

Body: Audit and Governance Committee

Date: 30 November 2016

Subject: Polling districts and polling places review (part review of Ratton ward – polling district RNA)

Wards: Ratton and Hampden Park

Report of: Senior Local Democracy Officer

Purpose: To agree revised polling arrangements in respect of polling district RNA of Ratton ward as a consequence of the Local Government Boundary Commission for England’s final recommendation to transfer a small part of this district into Hampden Park ward.

Contact: David Robinson, Senior Local Democracy Officer
Tel: (01323) 415022 or internally on ext. 5022
Email: david.robinson@eastbourne.gov.uk

Tracey Pannett, Senior Electoral Services Officer
Tel. (01323) 415074 or internally on ext. 5074.
Email: tracey.pannett@eastbourne.gov.uk

Summary:

This report deals with a review of part of the current Ratton ward as a consequence of the Local Government Boundary Commission for England’s final recommendation to transfer a small part of this polling district to Hampden Park ward.

The council has a duty to undertake a full review at intervals of not less than 4 years and at all other occasions when a change is proposed.

The council is expected to ensure that all electors in the constituency have reasonable facilities for voting as are practicable in the circumstances and that so far as is reasonable and practicable the polling places are accessible to those who are disabled.

A 6 week consultation was held ending on 18 November 2016.

Following this review, the revised polling arrangements will be implemented in time for the forthcoming county council elections on 4 May 2017.

Recommendations:

(1) That the acting returning officer’s proposal in respect of polling district RNA (Ratton ward) be approved.

(2) That the senior electoral services officer, on behalf of the acting returning officer and electoral registration officer, be authorised to

implement the committee's decision in respect of the review.

1.0 Introduction

- 1.1 The council must regularly review the division of its area into polling districts and the places where electors are asked to vote. A full review of the whole borough must be undertaken at intervals of not less than 4 years and at all other occasions when a change is proposed.
- 1.2 The relevant legislation can be found in section 16 of the Electoral Administration Act 2006, the Representation of the People Act 1983 and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006. Guidance is also published by the Electoral Commission.
- 1.3 This matter is brought before the committee as decisions on matters in respect of polling district boundaries and polling places cannot be dealt with by a council's executive (i.e. the Cabinet) by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. This committee has delegated power to deal with minor reviews with full reviews being the responsibility of full council.
- 1.4 The council's last full review was carried out in 2014 and approved in November of that year.

2.0 Review process

- 2.1 As part of the review process the council must:
- Seek to ensure that all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
 - Seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled, and
 - When considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons.
- 2.2 The consultation period for this full review ran for 6 weeks between 5 October and 18 November 2016. Public notice of the review was published and information about the review made available on the council's website. Any elector in the whole of the Eastbourne constituency (whether they live in the borough or not) was entitled to make representations.
- 2.3 The consultation document, together with map showing the polling district boundary, is available as a background document.
- 2.4 As well as being supplied on request, the consultation document was sent to the local member of parliament, borough and county councillors in the relevant wards and local political parties. It was also sent to the members of the Eastbourne Disability Group (DIG) as required under the regulations as persons having particular expertise in relation to access to premises or facilities for persons who have different forms of disability. The DIG is an umbrella group of local organisations that represents many of the disabled people living in Eastbourne.

3.0 The proposal and comments received

3.1 The Local Government Boundary Commission for England (LGBCE) has now published their final recommendations for changes to the borough ward and county division boundaries. Such reviews take place at periodic intervals with the objective of ensuring that ward/division electorates do not vary greatly from the average electorate for all wards/divisions. The commission's published reports for Eastbourne (and also East Sussex) can be viewed on their website (see list of background papers at end of report).

3.2 Draft orders – the legal document which brings into force our recommendations – have now been laid before parliament (as of 28 October). The draft orders are subject to the negative resolution procedure, which means that they will lie in both houses for 40 days. Subject to parliamentary scrutiny, the new electoral arrangements will come into force later this year and in time for the county elections due to be held on 3 May 2017 and for borough elections from May 2019. A report on the outcome of the review was submitted to full council on 16 November 2016 and council was made aware that this committee would deal with necessary changes to polling district and polling place arrangements.

3.3 The only change to be made is in respect of the boundary between Ratton and Hampden Park wards. An area of housing to the north-east of Hazelwood Avenue will be transferred into Hampden Park, as follows:

- Hazelwood Avenue (part) (odd nos. 33-49, 147-159)
- Seven Sisters Road (part) (odd nos. 251-289)
- St David's Close
- St Martin's Road
- St Paul's Close
- Westminster Close
- Jordan's Lane East (part) (odd and even nos. 50-72)

This area currently comprises some 290 electors of which 63 electors receive a postal vote.

3.4 This area will in future be designated as a separate polling district to be known as HPD. In due course this polling district will be combined with the adjoining Hampden Park polling district HPC. However, until borough elections in May 2019, it will need to be kept distinct as any borough by-election held prior to then will have to be conducted on the old ward boundary.

3.5 Councillor Pat Hearn (Hampden Park ward councillor) indicated support for the proposals when ward and county councillors were invited to comment in advance of the public consultation. Otherwise no representations or comments had been received in the course of the consultation.

4.0 Implementation, polling places and reasons

4.1 From the time the Local Government Boundary Commission's recommendations are implemented for the county council's electoral arrangements, and in time for the May 2017 East Sussex County Council elections, electors in the new polling district HPD will vote at Willingdon

Trees Community Centre, Holly Place, Eastbourne, BN22 0UT for all elections with the exception of borough council elections.

- 4.2 The new polling district (HPD) is too small and without any suitable polling place within its boundaries to justify having its own polling station. It is only being kept separate because the commission's recommendations are implemented at different times for the purposes of county and borough electoral area arrangements. Willingdon Trees Community Centre is located nearby and offers good facilities for voting.
- 4.3 For any borough council by-elections up to 2019 electors will continue vote at Oakwood Primary Academy, Magnolia Walk, Eastbourne, BN22 0SS. For the May 2019 borough council elections and thereafter electors will vote at Willingdon Trees Community Centre.
- 4.4 Following the decision formal notice will be given and correspondence and representations made, minutes and other details must be published.
- 4.5 It is an unavoidable outcome of the review that for the c. 290 electors living in the area to be moved into Hampden Park it will mean a change in the ward in which they are situated and in the polling station allocated to them. As such, we will communicate the changes clearly in advance of the 2017 county elections. Polling cards will also draw attention to the change of polling station venue.

5.0 Committee consideration

- 5.1 The committee is asked to consider the foregoing proposal and representations received and make a final decision. Reasons must be given (see para 3.8 above). In the event that the Acting Returning Officers recommendation is supported these are as set out above in para.4.2.

6.0 Challenge

- 6.1 The grounds under which the review outcome can be challenged are that the Council has failed to:
- meet the reasonable requirements of the electors in the constituency, or a body of them (i.e. the reasonable requirements of a particular area of the authority have not been satisfactorily met); or
 - take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- 6.2 The following may make representations to the Electoral Commission namely;
- not less than 30 registered electors in the constituency
 - any person who made representations to the council when the review was being undertaken (except the acting returning officer)
 - any person who is not an elector within the constituency who the Electoral Commission feel has sufficient interest in the accessibility of disabled persons;

Also the acting returning officer may make observations on any

representations made to the commission.

7.0 Legal implications/risk assessment

- 7.1 The council is under a legal duty keep their polling place arrangements under review at not less than 4-yearly intervals and to follow prescribed procedures when carrying out such reviews.

8.0 Policy and performance implications

- 8.1 This review helps meet the council's corporate plan objectives under the heading "thriving communities" for encouraging peoples' involvement in their neighbourhoods and the heading "sustainable performance" in ensuring a customer focus in the delivery of its services.
- 8.2 The Electoral Commission is empowered under section 9A of the Political Parties, Elections and Referendums Act 2000 to set out for local returning officers and electoral registration officers the performance standards to be achieved in the conduct of their duties. This review and the associated documentation will help demonstrate that Eastbourne Borough Council is meeting the required standard.

9.0 Financial and resourcing implications

- 9.1 Election costs are borne by the body holding the election. For parliamentary elections and referendums the government pays and East Sussex County Council pays for county elections. The foregoing proposals will not increase the number of venues or polling stations overall and there should therefore be no impact on staffing costs.

David Robinson
Senior Local Democracy Officer

Background papers:

- Consultation document - <http://www.eastbourne.gov.uk/about-the-council/consultations/polling-districts-and-places-part-review/>
- The Local Government Boundary Commission for England (LGBCE) final recommendations - <http://www.lgbce.org.uk/current-reviews/south-east/east-sussex>
- Report to full council 16 November 2016 - <http://democracy.eastbourne.gov.uk/ieListMeetings.aspx?Cid=126&Year=0>
- The East Sussex Electoral Changes Order 2016 (Draft) <http://www.legislation.gov.uk/ukdsi/2016/9780111150726/contents>
- The Eastbourne Electoral Changes Order 2016 (Draft) <http://www.legislation.gov.uk/ukdsi/2016/9780111150757/contents>

To inspect or obtain copies of background papers please refer to the contact officers listed above or access via the web-link above.

(dr/P:polling place review/audit and governance/16.11.30)