EXPLANATORY MEMORANDUM TO

THE HERTFORDSHIRE (ELECTORAL CHANGES) AMENDMENT ORDER 2018

2018 No. [XXXX]

1. Introduction

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

2. Purpose of the instrument

2.1 The Hertfordshire (Electoral Changes) Order 2015 (SI 2015/1873) gave effect to recommendations for changes to the electoral arrangements for the county of Hertfordshire stated in the Local Government Boundary Commission's report of September 2015. This instrument amends the date on which the electoral arrangements for the parish of Chorleywood come into effect.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application.

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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. If a mistake occurs, section 59(6) gives the power to make an order to rectify the mistake. This instrument is being made to amend the day on which the new electoral arrangements for the parish of Chorleywood come into effect.

7. Policy background

What is being done and why?

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

7.2 Consequently, in addition to making changes to the electoral arrangements for the county, the Hertfordshire (Electoral Changes) Order 2015 also made provision with respect to the establishment of new parish wards and set the number of parish councillors for the parish of Chorleywood. It also made provision for when the new arrangements were to come into effect.

7.3 The Commission will always seek to bring into effect its new electoral arrangements for parish councils at their next normal election. However, the Hertfordshire (Electoral Changes) Order 2015 incorrectly identified the year as 2019. Chorleywood Parish Council does not have elections in that year. Therefore, the Amendment Order corrects this by ensuring the new electoral arrangements come into effect at Chorleywood Parish Council's next election in May 2022.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Instrument does not amend or revoke any legislation.

10. Consultation outcome

10.1 The Hertfordshire (Electoral Changes) Order 2015 gave effect to recommendations that were consulted on during the review of electoral arrangements from April 2014 until March 2015. A detailed analysis of the outcome of the review is set out in the report 'Final recommendations on the new electoral arrangements for Hertfordshire County Council' which is available at http://s3-eu-west-2.amazonaws.com/lgbce/__data/assets/pdf_file/0003/25185/Herts-final-recommendations-final.pdf

11. Guidance

11.1 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.

12. Impact

12.1 There is no impact on business, charities or voluntary bodies.

12.2 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 correct wards is to be funded by Three Rivers District Council.

12.3 An Impact Assessment has not been prepared for this instrument.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Commission will have no role in monitoring the Council's implementation of the Hertfordshire (Electoral Changes) Amendment Order 2018. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the Council. 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.

15. Contact

15.1 Marcus Bowell, Director of Strategy & Communications at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can be contacted with any queries regarding the instrument.