EXPLANATORY MEMORANDUM TO

THE HART (ELECTORAL CHANGES) ORDER 2012

2012 No.

1. This explanatory memorandum has been prepared by the Local Government Boundary Commission for England (the Commission) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. The Order provides for new district wards and numbers of district councillors for the district of Hart at the district elections in 2014 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2014 and 2015 and thereafter wherever this is necessary because a parish is to be split between new district wards.

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

3.1. None.

4. Legislative context

4.1. The Commission has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) to make an order giving effect to recommendations contained in a report prepared, under section 58(4) of the 2009 Act, after conducting an electoral review under section 56(1) of that Act. This instrument is being made to give effect to the Commission's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the district of Hart.

4.2. This instrument is one of a group of three similar ones laid before Parliament together. The others are the Buckinghamshire (Electoral Changes) Order 2012 and the Durham (Electoral Changes) Order 2012.

5. Territorial extent and application

5.1. This instrument applies to England.

6. European Convention on Human Rights

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1. The purpose of an electoral review is to decide on the appropriate electoral arrangements including the number of councillors and the names, number and boundaries of divisions or wards for a specific local authority. The Commission began the electoral review of Hart on 12 October 2010. The Commission decided to conduct the review as, based on the December 2009 electorate figures, Fleet North ward had 36% more electors per councillor than the average.

7.2. An electoral review aims to ensure that the number of electors represented by each county or district councillor is as close to equal as possible, but the recommendations must also have regard to community identities and interests and the need for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every division or ward is as close as possible to the average for the authority, but is happy to show flexibility in moving away from the average based on the evidence provided during the consultation stages of the review. Following a four-stage review process the Commission published its "Final recommendations on the electoral arrangements for Hart District Council"[1] on 17 January 2012.

7.3. The Order provides for changes to the electoral arrangements for the district of Hart at the district elections in 2014 as recommended by the Commission. The existing wards of the district will be replaced by 11 new ones. Each ward will return three councillors. No wards are predicted to vary by more than 10% from the authority average by 2016.

7.4. To give effect to all or any of its recommendations, the Commission, under section 59 of the 2009 Act, can include provisions in its order to provide for the number of councillors to be returned by any electoral area, the election of councillors and the order of retirement of councillors for any electoral area. In order to implement the new electoral arrangements for the district, article 5 of the Order makes provision that there should be a whole council election in 2014 on the new warding arrangements. The district will revert back to the established system of elections by thirds in 2015. That article provides for the order of retirement of councillors and therefore the number of councillors for each ward that will be elected for 2015, 2016 and 2018. Under the district's current cycle of elections, there are no elections scheduled for the district in 2017.

7.5. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a district council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements of any parish council that is within that district. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new district

[1] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2012-draftfinal-reports/hart-final-recommendations-2011-12-13-editors.pdf

wards and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

7.6. Consequently, in addition to making changes to the electoral arrangements for the district the Order also, where necessary, makes provision with respect to the establishment of new parish wards and sets the number of parish councillors for each of those parish wards.

- Consolidation

7.7. The Order does not amend or revoke any legislation.

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from October 2010 until January 2012. There was an initial six-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the district followed by a 12-week consultation on the most appropriate ward boundaries for the district. Having considered the submissions received, the Commission published its "Draft recommendations on the new electoral arrangements for Hart District Council"[2] on 19 July 2011. Following a further 12-week consultation on the draft recommendations the Commission considered the further evidence received and published its final recommendations.

8.2. During the course of the review, the Commission received approximately 29 responses to their consultation. The consultations involved Hart District Council, parish and town councils, local MPs and other interested parties. The Commission considered that a council size of 33 would ensure effective and convenient local government for the district. The Commission based its draft recommendations on submissions from the Council and the Community Campaign (Hart) Group. The Commission made some modifications in specific areas to better reflect the statutory criteria.

8.3. In response to the consultation on the draft recommendations, the Commission modified its recommendations in the wards of Fleet West and Fleet Central. The Commission received a submission from the Council which advised that it had identified an anomaly in the Community Campaign (Hart) Group's proposal on which the draft recommendations had been based. The Council and Community Campaign (Hart) Group proposed alternative warding proposals for Fleet West and Fleet Central in response to the consultation on the draft recommendations. The Commission considered that the Council's proposal would not reflect the evidence of community identities that was received during Stage One, on which the draft recommendations in this area were based. Consequently, the Commission adopted the Community Campaign (Hart) Group's proposal for modified Fleet West and Fleet Central ward as these proposals provided a better reflection of the statutory criteria.

[2] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/hart-draft-recommendations-report-15-7-11.pdf

8.4. The Commission also received submissions opposing its proposed boundaries in the Hartley Wintney ward. In this area a local resident considered the ward was geographically too large and supported the existing arrangements. In this case, the Commission did not consider that satisfactory evidence had been received for it to alter its draft recommendations. The Commission therefore confirmed the remainder of its draft recommendations for the district as final.

8.5. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Hart District Council" which is available at www.lgbce.org.uk/all-reviews/south-east/hampshire/hart-fer

9. Guidance

9.1. The Commission does not intend to issue any guidance alongside this instrument. This is not considered necessary as the Order is self-explanatory and gives effect to recommendations following consultation with interested parties as to the changes to electoral arrangements.

9.2. Once the Order has been made, the Commission will publish a press release and distribute to local media advising that new electoral arrangements will be implemented at the next local elections. The press release will also direct interested parties to the Commission's website where the final recommendations will be available in detail.

10. Impact

10.1. No impact assessment has been prepared because no impact on the private sector or the voluntary sector is foreseen.

10.2. The impact on the public sector will be limited to the area for which the Order makes provision. The one-off cost of producing the map referred to by the instrument is to be funded by the Commission. The one-off cost of amending the electoral register to reflect the new district wards and parish wards is to be funded by Hart District Council.

11. Regulating small business

11.1. The Order does not apply to small business.

12. Monitoring and review

12.1. The Commission will have no role in monitoring Hart District Council's implementation of the Hart (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Hart District Council.

12.2. The Order will be reviewed insofar as the Commission continually monitors local authorities in England to identify any that meet its criteria for electoral reviews.

13. Contact

13.1. Marcus Bowell at the Commission (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.