

M372/21

In the High Court of Justice, Queen's Bench Division

In the Matter of the Representation of the People Act, 1983

And in the Matter of a Parish Council Election for Church Fenton, North Yorkshire

Held on the sixth day of May, 2021



The Petition of Susan Babington of 16 Oakwood Close, Church Fenton, Tadcaster, LS24 9SJ and Martin Blakey of 4 Chapel Close, Church Fenton, Tadcaster, LS24 9WD and Sarah Chester of Mulberry House, Hall Close, Church Fenton, Tadcaster, LS24 9FR and Lesley Wright of The Coppice, Busk Lane, Church Fenton, Tadcaster, LS24 9RJ shows:-

1. That the Petitioner Susan Babington is a person who voted at the above election and the Petitioner Martin Blakey is a person who voted at the above election and the Petitioner Sarah Chester is a person who voted at the above election and the Petitioner Lesley Wright is a person who voted at the above election.

2. That the election was held on the sixth day of May, 2021, when Jessica Kate Cooper, Stewart Keith Ferris, Joanna Louise Mason and Stuart Metcalfe Spensley were candidates, and on the seventh day of May, 2021, the Returning Officer returned Jessica Kate Cooper, Stewart Keith Ferris and Joanna Louise Mason were declared to be duly elected.

3. That the statement of facts of the case is as follows and on which the Petitioners rely:

- a. The Petitioners believe that the allowable grounds for a petition is that the election was incorrectly administered, and that there were anomalies which may have affected the outcome of the result. The difference between elected candidate and the unsuccessful candidate was 15 votes. This petition also includes over 40 names and addresses of the electorate, as well as one of the four candidates.
- b. Voting took place at Church Fenton Village Hall for the Parish Council elections of Church Fenton, North Yorkshire for which there were three vacant seats, and also for the election of Police Fire and Crime Commissioner for North Yorkshire. There is evidence of incorrect administration and advice given from the officials at the polling station.
- c. The Petitioners are challenging the result on the following grounds:
 - i. Residents from other parishes were allowed (and encouraged) to vote in the Church Fenton Parish Council elections. Incorrect advice was given by the polling station officials to some residents of Church Fenton, (entitled to vote), regarding the number of votes that could have been cast.
 - ii. A Councillor at Biggin Parish Council challenged the polling station officials in the morning whilst casting his vote for Police Fire and Crime Commissioner, but he was told that he WAS entitled to vote in a different parish election. This was repeated later when other Biggin residents, knowing they were ineligible, questioned why they were handed a ballot paper.
 - iii. It appears that there was a clear maladministration of the ballot papers on the day, provided by the Polling Clerks and the Presiding Officer. When

questioned by a resident of Little Fenton (who is also Clerk to the Parish Council of Church Fenton), the Presiding Officer explained that voters all day had queried their eligibility, and that he had (allegedly) asked for guidance from the Returning Officer, but had continued to offer incorrect advice to parishioners until challenged by this resident at 7.30pm.

- iv. The Petitioners believe there is a lack of training which is borne out, not just by passing ballot papers to those who were ineligible to vote, but also providing the incorrect advice to the electorate with regard to the number of candidates that they could vote for. Voters were entitled to select three candidates for the Church Fenton Parish Council, not two as advised by the polling officials. In addition, there was a lack of consistency whereby some voters were being told "that's a spoilt paper, there is nothing you can do".
 - v. There was a lack of awareness by the Presiding Officer when first challenged. He did not immediately follow the correct procedure by contacting the Returning Officer to seek clarification.
 - vi. Selby District Council (the Respondent) has made it clear that there has been a mistake in the administration of the by-election and do not intend to contest this Election Petition. *(see statement by Suzan Harrington, Director at SDC to Church Fenton Parish Council).*
- d. In terms of the most reasonable solution for the Petitioners, it is that a re-election is called in order that those electorate eligible are the only persons entitled to vote on the day of the election, and that fully trained officials are presiding. The Petitioners do not believe that a recount is reasonable, as there are clearly other anomalies in the administration of this election. A re-election is the only solution in this situation.

4. The Petitioners therefore pray:-

(1) That it may be determined that the said Jessica Kate Cooper, Stewart Keith Ferris and Joanna Louise Mason were not duly elected and that the election was void.

(2) That the Petitioners may have such further or other relief as may be just.

Dated this 24th day of May, 2021.

Petitioners

Susan Babington

Martin Blakey

Sarah Chester

Lesley Wright

This petition was presented by Susan Babington whose address for service is 16 Oakwood Close, Church Fenton, Tadcaster, LS24 9SJ.