EXPLANATORY MEMORANDUM TO

THE ST ALBANS AND WELWYN HATFIELD (BOUNDARY CHANGE) ORDER 2012

2012 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 instrument

2.1 The instrument provides for the district boundary between the city of St Albans and borough of Welwyn Hatfield to be revised, in order to include the whole of Franklin Close in the city of St Albans.

2.2 The instrument also provides for consequential changes to the corresponding parish boundary, the borough and parish ward boundaries, and the electoral division boundary.

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

3.1 None

4. Legislative Context

4.1 The instrument gives effect to the final recommendations, published on 20 September 2011, of the principal area boundary review ("PABR") of the district boundary between the city of St Albans and borough of Welwyn Hatfield, by the Local Government Boundary Commission for England ("the LGBCE").

4.2 This is the first occasion on which the power conferred by section 10(1)(a) of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") has been exercised. The 2007 Act repealed and re-enacted section 17(1) of the Local Government Act 1992, under which boundary change orders could previously be made.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 instrument revises the district boundary under the power in section 11(3)(c) of the 2007 Act, and makes consequent changes to the borough ward boundary and electoral division boundary 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(4)(c) of the 2007 Act, the instrument amends the parish

boundary between North Mymms and Colney Heath parishes so that it is coterminous with the revised district boundary.

5. Territorial Extent and Application

5.1 This instrument applies 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 St Albans and Welwyn Hatfield (Boundary Change) Order 2012 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 anomalies 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 their 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. It therefore agreed to conduct a review of the district boundary between the city of St Albans and borough of Welwyn Hatfield, which has been the cause of concern for some time, upon receipt of a formal request for a review from the two affected councils.

7.3 The existing district boundary cuts through the cul-de-sac of Franklin Close, so some residents live in St Albans, while others in Welwyn Hatfield. The existing boundary means that properties 2-18 Franklin Close are situated in Welwyn Hatfield, whilst the rest of the Close,

including access to these properties, is in St Albans. In addition, the boundary between St Albans and Welwyn Hatfield passes through the rear gardens of a number of adjacent properties – 20-24 Franklin Garden and 9-13 Roestock Gardens. The LGBCE's principal area boundary review, therefore, recommended that these anomalies be corrected, by realigning local boundaries so that the whole of Franklin Close is in the same district (St Albans) while tidying up the boundary so that the properties and the entirety of their respective gardens are in the same district council area.

7.4 The LGBCE has confirmed that the change meets its statutory obligation under the legislation for recommendations they make to deliver effective and convenient government while reflecting the interests and identities of local communities.

7.5 The Government has, therefore, decided to implement the LGBCE's recommendations in the draft Order. The change will only affect 9 houses and 18 electors, and is thus of a small scale nature.

- Consolidation

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

8. Consultation outcome

8.1 The LGBCE consulted on draft recommendations for six weeks, between 16 June 2011 – 29 July 2011, which is the normal minimum period of consultation as stated in the LGBCE's technical guidance on PABRs.

8.2 At the beginning of the consultation period copies of the draft recommendations report were sent to both local authorities, local MPs, North Mymms and Colney Heath parish councils and the district and county councillors in the wards and divisions affected. Copies were also sent to the residents of Franklin Close and Roestock Gardens who would be affected by the proposed boundary change.

8.3 The LGBCE received 15 submissions on the draft recommendations and all of those who responded supported the proposed boundary amendment (including the nine local residents that commented).

8.4 The Secretary of State upon receipt of the LGBCE's recommendations, received representations on the recommendations for a further period of four weeks, as required by section 9(4)(b)(ii) of the 2007 Act. Two representations were received; one from the constituency MP Grant Shapps and one from a member of the public. Both were in support of the change.

9. Guidance

9.1 The Department does not intend to issue any guidance alongside this instrument. This is not considered necessary as the draft Order is self-explanatory.

10. Impact

10.1 No Impact Assessment has been prepared for this instrument 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 area for which the draft Order makes provision. The one-off cost of producing the map referred to by the instrument is to be funded by the Local Government Boundary Commission for England. The one-off cost of amending the electoral register to reflect the amended district and parish ward boundaries is to be funded by the local authorities concerned.

11. Regulating small business

11.1 The instrument does not apply to small business.

12. Monitoring & review

12.1 The draft Order does not introduce new policy so there is no plan to monitor and review the Order. However, under section 8(1) of the 2007 Act, the district boundary change implemented by the Order 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 instrument.