

**EXPLANATORY MEMORANDUM TO**  
**THE BROXBOURNE (ELECTORAL CHANGES) ORDER 2012**

**2012 No. Draft**

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 Broxbourne at the district elections in 2012.

**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 Broxbourne.

4.2. This instrument is one of a pair of two similar instruments laid before Parliament together. The other is the Rushmoor (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 wards or divisions for a specific local authority. The Commission began the electoral review of Broxbourne on 14 September 2010. The Commission decided to carry out the review as, based on the December 2009 electorate figures, 31% of the wards in the district have electoral variances of over 10% from the district 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 reflect community identities and interests and ensure that the wards or divisions allow for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every ward or division it recommends varies by no more than 10% from the average, to ensure good levels of electoral equality, but is happy to show flexibility in varying by more than 10% from the average based on the evidence provided to it during the consultation stages of the review. Following a four-stage review process the Commission published its “Final recommendations on the electoral arrangements for Broxbourne Borough Council”<sup>1</sup> on 18 October 2011.
- 7.3. The Order provides for changes to the electoral arrangements for the district of Broxbourne at the district elections in 2012 as recommended by the Commission. The existing wards of the district will be replaced by 10 new ones. Each ward will return three councillors. The Commission evaluated how many wards would have electoral variances of more than 10% to give an overall indication of how its recommendations would improve electoral equality across the district. The number of electors represented by each councillor in each of the 10 new wards is not predicted to vary by more than 10% from the average across the district 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 4 of the Order makes provision that there should be a whole council election in 2012 on the new warding arrangements. The district will revert back to the established system of elections by thirds in 2014. That article provides for the order of retirement of councillors and therefore the number of councillors for each ward that will be elected for 2014, 2015 and 2016. Under the district’s current cycle of elections, there are no elections scheduled for the district in 2013.

- Consolidation

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

## **8. Consultation outcome**

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<sup>1</sup> <http://www.lgbce.org.uk/documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/broxbourne-final-recommendations-oct2011-final.pdf>

- 8.1. The Order gives effect to recommendations that were consulted on during the Commission's review of electoral arrangements from September 2010 until October 2011. There was an initial 6-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 Broxbourne Borough Council"<sup>2</sup> on 24 May 2011. Following a further 12-week consultation on the draft recommendations the Commission considered further evidence received during the consultation and published its final recommendations.
- 8.2. During the course of the review, the Commission received approximately 180 representations. The consultations involved Broxbourne Borough Council, local MPs and other interested parties. The Commission considered that a council size of 30 would ensure effective and convenient local government for the borough. On the basis of the submissions received, the Commission based its draft recommendations on submissions from political groups on Broxbourne Borough Council with some modifications to provide more clearly defined ward boundaries.
- 8.3. Following consultation on the draft recommendations, the Commission decided to modify the draft recommendations in the area of Goffs Oak. These modifications were based on proposals from local councillors, community based organisations and local residents in response to the draft recommendations. Submissions received proposed that the Goffs Oak area should be included in a ward with the area south of Hammond Street. The Commission considered that the proposed Goffs Oak ward including the area south of Hammond Street provided a better reflection of community identity without an adverse effect on electoral equality.
- 8.4. The Commission also received submissions in the Cheshunt area of the borough. Submissions received proposed a small modification to the boundary between the wards of Cheshunt South & Theobolds and Waltham Cross. The Commission considered that this proposal would better reflect local community identities and provide a more easily identifiable boundary whilst not having an adverse affect on electoral equality.
- 8.5. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Broxbourne Borough Council" which is available at [http://www.lgbce.org.uk/\\_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/broxbourne-final-recommendations-oct2011-final.pdf](http://www.lgbce.org.uk/_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/broxbourne-final-recommendations-oct2011-final.pdf).

## 9. Guidance

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<sup>2</sup> [http://www.lgbce.org.uk/\\_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/broxbourne-draft-recommendations-report-20-5-11.pdf](http://www.lgbce.org.uk/_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/broxbourne-draft-recommendations-report-20-5-11.pdf)

- 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 Broxbourne Borough 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 Broxbourne Borough Council's implementation of the Broxbourne (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Broxbourne Borough 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](mailto:marcus.bowell@lgbce.org.uk)) can answer any queries regarding the instrument.