EXPLANATORY MEMORANDUM TO

THE GATESHEAD AND NORTHUMBERLAND (BOUNDARY CHANGE) ORDER 2013

2013 No. [XXXX]

THE EAST HERTFORDSHIRE AND STEVENAGE (BOUNDARY CHANGE) ORDER 2013

2013 No. [XXXX]

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instruments

2.1 The first instrument provides for a change to the district boundary between the metropolitan borough of Gateshead and the county of Northumberland.

2.2 The second instrument provides for a change to the boundary between the district of East Hertfordshire and the borough of Stevenage.

2.3 The instruments also provide for consequential boundary changes to parishes, wards, and electoral divisions.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instruments give effect to the final recommendations, published on 15 May 2012, of the principal area boundary reviews ("PABRs") of the boundary between the metropolitan borough of Gateshead and the county of Northumberland, and of the district boundary between the district of East Hertfordshire and the borough of Stevenage, by the Local Government Boundary Commission for England ("the LGBCE").

4.2 This is the second use of the power conferred by section 10(1)(a) of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"). The 2007 Act repealed and re-enacted section 17(1) of the Local Government Act 1992, under which boundary change orders could previously be made.

4.3 For the purpose of implementing the LGBCE's recommendations, the instruments revise the boundaries under the power in section 11(3)(c) of the 2007 Act, and make consequent changes to the borough and district ward boundaries and electoral division boundaries under sections 11(3)(i) and 12(1)(b) of the 2007 Act.

4.4 It was not within the LGBCE's remit to recommend a change to any parish boundary. However, under the Secretary of State's power in section 11(1)(b) (incidental matters) of the 2007 Act, the instruments amend the parish boundary of the parishes of Hedley (Northumberland) and Walkern (East Hertfordshire) so that they are coterminous with the revised district and county boundaries.

5. Territorial Extent and Application

5.1 These instruments apply to England.

6. European Convention on Human Rights

6.1 The Secretary of State for Communities and Local Government, Eric Pickles, has made the following statement regarding Human Rights:

6.2 In my view the provisions of the Gateshead and Northumberland (Boundary Change) Order 2013 and the East Hertfordshire and Stevenage (Boundary Change) Order 2013 are compatible with the Convention rights.

7. Policy background

7.1 Few reviews of the external, administrative boundaries of local authority areas in England have been carried out since 1992. As a consequence there are a number of small scale boundary anomalies between local authorities caused by new developments and population change. A boundary which cuts through a property or an estate is unlikely to be convenient to the property owners who may have to deal with two separate local authorities, for example for council tax or planning purposes or for the provision of council services. Whilst in practice local government will put in place informal arrangements to deal with such situations the very fact that they need to do so is not conducive to effective and convenient local government. Such analomies can also impact on perceptions of community identity – people who do not feel, for whatever reason, "part" of an area are potentially less likely to take an interest in their council.

7.2 Under the 2007 Act the LGBCE is able to undertake principal area administrative boundary reviews at the request of a local authority, on its own initiative (for instance, if it is aware of an outstanding problem) or at the request of the Secretary of State. The LGBCE has decided

that it will undertake some administrative boundary reviews that are not contentious and where there is local agreement.

7.3 From its establishment the LGBCE has compiled and maintained a list of boundary analomies that have been notified to it, including by members of the public and Ordnance Survey. The LGBCE has sought the views of the local authorities concerned on all these anomalies. In three cases there was local agreement that the anomalies should be addressed. The first case has led to a boundary review being implemented between St Albans and Welwyn Hatfield by SI 2012 Number 667 made on 2 March 2012. The remaining two cases are those which these two instruments address.

7.4 The first of these relates to the boundary between Gateshead (in the metropolitan county of Tyne and Wear) and Northumberland. There is a property – a bungalow and associated grounds – part of which is in Gateshead and another part of which is in Northumberland. Whilst the building itself is in Gateshead the occupants pay council tax and are registered as electors in Northumberland. Furthermore, Ravenside Bungalow is only accessible from the Northumberland side of the boundary, which means that that it is not possible for residents to access Gateshead without first going through Northumberland County Council area. The LGBCE's principal area boundary review, therefore, recommended that this anomaly be corrected, by realigning the boundary so that the property Ravenside Bungalow is transferred from the Metropolitan Borough of Gateshead into the County of Northumberland and so that the entirety of the gardens and grounds of Stable House, Ravenside Farm and North House (neighbours of Ravenside bungalow) are in the same local authority area. The county boundary is also the boundary of Hedley parish in Northumberland.

7.5 Both Gateshead Borough Council and Northumberland County Council are single tier authorities. When Northumberland became a single tier authority it was necessary to create both a county and district area and changes have therefore also been made to that district area, as has a change been made to the county area of Tyne and Wear (which remains as a county area but without a county council).

7.6 The existing district boundary between East Hertfordshire and Stevenage cuts through 29 residential properties in Gordian Way, Neptune Gate and Trajan Gate in the area close to Gresley Way. Additionally, five properties are entirely within East Hertfordshire district. As a result of the current boundary position, 19 properties within these three cul-de-sacs are represented by East Hertfordshire District Council, while 15 are represented by Stevenage Borough Council. However, the existing boundary means that the access for all the East Hertfordshire residents in the affected properties is via Stevenage borough. The LGBCE's principal area boundary review, therefore, recommended that these anomalies be corrected, by realigning local boundaries so that the boundary is realigned along

Gresley Way so that all the houses in Gordian Way, Neptune Gate and Trajan Gate are in Stevenage. This change also affects 1 parish - as the existing district boundary is also a parish boundary of Walkern parish in East Hertfordshire.

7.7 The LGBCE has confirmed that the changes meet its statutory obligation under the legislation for recommendations it makes to deliver effective and convenient government while reflecting the interests and identities of local communities.

7.8 The Secretary of State has, therefore, decided to implement the LGBCE's recommendations, which are provided for in the draft Orders. The changes will only affect 2 electors in Northumberland and 44 electors and 19 households in Stevenage and so are very small scale.

- Consolidation

7.9 The draft Orders do not amend or revoke any legislation.

8. Consultation outcome

8.1 The LGBCE consulted on draft recommendations for a period of 6 weeks between 24 January and 6 March (24 January to 21 February in the case of Northumberland and Gateshead) 2012. Six weeks is the normal minimum period of consultation as stated in the LGBCE's technical guidance on PABRs but given the small scale of the change between Northumberland and Gateshead this was not felt necessary in this case.

8.2 At the beginning of the consultation period copies of the draft recommendations report were sent to all the affected local authorities, including the parish councils; local MPs and the borough, district and county councillors in the wards and divisions affected. Copies were also sent to the residents who would be affected by the proposed boundary change.

8.3 Four representations on the draft recommendations were received in the case of the Northumberland and Gateshead review. With the exception of the residents of Ravenside Farm, who commented that they rather like crossing the boundary in their garden and thought that the money spent producing the report would have been better spent elsewhere, all supported the recommendations. The LGBCE considered that, although support for the boundary change was not unanimous, the boundaries should be identifiable, clear and long-lasting. In East Hertfordshire and Stevenage, where both local authorities requested the review, all those who responded to the draft recommendations (3 councillors, the local authorities and 14 residents) all supported the boundary amendment.

8.4 Representations about the recommendations could be made to the Secretary of State until the end of four weeks beginning with the date he was sent the LGBCE's recommendations, as provided by section 9(4)(b)(ii) of the 2007 Act. No further representations were received.

9. Guidance

9.1 The Department does not intend to issue any guidance alongside these instruments. This is not considered necessary as the provisions of the draft Orders are self-explanatory.

10. Impact

10.1 No Impact Assessment has been prepared for these instruments because no impact on the private sector or voluntary sector is foreseen.

10.2 The impact on the public sector will be limited to the areas for which the draft Orders make provision. The one-off cost of producing the maps referred to by the instruments is to be funded by the Local Government Boundary Commission for England. The one-off costs of amending the electoral registers to reflect the amended borough, district, county and parish boundaries are to be funded by the local authorities concerned.

11. Regulating small business

11.1 The instruments do not apply to small business.

12. Monitoring & review

12.1 The draft Orders do not introduce new policy so there is no plan to monitor and review the Orders. However, under section 8(1) of the 2007 Act, the boundary changes implemented by these Orders could, if necessary in the future, be reviewed again by the LGBCE on its own initiative, or at the request of the Secretary of State or a local authority.

13. Contact

Maggie Crosby at the Department for Communities and Local Government, Tel: 030344 42573 or email:maggie.crosby@communities.gsi.gov.uk, can answer any queries regarding the instruments.