

# East Herts Council Report

## Council

**Date of meeting:** 16 November 2022

**Report by:** Councillor Linda Haysey – Leader of the Council

**Report title:** Electoral Review of East Herts – Outcome and implementation

**Ward(s) affected:** All

**Summary** – The Local Government Boundary Commission for England undertook an Electoral Review of East Herts Council from March 2021 to August 2022. The final recommendations of the review are that with effect from the district council elections on 4 May 2023, East Herts should be represented by 50 councillors, the same number as now, but that the district should be divided into 26 wards, four fewer than at present, with the boundaries of all but three wards changing. These final recommendations are currently laid before Parliament for approval by the end of the year.

This report sets out the actions to be taken once the final recommendations are approved including implementation of the ward boundary changes; a polling district and polling place review; re-publication of the electoral register; and potential community governance reviews to consider further changes to parish or parish ward boundaries in certain parts of the district.

## RECOMMENDATIONS FOR COUNCIL

- a) To note the outcome of the Electoral Review of East Herts and the final recommendations of the review made by the Local Government Boundary Commission for England.**
- b) Subject to approval by Parliament, to implement the revised warding arrangements for East Herts recommended by the Local Government Boundary Commission for England as set out at Appendix A to this report, together with consequential changes to the electoral arrangements of certain parish and town councils with effect from the local and parish/town council elections on 4 May 2023.**
- c) That consequent on the changes to ward boundaries, the Council undertake between November 2022 and January 2023 a review of polling districts and polling places for the whole district, and that authority to agree the outcome of the review of polling districts and polling places be delegated to the Chief Executive after consultation with the Leader of the Council.**
- d) That the Electoral Registration Officer publish a revised electoral register for East Herts on 15 February 2023, incorporating the changes to wards and polling districts resulting from the Electoral Review and the review of polling districts.**
- e) That the Council agree in principle to undertake community governance reviews of (i) Ware town and certain neighbouring parishes and (ii) the Rush Green area as described at paragraphs 2.22 to 2.27 of this report, with**

**a view to considering any changes to parish or parish/town ward boundaries that may be desirable in those areas.**

- f) That the community governance reviews proposed at e) above take place after the May 2023 local elections and that the Head of Legal and Democratic Services be requested to bring forward as soon as practicable after those elections draft terms of reference for the reviews for consideration by the Council.**

## **1.0 Proposal(s)**

- 1.1 As above.

## **2.0 Background**

- 2.1 The Local Government Boundary Commission for England (LGBCE, 'The Commission') is an independent body set up by Parliament whose main role is to carry out Electoral Reviews of local authorities throughout England. An Electoral Review examines and proposes new electoral arrangements for a local authority including the number of councillors to be elected, how many wards there should be, the boundaries of those wards and how many councillors should represent each.

- 2.2 In carrying out a review the LGBCE has three main considerations:

- Improving electoral equality by equalising the number of electors that each councillor represents, ideally within 10% of exact equality;
- Ensuring that the recommendations reflect community identity; and

- Providing arrangements that support effective and convenient local government.

The Commission's task is to strike the best balance between these three considerations when making its recommendations.

- 2.3 Schedule 2 to the Local Democracy, Economic Development & Construction Act 2009 ('the 2009 Act') requires that the LGBCE's recommendations should not be based only on how many electors there are currently, but also on how many there are likely to be in the five years after publication of its final recommendations and any change in the distribution of electors that is likely over that period. The Commission must also try to recommend strong, clearly identifiable boundaries for wards.

### **The Electoral Review of East Herts**

- 2.4 The LGBCE decided to undertake an Electoral Review of East Herts as the last review was completed in 1998 and the Commission is required by section 56(1) of the 2009 Act to review the electoral arrangements of every council in England 'from time to time'. In addition, due to population changes and development over time, some councillors currently represent many more or fewer electors than others.
- 2.5 The review commenced in March 2021. The LGBCE held a briefing for councillors on 18 March 2021 and wrote to the Council to ask its views on the appropriate number of councillors for East Herts. This matter was considered by the Council on 28 July 2021 and on 21 September 2021 the LGBCE agreed to the Council's proposal that the number of councillors should remain at 50. The Commission subsequently held two

periods of public consultation (from 28 September to 6 December 2021 and from 1 March to 9 May 2022) on warding patterns for the district. The submissions received during that consultation have informed the Commission's final recommendations, which are summarised below:

- East Herts should be represented by 50 councillors, the same number as there are now;
- East Herts should be divided into 26 wards, four fewer than currently, made up of eight single-councillor wards, 12 two-councillor wards and six three-councillor wards; and
- The boundaries of most wards should change, with only three staying the same.

2.6 A table listing the 26 proposed new wards and the number of councillors to be elected for each, together with a plan showing the proposed new ward boundaries, is attached at Appendix 'A' to this report.

2.7 Consequent on the recommended changes to the district council wards, the Commission has also made changes to the electoral arrangements for the town or parish councils of Bishop's Stortford, Hertford, Ware and Wareside.

2.8 Full details of the Electoral Review including the submissions received, electorate figures and the LGBCE's considerations and draft and final recommendations are set out in the Commission's report of August 2022 which may be viewed at [Microsoft Word - East Herts Final Recommendations Report](#)

## **Implementation of the Final Recommendations**

2.9 In order to come into effect, the final recommendations of the Electoral Review must be laid before Parliament in the form of a draft order for a period of 40 sitting days. Parliament can either accept or reject the recommendations. The 40 day period in respect of the draft order for East Herts is expected to end sometime in December 2022. Subject to Parliamentary approval the draft order provides for the new electoral arrangements to come into effect at the local elections in May 2023.

## **Polling District and Polling Place Review**

2.10 Members will be aware that each electoral ward is divided into a number of polling districts for the purpose of allocating electors to polling places. Following the changes to ward boundaries, the existing polling districts will no longer be coterminous with them. It will therefore be necessary for the council to undertake an interim review of polling districts and polling places with a view to ensuring that revised polling districts are fully contained within the new ward boundaries and that there is identified for each polling district a suitable and convenient polling place for electors to vote at.

2.11 A review of polling districts and polling places is a statutory process comprising a number of steps as set out in Schedule A1 to the Representation of the People Act 1983. As part of the review the council must consult the public, interested persons and groups and the Acting Returning Officer of each parliamentary constituency in the area and must take into

account any representations received when agreeing the final arrangements.

- 2.12 It is proposed that the review of polling districts and polling places of the whole district will commence as soon as practicable after the Council has considered this report, in order to put in place appropriate polling arrangements for the elections in May 2023 and beyond.
- 2.13 It will be necessary to complete the review by the end of January 2023 in order that the revised electoral register can be published in time for updated poll cards to be issued for the May 2023 elections and members, candidates and other authorised persons to be provided with the relevant updated electoral registers.
- 2.14 As there is no Council meeting scheduled between December 2022 and March 2023 it is proposed that authority to agree the outcome of the review of polling districts and polling places be delegated to the Chief Executive after consultation with the Leader of the Council.

### **Publication of the revised electoral register**

- 2.15 At the conclusion of a review where the local authority makes alterations to polling districts within its area, the Electoral Registration Officer (ERO) must amend the register of electors accordingly, either on a notice of alteration or by publishing a revised register.

2.16 In accordance with the recommended timescale for the review of polling districts and polling places, it is proposed that the ERO will re-publish the electoral register for East Herts on 15 February 2023 taking into account the changes to wards, parish wards and polling districts described above.

### **Proposed community governance reviews**

2.17 Although the LGBCE may make consequential changes to the warding arrangements of parish and town councils as part of an electoral review – and has done so in this case - it is not empowered to change the external boundaries of parishes themselves. Rather it is East Herts Council as the ‘principal council’ that has responsibility for reviewing and making any changes to parish boundaries.

2.18 Before making any such changes a principal council must undertake a community governance review in accordance with the Local Government and Public Involvement in Health Act 2007 (‘The 2007 Act’) and guidance issued under that Act. A community governance review may make recommendations about creating, merging or abolishing parishes; boundary alterations between existing parishes; the naming of parishes and the style of new parishes; the establishment of parish councils; electoral arrangements for parish councils and/or grouping parishes under a common parish council or de-grouping parishes.

2.19 A principal authority may decide to undertake a community governance review of all or part of its area at any time or a review may be triggered by a statutory petition or a formal



'application' in the terms of the 2007 Act. As part of a community governance review a principal council may request the LGBCE to make 'related alterations' to bring district ward and/or county division boundaries into line with any amended parish boundaries.

2.20 The most recent community governance reviews in East Herts were undertaken in 2018 when changes were made, including to the boundaries, between Bishops Stortford and Thorley and between Buntingford and Cottered.

2.21 There are three points in the LGBCE's report where the Commission has suggested that it may be appropriate for the council to undertake a community governance review following the implementation of its recommendations, covering two areas as set out below. In relation to one of these a separate request for a review has also been received from the relevant town council.

### **Ware, Wareside and Thundridge**

2.22 The current boundary of Ware Town Council follows quite closely the built-up residential area of the town. As a result, the proposed North and East Ware housing development designated in the East Herts Local Plan (2018) as WARE2, lies in the main outside the town boundary and within the parishes of Wareside and a small part of Thundridge.

2.23 The LGBCE's recommendations address this matter by extending the northern boundary of Ware Trinity ward to include most (but not all – see 2.25 below) of the new

development within the ward, with a new single-councillor Ware Rural ward composed of the parishes of Thundridge, Widford and part of Wareside.

- 2.24 Ware Town Council considers that a similar logic should apply to parish boundaries and agreed on 18 July 2022 to write to East Herts Council requesting a community governance review with a view to expanding the Ware town boundary to include the whole of the designated area for WARE2. A copy of Ware Town Council's request is attached at Appendix B to this report.
- 2.25 In relation to the LGBCE's recommendations, members will note that the proposed boundary near Moles Farm and the A10 does not follow the entirety of the residential development. The LGBCE has explained that this is because it decided to follow the existing parish and county division boundary and has suggested that a community governance review would be the most effective way to make parish boundary changes in this area, with a subsequent request to the Commission for related alterations to update the district ward and county division boundaries accordingly.
- 2.26 The LGBCE has suggested a further area of Ware for a possible community governance review. This is to tidy up the boundary between Ware St Mary's and Ware Priory wards, which appears to unnecessarily split a number of roads. Again, this is because the LGBCE decided to follow the county division boundary in the first instance. Ware Town Council has also identified this issue in its request for a review, together with a number of other detailed changes to the town wards and boundary that it would wish to see addressed.

## **Hertford and Ware (Rush Green)**

2.27 The LGBCE received a number of requests that the Rush Green roundabout should be incorporated into a single ward so that issues pertaining to the roundabout could be directed to a single ward councillor, rather than being split between four wards as in the current proposals. However, the 2009 Act requires the LGBCE, where it proposes a principal council ward boundary that cuts across a parish ward or unwarded parish, to create an equivalent parish ward boundary. Therefore, placing the entirety of the roundabout in one of the four wards in the current proposals would require the creation of a parish ward with no electors, which would not promote effective and convenient local government. The Commission has suggested that a community governance review with a subsequent request for related alterations may be the most appropriate process for addressing this issue.

### **The timing of any community governance review**

2.28 A community governance review must include a period or periods of public consultation and must satisfy certain requirements in relation to the publication of recommendations and consideration of representations received. It would not be possible to complete a community governance review in time for any changes to come into effect at the May 2023 elections and it is therefore recommended that should the Council decide in principle to go ahead with the reviews outline above, these be taken forward following those elections. In the meantime, officers will develop draft terms of

reference for the reviews for consideration by the Council at that time.

- 2.29 Any revised electoral arrangements made as a result of a community governance review will then come into effect at the next ordinary local elections (i.e. in May 2027).

### **3.0 Reason(s)**

- 3.1 The changes to warding arrangements recommended by the LGBCE will take effect at the May 2023 elections subject to Parliamentary approval.
- 3.2 The proposed review of polling districts and polling places and publication of the revised electoral register are necessary to reflect the ward boundary changes and to ensure effective and convenient arrangements for electors to vote in the new wards at elections from May 2023 onwards.
- 3.3 The proposed community governance reviews will ensure that parish/town boundaries and wards are reviewed in the light of the changes to district ward boundaries with a view to putting in place governance arrangements at parish/town level that are effective and convenient and reflect community interest and identities.

### **4.0 Options**

- 4.1 The Council has no discretion in relation to implementation of the LGBCE's final recommendations for changes to district council wards and parish/town electoral arrangements in the event that the order is approved by Parliament.

- 4.2 In addition there is no realistic option to not carry out a review of polling districts or publish a revised electoral register as these actions are necessary to enable the May 2023 local elections to proceed efficiently and with all electors being invited to vote at a polling station in the correct ward.
- 4.3 The Council could decide not to proceed with the community governance reviews outlined in the report. However, this option is not recommended as a community governance review represents an opportunity to put in place parish/town governance arrangements that reflect community interests and identities and promote efficient and convenient local government and to address any anomalous boundaries. In addition, the 2007 Act provides for local electors to petition for a review, which the Council would have to complete within 12 months of receipt of a valid petition under the Act.

## **5.0 Risks**

- 5.1 Failure to undertake a review of polling districts or to publish a revised electoral register by 15 February 2023 would put at risk the efficient conduct of the May 2023 local and parish/town elections.
- 5.2 Staff resources within the Electoral Services team will be allocated sufficiently to ensure that these tasks can be completed within the timetable required.

## **6.0 Implications/Consultations**

### **Community Safety**

No

## **Data Protection**

No

## **Equalities**

Yes – The review of polling districts and polling places provides an opportunity to ensure that all residents are provided with convenient polling places and that those places meet the accessibility requirements of the Electoral Commission’s guidance. To this end consultation will be undertaken as part of the review with groups and individuals identified as having expertise in accessibility issues.

## **Environmental Sustainability**

No

## **Financial**

Yes – Any costs arising from undertaking the review of polling districts and polling places and/or a community governance review will be met from within the existing budgets and staffing resources of Electoral Services.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Yes – The relevant legal provisions, powers and duties of the Council in relation to the each matter covered by this report are set out in the main body of the report.

## **Specific Wards**

Yes – The LGBCE’s proposals affect all wards. The proposals for community governance reviews affect in particular the existing wards of Great Amwell, Hertford Heath, Hertford Kingsmead, Hunsdon, Ware Chadwell and Ware Trinity

## **7.0 Background papers, appendices and other relevant material**

### 7.1 Background papers:

- ‘New electoral arrangements for East Herts District Council Final recommendations’ - report of the Local Government Boundary Commission for England, August 2022

### 7.2 Appendices:

- Appendix A: LGBCE proposed revised wards for East Herts Council – table and map (extracted from the LGBCE’s final recommendations report, August 2022).
- Appendix B: Proposal for a Community Governance Review for Ware – discussion paper from Ware Town Council, 18 July 2022.

### **Contact Member**

Cllr Linda Haysey – Leader of the Council  
[linda.haysey@eastherts.gov.uk](mailto:linda.haysey@eastherts.gov.uk)

### **Contact Officer**

James Ellis – Head of Legal and Democratic Services  
Contact Tel. No. 01279 502170

[james.ellis@eastherts.gov.uk](mailto:james.ellis@eastherts.gov.uk)

**Report Author**

John Williams – Electoral Services Manager

[john.williams@eastherts.gov.uk](mailto:john.williams@eastherts.gov.uk)