EXPLANATORY MEMORANDUM TO

THE HAMPSHIRE (ELECTORAL CHANGES) ORDER 2016

2016 No. 1223

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 Order provides for new county divisions and numbers of county councillors for the county of Hampshire at the county elections in 2017 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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 Hampshire.

5. Extent and Territorial Application

5.1 The extent of this instrument is England.

5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

6.1 As the instrument is subject to 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 Hampshire in May 2015. The Commission decided to conduct the review of Hampshire County Council as, based on the 2014 electorate figures, 44% of the county's divisions had a variance of more than 10% from the average for the authority.

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 for new electoral arrangements for Hampshire County Council' on 6 September 2016.

7.3 The Order provides for changes to the electoral arrangements for Hampshire County Council at the county elections in 2017 as recommended by the Commission. The existing divisions of the county will be replaced by 76 new ones. 74 divisions will each return one councillor and two divisions will return two councillors. The Commission considered that the evidence received justified no divisions having variances predicted to vary by more than 10% from the authority average by 2021.

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 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 map accompanying the Order shows the final divisions recommended for Hampshire. This map should be viewed in conjunction with the map, report and Order that relates to the electoral review of Eastleigh. Any parish ward arrangements shown on the Hampshire map may have been created as a result of changes to either electoral divisions and/or the ward patterns for Eastleigh. The Eastleigh (Electoral Changes) Order 2016 will be laid the day after the Hampshire Order. All parish warding arrangements are shown on all maps for the sake of completeness. The parish electoral arrangements will come into effect at the corresponding district election.

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 May 2015 until September 2016. There was an initial 10-week consultation on the most appropriate division boundaries for the county. Having considered the submissions received, the Commission published its 'Draft

recommendations for new electoral arrangements for Hampshire' on 17 November 2015. Following an eight-week consultation on the draft recommendations, the Commission considered the further evidence received and carried out a further round of limited consultation in Havant Borough and New Forest District in May 2016. Upon completion of this, the Commission considered the further evidence received and published its final recommendations.

8.2 During the course of the review, the Commission received 331 representations. The consultations involved Hampshire County Council, parish and town councils, local organisations and other interested parties. The Commission based its draft recommendations on a council size of 78, the same as at present.

8.3 The Commission received 102 submissions in response to its consultation on division patterns. The Commission based its draft recommendations on aspects of the submissions received.

8.4 The Commission received 150 submissions in response to its consultation on draft recommendations, which referred to the proposed division arrangements in all 11 borough and district areas of Hampshire. The Commission also received alternative proposals for Basingstoke & Deane, Havant, New Forest, Test Valley and Winchester districts.

8.5 The Commission considered the alternative proposals for Havant Borough and New Forest district was supported by strong evidence. Therefore, the Commission decided to carry out further limited consultation in Havant Borough and New Forest District on the alternative pattern of divisions that had not yet been consulted on. The Commission received 79 submissions in response to its further consultation on division patterns. As a result of this consultation, the Commission recommended changes in Havant and New Forest. Subject to minor changes elsewhere, the Commission confirmed its draft recommendations in other district and borough areas of Hampshire as final.

8.6 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations for new electoral arrangements for Hampshire' which is available at http://www.lgbce.org.uk/current-reviews/south-east/hampshire/hampshire-county-council

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

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 the constituent districts of Hampshire.

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

11. Regulating small business

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

12. Monitoring & review

12.1 The Commission will have no role in monitoring Hampshire County Council's implementation of the Hampshire (Electoral Changes) Order 2016. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Hampshire County 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.

13. Contact

13.1 Marcus Bowell at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.