

# TONBRIDGE & MALLING BOROUGH COUNCIL

## COUNCIL

11 December 2007

### Report of Chief Executive

#### Part 1- Public

#### Matters For Decision

#### **1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

**To consider the recommendations of Electoral Review Working Group relating to Polling Districts and Polling Places within the Borough.**

#### **1.1 Introduction**

- 1.1.1 Section 18 of the Representation of the People Act requires local authorities to divide its area into polling districts and designate a polling place for each district. It should also keep the arrangements under review. The last overall review in Tonbridge and Malling was undertaken in 2002 following the reviews of Parish and Borough electoral arrangements. The results of the review were implemented prior to the Borough and Parish Council elections in 2003.
- 1.1.2 Section 16 of the Electoral Administration Act 2006 introduced a number of changes to the 1983 Act in respect of the way reviews must be undertaken. The most important change is that the Council must conduct a full review by 31 December 2007 and at least every four years thereafter. This does not prevent changes being made at any time before the next full review in 2011. The arrangements made apply to all types of elections.
- 1.1.3 Polling districts are created by the division of a parliamentary constituency, ward or division into smaller parts within which a polling place can be determined that is convenient to electors. The registers of electors are produced based on polling districts.
- 1.1.4 Designated polling places may be buildings or areas within which polling stations may be established by the Returning Officer at which electors vote at elections. If no polling place is designated for a polling district the polling district is to be taken as the polling place. The creation of polling districts and the designation of polling places are the responsibility of the local authority, but the provision of polling stations is the responsibility of the Returning Officer.

1.1.5 This review does not and indeed can not consider district, warding, parish, county council divisions or parliamentary constituency boundary changes or any matters relating to electoral arrangements e.g. levels of membership of councils.

## **1.2 Conduct of the Review**

1.2.1 The Council is required to give notice of the review, consider draft proposals, consult with appropriate Returning Officers and consult other bodies, individuals and the public prior to reaching a final decision.

1.2.2 In deciding on polling districts and polling places the principal considerations must be that all electors should have reasonable facilities to be able to vote and the place for voting must be accessible for all electors, including those with disabilities. The polling place should be easy to find and as close to electors as possible. The polling place should be located within the polling district unless it is not possible to find a suitable place within the area.

1.2.3 The choice of a suitable polling place will often be a balance between the quality and availability of the building in terms of access and facilities and the distance electors have to travel to it. The capacity of the location also has to be considered by the Returning Officer to accommodate the likely number of electors wishing to vote there and the number of polling stations required.

1.2.4 Polling districts must not span ward or parish boundaries.

## **1.3 Undertaking the review**

1.3.1 The responsibility for electoral matters rests with the General Purposes Committee although detailed consideration is given to matters by the Electoral Review Working Group (ERWG) which would normally make recommendations to the Committee. Given the required timescale for this review it was not possible for the ERWG to report its recommendations to the General Purposes Committee.

1.3.2 Therefore, in accordance with 1.2.1 (above);

- Notice of this review was published at our offices and on the council website on 10<sup>th</sup> August 2007.
- The ERWG met to consider my report and draft proposals for polling districts and polling places on 15 August 2007. It also received the comments of the Returning Officer for the Tonbridge and Malling Constituency. The Working Group agreed the draft proposals for the purposes of consultation which took place between 31 August 2007 and 26 October 2007.

- At their meeting of 26 September 2007 the General Purposes Committee delegated authority to the ERWG in order that they could receive and consider draft proposals; and submit recommendations in relation to future polling district and polling places in the Borough directly to full Council for decision at its meeting to be held on 11 December 2007.
- The ERWG met to consider my report and final proposals for polling districts and polling places on 4 December 2007. It also received and considered the comments of all respondents to the consultation including those of the Returning Officer for the Chatham and Aylesford Constituency.

#### **1.4 Other Matters**

- 1.4.1 It is not within the remit of this review to make or recommend changes to Borough Ward, Parish or County Division boundaries. The mechanism for dealing with this situation is for the Borough Council to conduct a review of the parishing arrangements and request the Boundary Committee, which is part of the Electoral Commission to apply any boundary changes proposed to Borough and County boundaries.
- 1.4.2 However, as at least one anomaly has been created due to new housing development in Ditton North (Eaton Place, Ingram Close), the ERWG has suggested that consideration be given to the issue of Parish boundaries at a future meeting.

#### **1.5 Legal Implications**

- 1.5.1 Legislation requires the Council to complete a review polling districts and polling places by 31 December 2007.

#### **1.6 Financial and Value for Money Considerations**

- 1.6.1 The cost of publishing public notices inviting comments on the proposals was met from existing budgets.

#### **1.7 Risk Assessment**

- 1.7.1 If the Council does not complete a review by 31 December it would be in breach of the legislative requirement to do so.

#### **1.8 Recommendations**

- 1.8.1 The ERWG commend to Council the following recommendations, and attached schedule of Polling Districts and Polling Places and request that they be considered and adopted; It is RECOMMENDED that

- (1) The Schedule of Polling Districts and Polling Places as set out in Annex 1 be adopted; and

- (2) a review of the parishing arrangements between East Malling and Larkfield and Ditton to address the boundary issue in the vicinity of Eaton Place together with any other appropriate parishing matters in the Borough be undertaken and the Chief Executive be requested to submit a report to a future meeting of the Electoral Review Working Group in this respect.

Background papers:

Nil

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