EXPLANATORY MEMORANDUM TO

THE HERTFORDSHIRE (ELECTORAL CHANGES) ORDER 2015

2015 No. 0000

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 county electoral divisions and numbers of county councillors for the county of Hertfordshire at the county elections in 2017 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2016 and thereafter wherever this is necessary because a parish is to be split between new county electoral divisions.

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 county of Hertfordshire.

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 wards or divisions for a specific local authority. The Commission began the electoral review of Hertfordshire in April 2014. The Commission decided to conduct the review as, based on the December 2012 electorate figures, the number of electors per councillor in 34% of divisions varied from the average by over 10% and Hatfield North division had 55% fewer 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 - New electoral arrangements for Hertfordshire'[1] on 12 May 2015.

7.3. The Order provides for changes to the electoral arrangements for the county of Hertfordshire at the county elections in 2017 as recommended by the Commission. The existing divisions of the county will be replaced by 78 new ones, each represented by one councillor. The Commission considered that the evidence received justified two divisions having variances predicted to vary by more than 10% from the authority average by 2020.

7.4. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a 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 that county. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new county electoral divisions and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

7.5. Consequently, in addition to making changes to the electoral arrangements for the county 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.

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

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0003/25185/Herts-final-recommendations-final.pdf

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from April 2014 until March 2015. There was an initial ten-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and division boundaries for the county. Having considered the submissions received, the Commission published its 'Draft recommendations on the new electoral arrangements for Hertfordshire'[2] on 9 September 2014. Following a further eight-week consultation on the draft recommendations, the Commission carried out an additional, limited period of consultation on division boundaries in Stevenage. This consultation period lasted six weeks. Following this, the Commission considered the further evidence received and published its final recommendations.

8.2. During the course of the review, the Commission received approximately 274 representations. The consultations involved Hertfordshire County Council, parish and town councils, local MPs and other interested parties. The Commission considered that a council size of 78 would ensure effective and convenient local government for the county. The Commission based its draft recommendations mainly on submissions from the Conservative Group and Liberal Democrat Group on Hertfordshire County Council. However, the Commission made modifications in several areas to better reflect the statutory criteria.

8.3. In response to both of the periods of consultation on the draft recommendations, the Commission modified its recommendations in Dacorum Borough, St Albans City, Stevenage Borough and Three Rivers District. The Commission considered a variety of possible options and division patterns for these areas and on the basis of the evidence received made amendments to division boundaries in all these areas. The Commission also amended division names in East Hertfordshire District and North Hertfordshire District. The Commission made no changes to its proposed divisions in Broxbourne Borough, Hertsmere Borough, Watford Borough and Welwyn Hatfield Borough.

8.4. The Commission received submissions proposing patterns of divisions for Stevenage Borough which were significantly different from those put forward in the draft recommendations. The Commission considered that one of these submissions provided for a pattern of divisions which would meet the statutory criteria, and that the pattern should be consulted upon locally. The Commission adopted this alternative pattern as part of its final recommendations.

8.5. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Hertfordshire' which is available at http://www.lgbce.org.uk/__data/assets/pdf_file/0003/25185/Herts-final-recommendations-final.pdf.

[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0005/23288/Hertfordshire-Draft-Recommendations-Sept2014.pdf

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 county electoral divisions and parish wards is to be funded by the district councils.

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 Hertfordshire's implementation of the Hertfordshire (Electoral Changes) Order 2015. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the district councils.

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: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.