

Report to Constitution and Members' Services Standing Scrutiny Panel

Date of meeting: 11 October 2007

Portfolio: Leader's Portfolio



Subject: Review of polling districts, polling places and polling stations

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Recommendations:

That a report be submitted to the Council recommending:

- (a) that the proposals for polling districts and places as set out in Appendix 3 to this report be approved; and**
- (b) that the proposals be published and copies made available for inspection by the public at the Civic Offices, in at least one place in each parliamentary constituency and on the Council's website.**

Introduction

1. The Electoral Administration Act 2006 introduced a duty for all polling districts and polling places to be reviewed by the end of 2007.
2. A polling district is the area created by the division of a constituency, ward or division into smaller parts, within which a polling place can be determined which is convenient to electors. A polling place is the building or area to which polling stations will be selected by the Returning Officer. A polling station is the room or building chosen by the Returning Officer where the poll takes place.
3. Local authorities are required to divide their area into polling districts for the purposes of parliamentary elections, designate polling places for these polling districts and keep these under review. Polling districts and places for local government elections are not automatically part of the review. However, the polling districts and places for parliamentary and local government elections should always be the same.

Aim of the Review

4. Authorities must:
 - (a) seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances; and
 - (b) seek to ensure that so far as is reasonable and practicable, the polling places for which they are responsible are accessible to all electors, including those who are disabled.

Review Process

5. A review of polling districts and polling places must be conducted by the end of 2007 and at least every four years after that.
6. The review is a function of the Council and not the Electoral Registration Officer or the Returning Officer.
7. As part of the review a consultation exercise was undertaken in relation to the proposals set out in Appendix 1. These proposals represent the existing arrangements. Any change must be supported by a reason.
8. Members, local M.P's and interest groups were consulted. In addition the Returning Officers for the Brentwood and Ongar and Harlow parliamentary constituencies were consulted. Returning Officers are required to comment on all existing polling stations and any new polling stations. As the proposals incorporated the views of the Returning Officer for the Epping Forest parliamentary constituency it was not necessary to undertake specific consultation with him.
9. The location of the proposed polling districts and polling places are the responsibility of the Council and the location of polling stations is the responsibility of the Returning Officers.
10. As this Council currently elects by thirds, the Returning Officer for the Epping Forest constituency has been looking continuously at the choice of polling stations and therefore proposed very few changes for this review.
11. As part of the consultation exercise, views were sought specifically on the following:
 - (a) polling district (AB) (Loughton Way). The Roding Centre in Buckhurst Hill is the normal polling station but because of uncertainty about the future of the hall, the St Stephen's Church Hall, Buckhurst Way has been used on occasions. With the Roding Centre now under the control of the Parish Council it is proposed to revert back to that building;
 - (b) polling district (AT) (Barfields). In recent years the United Reformed Church in Borders Lane was used, as a polling station until it closed. The Alderton School was used as an alternative venue but now that Murray Hall in Borders Lane is open and was used successfully for a recent bye election it is proposed to continue to use that building in future;
 - (c) polling district (BG) (Whitehills). In recent years the Common Room at Hedgers Close, Newmans Lane has been used as a polling station. However, this is small, has limited access, no provision for tellers and can become congested. The proposal therefore is to use Murray Hall; and
 - (d) polling district (BM) (Sewardstone). At the last election, the polling station was at the Lee Valley Campsite, Sewardstone Road because of the unavailability of the normal polling station, Sewardstone Village Hall. The Village Hall is in urgent need of major repairs and there is no definite timescale as to when remedial work will be carried out. It is proposed therefore, to continue to use the Campsite for the foreseeable future.

Results of Consultation

12. The LRA advised that they were very much in favour, in principle, of the use of Murray Hall for the AT and BG polling districts. Michael Benbow advised that in his view Murray Hall was a better location than Hedgers Close and the Alderton School. The Loughton Town expressed preference for Murray Hall as the use of the Alderton

School disrupts the children's schooling and causes difficulties for working parents by the children having an extra day off school. The Town Council also pointed out that Murray Hall is central to the polling district and is easily accessible on foot or by vehicle. Similarly, the Town Council expressed preference to use of Murray Hall rather than Hedgers Close. It pointed out that use of Hedgers Close disrupts residents of that home and that Murray Hall provides better facilities. Acknowledging that Murray Hall is not in the Barfields polling district, the Town Council pointed out that it is immediately adjacent and can be reached safely on foot using the newly constructed road crossing in Borders Lane and, by vehicle. Attention was drawn to residents of Hedgers Close with mobility problems who will not find it so easy to vote at Murray Hall.

13. District Councillor P Spencer advised that the Buckhurst Hill Baptist Church (polling district AD) is not an ideal location for electors or tellers. He drew attention to confusion at a recent bye-election when different entrances were used at different times of the day. He also pointed out that if the usual entrance is used there is no under cover provision for tellers.
14. Similar representations were made about this polling station by Ms C Friedman of the Buckhurst Hill Residents' Association at the time of the bye-election last year. This arose from a particular situation when the site manager asked for a new entrance to the polling station to accommodate another booking at the premises. This was submitted as a complaint but has been taken into account as part of this review.
15. County Councillor C Pond indicated a preference for the use of Murray Hall for the AT and BG polling districts. He also questioned the use of St Mary's Parish Centre (polling district BF) during the duration of works in 2007 and 2008. He suggested that the polling station be transferred to the Octagon or the Methodist Church, which in any event he suggested might prove more convenient locations for the majority of electors.
16. County Councillor C Finn made representations about the use of Murray Hall as a polling station. He expressed the view that the name of the venue had too many political connotations and would be liable to influence electors to vote in accordance with that association.
17. The Fyfield Parish Council supported the use of the Fyfield Village Hall as a polling station.
18. The Waltham Abbey Town Council advised that they had no objection to the continued use of the Sewardstone Campsite. However, they expressed some concern about the arrangements for Breach Barns. They referred to complaints from residents about the lack of a polling station at the mobile home park and about the distance to the polling station at Waltham Abbey Town Hall. They asked that greater use be made of the postal voting system.
19. The Acting Returning Officer for the Brentwood and Ongar parliamentary constituency suggested the following alterations:
 - (a) **Stanford Rivers Parish** is currently split into two polling districts (CQ and CR) but all the electors vote at the same polling station. He proposed therefore that the Parish be made one polling district. The Parish Council has been approached about this suggestion but has made no comment. County Councillor G McEwen supports the suggestion;
 - (b) **Lambourne End** – the polling station in the Parish Rooms should be removed with all electors in the Lambourne Parish voting at the Abridge Village Hall. He claims that in other areas, electors have to travel further to vote than from Lambourne End to Abridge and the additional costs of a polling station for so few electors is not viable.

County Councillor G McEwen supports the suggestion.

The Parish Council has been approached about this suggestion and is totally opposed to it. The Parish Council has pointed out that the Lambourne End parish ward is separate from the Abridge parish ward; the Parish Room is the focal point of Lambourne End and the provision of a polling station was a significant factor in the decision to rebuild the Parish Room following a fire; other areas where electors travel further may not have a community centre available; removal of the polling station would be a disincentive to vote; there is no public transport linking Lambourne End to Abridge; on environmental grounds electors should perhaps be discouraged from using their cars to vote; all Lambourne End residents can, and may, walk to the Parish Room; the only saving would be the cost of hiring the premises - the Trustees of the Parish Room are prepared to make a substantial reduction in hire charges to retain the use of the Parish Room as a Polling Station; the Abridge Village Hall could not easily accommodate additional electors but if additional electors were directed there a higher letting fee would probably be imposed; account should be taken of the increased costs associated with car travel.

20. The Acting Returning Officer of the Brentwood and Ongar parliamentary constituency has responded to the Parish Council views by pointing out that both Abridge and Lambourne End are in the same district ward; as a single member district ward, elections only take place once every four years and even when combined with a parliamentary election, its average use as a polling station is less than once a year - he finds it difficult to understand therefore how such a use could have been a significant factor in the decision to rebuild; the average distance travelled by an elector in a rural community varies considerably but distances of up to two miles are not unusual; on average less than 80 electors vote at the Parish Room - those finding it difficult to get to Abridge can obtain a postal vote; combining both polling stations will result in a saving of approximately £500 per election in respect of staffing costs/delivery of polling equipment as well as savings in room hire as only one Presiding Officer and one Poll Clerk would be required at Abridge; the existing polling station at Abridge is more than adequate to cater for the additional number of electors.
21. A list of those responding to the consultation exercise is attached as Appendix 2.

Final Proposals following Review

22. Attached as Appendix 3 are the proposals following consideration of the responses received to the consultation exercise.
23. One less polling district is proposed as a result of combining Toot Hill and Hare Street into one "Stanford Rivers" Polling District as suggested by the Acting Returning Officer for the Brentwood and Ongar parliamentary constituency.
24. No other changes are proposed except that the polling district letters have been revised so that the three new parliamentary constituencies flow consecutively.
25. The problems in relation to the Buckhurst Hill Baptist Church can be overcome with suitable signage and consultation with the site operator regarding other uses of the building. The lack of under cover provision for tellers is regretted but is an insufficient reason to change what is otherwise a very suitable location.
26. Assurances have been given that the St Mary's Parish Centre will remain fully accessible during building works and it is not considered there is any advantage in moving to the other locations suggested.

27. A number of favourable comments have been made about the use of Murray Hall as a polling station. The Returning Officer is unable to take account of the views expressed by County Councillor Finn as he is under a duty to secure suitable and convenient accommodation for polling stations.
28. In cases where the polling stations are not within the polling district this is due solely to the lack of any suitable venue within the designated area.
29. In relation to the comments made by Waltham Abbey Town Council about Breach Barns it is unfortunate that following the closure of the social club building at the mobile home park there is no longer any suitable venue for a polling station. The Town Hall was chosen as an alternative following consultation with local members as it is more easily accessible using public transport than other possible locations. In relation to postal votes, the Council can draw attention to this option but cannot impose this on electors.
30. The main issue of contention is the suggestion of the Acting Returning Officer for the Brentwood and Ongar parliamentary constituency about the removal of the polling station at Lambourne End.
31. The requirement of the Council is to seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances. The place for voting must be accessible for all electors, should be easy to find on polling day and as close to electors as possible. Polling places should be within the polling district unless it is not possible to find a suitable place within the area. Costs are a secondary issue.
32. Advice has been sought from the Electoral Commission on this issue. The Commission has advised that it is the responsibility of the Council to specify the extent of polling places and that polling stations for all elections must be with the relevant polling place.
33. On balance it is considered that it would not be reasonable to expect electors to travel to Abridge to vote at the Abridge Village Hall. It is clear that the use of the Parish Room at Lambourne End provides a polling station which can be accessed on foot by electors, being in the centre of the principal residential road of the village and within half a mile of all properties in the village. This was undoubtedly a factor in achieving a higher turnout at Lambourne End at the most recent election than the average across the district. The Abridge Village Hall is approximately two miles from the centre of Lambourne End and the vast majority of electors would need to travel there by car as there is no public transport between Abridge and Lambourne End. Bearing in mind that the Parish Room is accessible for all electors and is much closer to the Lambourne End electors than the Abridge Village Hall it is not proposed to change the polling place or the polling station.
34. As an alternative cause of action, it would be possible to define the polling place more widely, e.g., the parish of Lambourne and this would then enable the Returning Officer for the Brentwood and Ongar constituency to opt to use the Abridge Village Hall rather than the Parish Room. However, this would be likely to lead to confusion for electors as it would result in Lambourne End electors using Abridge Village Hall for parliamentary elections and the Parish Room for other elections.

Appeals Process

35. It is possible that representations could be made to the Electoral Commission, claiming that the review process has not been conducted correctly.

36. There are only two grounds on which a representation can be made:
 - (a) the local authority has failed to meet the reasonable requirements of the electors in the constituency;
 - (b) the local authority has failed to take sufficient account of accessibility to disabled persons of the polling stations within a polling place.
37. In the event of the Commission deciding to change a polling district, the Council would need to republish its electoral register to incorporate the new changes.
38. The proposals for polling districts, polling places and polling stations are set out in Appendix 3 attached.
39. Appendix 4 sets out the reasons for the proposed polling districts and polling places.