each Ward (Cuddington, Ewell Court, West Ewell, Court, Stamford, Nonsuch, College);

4.1.3 Two are made up of three polling districts with three polling places in each Ward (Town, Woodcote & Langley Vale)

5 Consultation Exercise

- 5.1 The consultation in respect of the Polling Districts and Places Review was carried out for five weeks between 27 October and 1 December 2023, a copy of the consultation document is attached at Appendix 1. The review was conducted in accordance with the Electoral Commission's guidance on conducting such reviews.
- 5.2 To ensure a wide circulation of the consultation, it was made available on the Council's website, communicated via social media and a number of consultees were directly informed as detailed on page 5 of Appendix 1. All venues including the affected schools (i.e. those allocated as Polling Places) were contacted directly to advise of the review and to enable them to comment on the proposals.
- 5.3 During the consultation period, a number of representations were received. In essence, the representations were made up as follows:

Ward	Total Number Received
Cuddington	0
Auriol	0
Ewell Court	1
Ruxley	1
West Ewell	0
Court	1
Stamford	1
Stoneleigh	0
Nonsuch	0
Ewell Village	0
Town	0
College	1
Woodcote & Langley Vale	0
Horton	1

- 5.4 Following consideration of all the representations by officers, a set of proposals were presented to the Strategy & Resources Committee on the 25 January 2024. The Strategy and Resources Committee agreed to recommend the proposals to Council for approval.

6 Consultation Responses and Recommendations

The representations and recommendations are as follows:

6.1 Cuddington Ward

- 6.1.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

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6.2 Auriol Ward

6.2.1 Recommendation No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.3 Ewell Court Ward

6.3.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.4 Ruxley Ward

6.4.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.5 West Ewell Ward

6.5.1 Recommendation No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.6 Court Ward

6.6.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

6.7 Stamford Ward

6.7.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

6.8 Stoneleigh Ward

6.8.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.9 Nonsuch Ward

6.9.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

6.10 Ewell Village Ward

6.10.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

6.11 Town Ward

6.11.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

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6.12 College Ward

6.12.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

6.13 Woodcote and Langley Vale Ward

6.13.1 Recommendation: No change to Polling Districts or Polling Places, as proposed by the review documentation (Appendix 1).

6.14 Horton Ward

6.14.1 Recommendation: No change to Polling District or Polling Place, as proposed by the review documentation (Appendix 1).

7 Delegated Authority for the Chief Executive:

7.1 Delegated authority is sought to enable the Chief Executive in their capacity as the Council's Returning Officer to make changes to polling places if necessary to ensure that polling arrangements in the Borough remain fit for purpose for each election called. This delegation is sought for a five-year period from 1st March 2024, or until it is superseded by any subsequent review of any polling place or district and would be utilised in circumstances in which there was insufficient time to present a report to Council prior to an election being held, for example: if a Polling place became inaccessible at short notice.

7.2 The Council agreed a similar delegation (superseded by this review) to the Chief Executive in 2022 and 2019. If approved by the Council, this delegation will be added to Appendix 2.1 of the Constitution (Live Register of Delegations).

8 Risk Assessment

Legal or other duties

8.1 Equality Impact Assessment

8.1.1 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.

8.1.2 Appropriate equipment (such as ramps, visual enhancement aids etc.) 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.

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8.2 Crime & Disorder

8.2.1 None.

8.3 Safeguarding

8.3.1 Safeguarding issues are considered for all potential polling places prior to their recommendation to the Council, and prior to every election. Any issues identified are appropriately managed in accordance with Council policies and in agreement with the management of the premises.

8.4 Dependencies

8.4.1 None.

8.5 Other

8.5.1 None.

9 Financial Implications

9.1 The cost of venue hire for national elections and referenda is met by central Government. Costs for local elections are covered by the council's own allocated budgets.

9.2 **Section 151 Officer's comments:** None arising from the contents of this report.

10 Legal Implications

10.1 This review has been undertaken in accordance with Section 18 of Representation of the People Act 1983 (as amended by Section 17 of the Electoral Registration Act 2013), 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.

10.2 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.

10.3 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.

10.4 **Legal Officer's comments:** None arising from the contents of this report.

11 Policies, Plans & Partnerships

11.1 **Council's Key Priorities:** The following Key Priorities are engaged:

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- Effective Council.

11.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

11.3 **Climate & Environmental Impact of recommendations:** The accessibility of polling places by foot, bicycle and public transport has been considered in the process of their recommendation to the Council.

11.4 **Sustainability Policy & Community Safety Implications:** None.

11.5 **Partnerships:** None.

12 Background papers

12.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [Report to Strategy and Resources Committee, 25 January 2024, Polling District and Places Review](#)
- [Report to Council 23 July 2019, Notices of Motions, Polling Stations](#)

Other papers:

- Electoral Commission: Reviews of Polling Districts, Polling Places And Polling Stations:
<https://www.electoralcommission.org.uk/reviews-polling-districts-polling-places-and-polling-stations>
- [Local Government Boundary Commission Electoral Review of Surrey County Council](#)
- [Constitution Appendix 2.1 – Live Register of Delegations](#)