

**BOUNDARY COMMISSION FOR ENGLAND**

**Report on a Local Inquiry**

**Held by**

**Richard Hacker Q.C.**

**Into the Parliamentary Constituency  
Boundaries for the County of**

**HERTFORDSHIRE**

**at the County Hall, Hertford on  
5<sup>th</sup> and 6<sup>th</sup> December 2000**

*3 - 4 South Square  
Gray's Inn  
London WC1R 5HP*

13th February 2001

To The Chairman and the Members of  
the Boundary Commission for England

Sirs,

General Review of Parliamentary Constituency boundaries

in the County of Hertfordshire

1. I have the honour to report that on 5<sup>th</sup> and 6<sup>th</sup> December 2000, I held a public local Inquiry at the County Hall, Hertford (“the Inquiry”), into the provisional recommendations of the Boundary Commission for England (“the Commission”) as to the boundaries of parliamentary constituencies in the County of Hertfordshire (“the County”). I formally closed the Inquiry on Wednesday 6<sup>th</sup> December 2000.
2. On the enumeration date of 17<sup>th</sup> February 2000, the electoral quota for England was 69,934 voters per constituency. The total electorate of Hertfordshire was 773,593 which gives a theoretical entitlement to 11.06 seats. Having regard to the fact that the County is allocated 11 seats, the average constituency electorate in the County ("the County average") is 70,327.

3. The Commission's provisional recommendations were published on 1<sup>st</sup> June 2000. The recommendations propose that the number of constituencies should remain at eleven and that the only changes which should be made to the boundaries of those constituencies are those necessary to ensure that the constituencies do not bisect wards newly created by a number of Orders made under the Local Government Acts on 16<sup>th</sup> October 1998 and which took effect on 6<sup>th</sup> May 1999. The relevant ward changes are set out in Appendix 1.
4. A map showing the boundaries of the eleven constituencies as proposed in the provisional recommendations and a list of the wards proposed to be included in each constituency is annexed to this report as Appendix 2.
5. Support for the Commission's proposal that the number of constituencies in the County should remain unchanged has been unanimous. Having regard to the minimal disparity between the electoral quota and the County average, this is unsurprising. I recommend the adoption of the Commission's proposal in this regard.
6. As to three of the constituencies :-
  - (a) Broxbourne
  - (b) Hertsmere
  - (c) Welwyn Hatfield

the Commission has proposed no alteration to their Boundaries. In this respect the provisional recommendations have received no opposition and some degree of support. The deviation between the electorates of these three constituencies and the county average ranges from -4.4% (Welwyn Hatfield CC) to -1.6% (Hertsmere CC). This is plainly an acceptable level of deviation and there is no reason to question the Commission's proposals in relation to these three constituencies.

7. The remaining eight constituencies are each (i) the subject of changes proposed by the Commission which are opposed and/or are (ii) the subject of changes proposed by way of counter-proposal to the Commission's own proposals.
8. Following the publication of the Commission's proposals on 1<sup>st</sup> June 2000, interested parties had until 1<sup>st</sup> July 2000 to make representations. Within that period 97 written representations were received. A number of further written representation were received between 2<sup>nd</sup> July 2000 and the closing of the Inquiry. A list of those who made written representations is at Appendix 3. I have read and considered all the written (and oral) representation made to the Inquiry even if I do not specifically refer to a number of them below.
9. The witnesses listed in Appendix 4 gave oral and written evidence at the inquiry. Oral submissions were made by representatives of the Conservative and Labour Parties and others. The proceedings at the Inquiry are recorded in the transcripts of the Inquiry.
10. Although a large number of written representations were received from members of the public, the attendance at the Inquiry of members of the public who had no connection with the political parties can be counted in single figures. I did receive one written representation explaining the difficulty of travel within the County following the Hatfield rail crash and a number of representations demonstrating that it was not widely known that a Public Inquiry was to be held. However I accept without reservation the Labour Party submission that :-

*“Frankly, the current review, a matter of some importance to officials of political parties, has met with a worryingly high level of public apathy”*

I refer below to the relevance of this lack of public interest to the issues which I have had to consider.

11. The practical consequence of the high level of public apathy was that the Inquiry was conducted very largely as an adversarial contest (albeit one conducted with admirable moderation) between the Labour and Conservative parties. Their representatives (respectively Mr Hobday and Mr Gordon) made clear and helpful opening and closing speeches and each called witnesses who were cross-examined by their opponent. I was not told and do not know what the political consequences of the different possible outcomes of the issues discussed at the Inquiry would be, and have absolutely no regard to them in expressing the views contained in this Report. Like the Commission itself, I approach my task with no regard to political considerations. I mention this only because my analysis of the competing cases advanced at the Inquiry must necessarily include reference to the cases advanced by the Conservative and Labour parties and might, otherwise, appear to suggest that the political considerations underlying those cases were of some relevance. They were not.

#### The general issues

12. The issues at the inquiry fell into two broad categories:-
  - (a) The allocation of particular wards to particular constituencies.
  - (b) Whether wards should be split between more than one constituency.

The statutory Rules and their application

13. In assessing the merit of the various proposals made for changes to the County's parliamentary constituency boundaries, I am required to apply the Rules for the Redistribution of Seats ("the Rules") which are set out in Schedule 2 to the Parliamentary Constituencies Act 1986. For ease of reference, I annex these rules to this report as Appendix 5. In assessing the proposals, I have particularly in mind the provisions of Rules 5 and 7. The former requires that the electorate of any constituency should be as near the electoral quota as is practicable. The latter provides (in effect) that so far as it reasonably can, the Commission should take account of (a) the inconveniences attendant upon alterations of constituencies and (b) any local ties which would be broken by such alterations. The wording of Rule 7 does not, however, prioritise between limbs (a) and (b). The Act gives no guidance on what is to happen where maintaining local ties will produce inconvenience. It does not tell the reader which consideration should override the other.
14. Many of the submissions made in relation to both limbs of Rule 7 ignored a subtle but important element of the Rule: namely, that what it is concerned with is a need to balance the requirements of the remaining Rules against inconveniences and broken local ties which would arise from a decision to change a boundary, in order to comply with the other Rules.
15. Rule 7 clearly does not require the Commission to preserve local ties at all costs; still less to propose changes which would heal local ties broken by previous changes. It does not require the Commission to avoid or remedy 'inconveniences' but merely to have regard to them insofar as is practicable, when making any change.

16. In my view the provisions of the Rules, taken as a whole, indicate that where it is practicable to do so, existing arrangements should not be unnecessarily disturbed. Where it is proposed that existing arrangements are to be altered the alteration should (i) disturb local ties to the minimum extent possible (although it is not an objective of the Review to heal any local ties already broken by a change made following a previous Review) and (ii) produce the least possible inconvenience.
17. The representative of the Labour Party (Mr Hobday) addressed me at some length on the meaning and relevance of “inconveniences” in the context of Rule 7. Submissions were also addressed to me by various parties in relation to the importance of “local ties”.
18. As to “inconveniences attendant on alterations of constituencies”, I consider - in the absence of any definition - that a transfer of electors from one constituency to another is ‘inconvenient’ for those electors. Councillor Ellis (the Leader of the Hertfordshire County Council) described his own experience of repeated boundary changes as producing an “identity crisis”. But I also accept Mr Hobday’s suggestion that a change which results in electors being placed in the ‘wrong’ (i.e. an inappropriate) constituency is also ‘inconvenient’.
19. ‘Local ties’ played a very important part in the Inquiry. Many of the written representations and much of the oral evidence which I received were directed at establishing the existence of local ties and persuading me of the importance of maintaining or restoring them. In the absence of any authoritative guidance on the meaning of the expression, the words must be given their natural meaning as a matter of plain English, paying due regard to the context in which they are used. I understand the phrase to mean something more than local friendships but something less than an identity of interests. I consider that a local tie must be

distinguished from a connection which reflects a simple practical convenience. Thus, the use by rural residents of a nearby 'edge of town' supermarket is unlikely, without more, to represent a local tie with the town.

20. The nature of the composition of the County electorate, rural villagers, those living in old established market towns and urban 'new-town' dwellers, means that there is a clear lack of homogeneity in the electorate as a whole. One witness (Mrs Kent) suggested that the voters of Stevenage would have very much more in common with Londoners than with villagers living 5 miles away and that they would know nothing of the County town of Hertford. From the evidence which I received, I am inclined to accept that there is a significant divide between the outlook and concerns of the rural and the urban electors of the County. Nonetheless, the rural electors share a close cultural affinity and therefore have strong ties with the historic market towns, even those not immediately adjacent to them. They are also, to some extent, dependent upon the newer urban centres, in terms of recourse to their infrastructure (shops, schools, hospitals etc.).
21. Having heard the evidence presented to the Inquiry, it appears to me that when seeking to identify local ties, the real divide lies between the larger urban centres such as Stevenage and Watford and the remainder of the County. It appears to me that this divide is more reflective of the nature of local ties in the County than other matters such as where people shop or send their children to school. However, despite their many differences, no one group of people or centre of population is so independent of all others that it has no ties with its neighbours. Thus, any division of the County into constituencies of broadly equal numbers will inevitably lead to broken ties. This is an issue to which I will return below in relation to specific proposals which have been made.



22. When considering the significance of local ties, it appears to me that regard must be had to their strength. Although Rule 7 does not say so in terms, I consider that a strong local tie must be more deserving of protection than a weak one. Although the strength of local ties is impossible to measure with any precision, I consider that the degree of public feeling evinced by a proposal which it is said will break local ties, is a reasonable indication. The high level of public apathy in relation to the Commission's provisional recommendations (to which I have already referred above) suggests that – with one possible exception<sup>1</sup> - there are no strong local ties within the County which the Commission's proposals will break.

#### The Commission's general principles

23. When making its recommendations the Commission has regard not only to the Rules but also to general principles which it established and published in the context of previous General Reviews. These are well known and there appeared to be a general recognition amongst those who appeared at the Inquiry that, insofar as possible, they should be applied. I was specifically referred during the Inquiry to a publication entitled "*The criteria for revising constituency boundaries*" (published in 1989), which lists the general principles and which I attach as Appendix 6.
24. The principles of particular relevance to the Inquiry are (i) that wards should not be divided between constituencies and (ii) that constituencies should not have detached parts. Despite a submission to the contrary made at the Inquiry, it is my understanding that the Commission has never (save in relation to off-shore islands) made a proposal that departs from these general principles.

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<sup>1</sup> I address the position of Felden and Bourne End separately below.

25. In relation to a number of the issues debated at the Inquiry, there exists a possibility that the application of these two general principles might conflict with the spirit and possibly the letter of the Rules. A number of the written and oral representations made the point that the general principles have no statutory basis and that their application should not override the Rules. So that there should be no misunderstanding of the approach that I have adopted, I proceed on the basis that in the event of an unavoidable conflict between the Rules and the general principles, it is the Rules which must prevail.

#### Background history

26. The present review follows a far-reaching General Review of the County's Parliamentary Constituency boundaries which culminated in the Commission's Fourth Periodical Report in 1995. The Report followed a public Inquiry conducted by an Assistant Commissioner and largely embodies the recommendations made by him, where they differed from the Commission's own provisional recommendations. The Report proposed an increase in the number of constituencies from ten to eleven, which necessitated adjustments to a number of constituency boundaries. Only one election has been fought on the basis of the new boundaries and it seems probable that only one, or at most two further elections are likely to be fought before the present round of changes is introduced.
27. The County has also been the subject of a number of important changes made in relation to local government boundaries over the last decade, including (but not limited to) the ward changes to which I refer in greater detail below. However, the ward changes are the only changes made since the Commission's last General Review.

28. This background history is significant because it reinforces the importance of applying the Commission's general approach of recommending only the minimum change necessary. This approach was fully endorsed by the representatives of the Conservative and Labour parties who appeared at the inquiry, although this endorsement is not easy to reconcile with a number of the counter-proposals made by various Labour interests.

The proposals in contention

29. Before and during the course of the Inquiry representations were received as to the following proposed changes, which I will consider in turn :-
- (a) The Commission's proposal in relation to the newly created Bovingdon, Flaunden & Chipperfield ward
  - (b) The Commission's proposal in relation to the newly created Walkern ward
  - (c) A proposal from various sources including the Labour party, that the Datchworth & Aston ward should be moved from the Stevenage to the North East Hertfordshire constituency
  - (d) The Commission's proposal in relation to the newly created Hertford Rural South ward
  - (e) A proposal from various sources including the Labour party, that various wards should be transferred between the Watford and the South West Hertfordshire constituencies

- (f) A proposal from Mr Davey to move the Knebworth and Codicote wards from the Stevenage to the Hitchin and Harpenden constituency
- (g) The Commission's proposals in relation to the Hitchin and Harpenden constituency
- (h) A proposal from Mr Jones that the Lower Sheering ward should be included in the Hertford and Stortford constituency.

(a) The Commission's proposal in relation to the newly created Bovingdon, Flaunden & Chipperfield ward

30. The current Hemel Hempstead seat contains eighteen wards of Dacorum Borough, plus part of the newly created Bovingdon, Flaunden & Chipperfield ward (1,246 electors) of that borough. The larger part of this ward (5,163 electors) is in the South West Hertfordshire seat, and the Commission proposes that the constituency boundary be realigned so that the ward is included wholly in that seat. The electorate of the Hemel Hempstead seat would decrease by 1,246 to 72,019 and the electorate of the South West Hertfordshire seat would increase by the same number to 74,440. Taking the two seats together, this would result in only a marginally greater deviation in either one of the two seats from the electoral quota and the County average, than presently exists.
31. In terms of written representations, this proposal elicited more opposition than any other. There are several dozen letters of representation expressing in more or less extreme terms a rooted opposition to the removal of one part of the new ward (Felden and Bourne End) from the Hemel Hempstead constituency. The opponents of the proposal wish to remain in Hemel Hempstead with which they

claim to have strong local ties. It is said that they look to Hemel Hempstead for shopping, services and recreational facilities.

32. If the Commission's general principles mentioned above are respected, no other arrangement is possible, as the inclusion of the entire ward in the Hemel Hempstead seat would lead to detached northern and southern sections of the South West Hertfordshire constituency and the only means of preserving Felden and Bourne End in the Hemel Hempstead seat would be to split the ward. None of the objectors suggested how these difficulties could be overcome, save that Councillor Jameson (a Dacorum Borough councillor) did suggest that this would be an appropriate case for the Commission to depart from its policy of not splitting wards.
33. Although the Commission's proposal is supported both by the Labour party and by Conservative Central Office, the local Conservative organisations have fallen out of step with the 'party line' and have advocated retaining Felden and Bourne End in the Hemel Hempstead constituency. Like others from whom written representations were received, the difficulties outlined in the previous paragraph have not been addressed by these objectors. Mr Gordon (on behalf of the Conservative Party at the Inquiry) was in some difficulty in maintaining a position consistent with this divergence of view within his party. In the final analysis, he indicated that, although he would be happy with a result which retained Felden and Bourne End in their existing constituency, he felt unable to advocate such a result in recognition of the difficulties which would be caused by splitting a ward. This appears to me to be an important recognition.
34. Many of the written representations were very similar in timing, tone and content: indeed, some were identical. Some of the representations came from opponents who did not even reside within the affected area.

This led me to the inference that the opposition was probably, in large part, orchestrated by the local Conservative organisations. Mr Gordon did not seriously challenge this when I put it to him, although he did suggest that the representations were reflective of a generally shared view which crossed the political divide.

35. In the event, few witnesses gave evidence at the Inquiry in relation to this issue. The two principal witnesses were serving or past Conservative councillors and although the case which they put forward (particularly that put forward by Councillor Jameson) was logical and coherent, I remain unpersuaded that it is reflective of any real strength of local feeling that the proposed change will break local ties.
36. Moreover, the arguments relied upon in opposition to the proposed change appear very similar to those advanced by the Conservative party in opposition to provisional recommendations made by the local Government Commission for England (“LGC”). The arguments were rejected by the LGC which, in its Final Recommendations recommended the creation of the new ward, relying *inter alia* upon (i) the natural dividing line created by the A41 and the London Glasgow railway and (ii) the fact that Felden and Bourne End both lie within the green belt, rather than forming part of urban Hemel Hempstead. Whilst the Commission’s recommendations are and must remain independent of decisions made by the LGC, it would seem to me to be perverse to ignore the fact that an essentially similar case on the existence of local ties was advanced to the LGC and rejected by it.
37. Whilst I do not consider it appropriate to reject the evidence which I have received as to the existence of local ties with Hemel Hempstead, I do question whether (i) there are not competing local ties of equal strength with the more rural area to the west of Felden and Bourne End, which would be broken if a constituency boundary was adopted which

split the ward and whether (ii) the local ties to the east are of such a nature or strength as to justify the application of Rule 7. I am unimpressed with the volume of representations, which appears to me to be more reflective of a well-organised local party machine than a groundswell of public opinion.

38. Theoretically, an alternative solution would be to place the whole of the ward in the Hemel Hempstead constituency, but this would lead to divided parts of the South West Hertfordshire seat. This would not only conflict with the Commission's general principle that such divisions should be avoided, but would reduce the electorate of South West Hertfordshire to 67,031 and increase that of Hemel Hempstead to 78,428. This would make them respectively the second smallest and by far the largest constituencies in the County and no one has suggested this as a solution to be adopted. It is an option that can safely be discounted.
  
39. Thus, even were I to accept that the Commission's provisional recommendations may break local ties – as to which I am doubtful - the only alternative would be to split the newly created ward between two constituencies. Whilst this would conflict with the Commission's general policy, I would not regard this as a determining factor, for the reasons explained above. What I would regard as a determining factor is that to split the ward as proposed would produce great practical difficulties and, thus, inconvenience. There are no legally recognisable units smaller than wards; the next smaller electoral unit being the polling district, which is delimited as a mere administrative matter. Rule 7 does not impose an absolute obligation upon the Commission to have regard to local ties in all circumstances, but only "*so far as they reasonably can*". Rule 7 imposes an equal but potentially conflicting duty to have

regard “so far as they reasonably can” to “the inconveniences attendant upon alterations of constituencies”.

40. To adopt a constituency boundary which does not match that of a ward, may lead to uncertainty and doubt which would plainly be highly inconvenient. If evidence of this is required, the position is amply demonstrated by the errors in the 2000 Electoral Register produced by St Albans City Council, which failed to deal accurately with the breakdown in the electorate of two newly created wards which currently each straddle two constituencies. It seems to me that this level of confusion is neither an acceptable price to pay to maintain rather doubtful local ties, nor a proper application of Rule 7.
41. In all the circumstances, I would uphold the Commission’s provisional recommendations in relation to this ward, which achieve seats balanced in terms of size of electorate and involve the least amount of inconvenience which it is practicable to achieve.

(b) The Commission’s proposal in relation to the newly created Walkern ward

42. The current Stevenage seat contains the whole of Stevenage Borough, one ward of East Hertfordshire District plus part of the Walkern ward (1,709 electors) of that district; and two wards of North Hertfordshire District. The larger part of the new Walkern ward is in the Stevenage seat (only 313 of the 2,022 electors are in the existing North East Hertfordshire seat), and the Commission has proposed that the constituency boundary be realigned so that the ward is included wholly in the Stevenage seat. This would result in the electorates of the two constituencies being :-

Stevenage CC (including Walkern)	68,903
North East Hertfordshire CC (excluding Walkern)	68,455



This results, with minimal change, in two adjoining constituencies almost identical in size and tolerably close both to the electoral quota and the county average.

43. Representations were received expressing opposition to the inclusion of the Walkern ward in the Stevenage seat and urging its inclusion in the North East Hertfordshire seat. The representations were received from East Hertfordshire District Council, Stevenage Borough Council and Stevenage Constituency Labour Party. It was claimed that there were strong ties between the ward and adjoining rural communities and not Stevenage.
44. Those representations were repeated at the Inquiry and amplified by oral evidence from a number of witnesses. Oral evidence was also introduced in opposition to the Labour party proposals (and therefore in support of the Commission's proposal).
45. As in relation to a number of other issues, there were few representations made to the Inquiry from members of the public. Those which were, appear to have been orchestrated by the political parties: see e.g. two letters from members of the public supporting the Commission's provisional recommendations, both dated 2<sup>nd</sup> December 2000 and both adopting substantially the same wording; one of which comments on the counter-proposal by "the Reds". From this, I infer that the Commission's proposal is not one which has provoked any groundswell of public opposition and this is plainly a factor to which I must have regard.
46. It was not suggested to the Inquiry that the Walkern ward should be split between two constituencies. The only issue in relation to the Walkern ward is, therefore to which of the two constituencies between which it is now split, it should belong. This, it was argued by all concerned at the

Inquiry, should be determined by reference to the nature and strength of local ties.

47. Before addressing the statistical consequences of the counter-proposal, I should note that evidence was given to the Inquiry about future development in Stevenage and a possible future redrawing of the boundary between the Stevenage and East Hertfordshire districts. Both of these changes, if implemented, would be likely to increase the electorate of the Stevenage seat over the coming years. However, it is not the Commission's policy to have regard to such possible changes, unless it is possible to pinpoint with some degree of certainty how many additional electors the change will add to a constituency and that the addition will occur within a very short time. The logic and practical common sense of that policy were not seriously challenged at the Inquiry. As the development under discussion at the Inquiry most certainly did not satisfy the Commission's criteria, I have had no regard to it.

48. A comparison between the results of the Commission's proposal and the counter-proposal shows the following :-

	<u>Stevenage</u>	<u>NE Herts</u>
Commission proposal	68,903	68,455
Counter-proposal	66, 881	70,477

49. The counter-proposal would produce two constituencies which are not as closely matched in size as the Commission's own proposal and one of which (Stevenage) would have a greater deviation from both the electoral quota and the County average than the Commission's own proposal. Taken in isolation, the counter-proposal would leave Stevenage as the second smallest seat in the County. Nonetheless, I do

not regard the arithmetical differences resulting from the counter-proposal as being of such a magnitude as to require a rejection of the counter-proposal if it would otherwise have merit. I also have in mind that the impact on the North East Hertfordshire seat would (in statistical terms) be a positive one i.e. to bring it closer to the electoral quota and to make its electorate an almost precise match with the County average.

50. For these reasons, I agree with the submissions made at the Inquiry that the fate of the Walkern ward should be determined, not by questions of arithmetic alone but, rather, by reference to the extent to which any decision would damage local ties. At this point it is convenient to repeat that it would not be right to make a recommendation the purpose of which was to heal any existing broken ties. This is not, however, to say that it would be right to ignore the potential benefit of such a result.
51. I heard evidence from a number of sources on the nature of the local ties in question. Despite bordering on the major conurbation of Stevenage, the entirety of the Walkern ward is plainly a predominantly rural area. It seems clear that the villagers of Walkern ward (particularly those on the eastern side who would principally be affected by any change) regard themselves as having closer ties with the market towns of North East Hertfordshire (Buntingford and even Royston) than with Stevenage. Against this must be set the fact that Stevenage is an important centre providing employment (particularly for school leavers) and essential educational, medical and shopping facilities to many of those living in the Walkern ward.
52. There was a dispute in the evidence about the extent to which the villagers outside Stevenage look west (to Stevenage) or east (to East Hertfordshire) for the provision of educational services. The position is not uncomplicated because Stevenage operates a 'two tier' system whilst East Hertfordshire operates a 'three tier' system. It is not easy to

reconcile the opposing cases advanced, nor have I found it necessary to do so. I have concluded that the Walkern electors do not so obviously look exclusively, or to such a predominant extent, in one or the other direction that the issue is likely to be determinative of the more general questions raised by the issue of local ties.

53. Councillor Ellis (the Leader of the Hertfordshire County Council) and a long time resident of a rural area outside Stevenage, described the ethos of the electors in the Walkern ward as “somewhat schizophrenic” in that whilst they wish to assert their rural identity, their dependence on Stevenage is such that they could not survive without the services which it provides. This seems a fair analysis of the evidence which I heard at the Inquiry, although Mrs Kent (a Hertfordshire County councillor) did give evidence that Stevenage is no longer the ‘sub-regional’ shopping centre that it once was.
54. Mrs Kent also described very graphically the insular outlook of the residents of Stevenage: they are interested in Stevenage and London but have no relationship with Hertfordshire. Her evidence was echoed and reinforced by Mr Froggatt speaking on behalf of the Stevenage Borough Council. He indicated that the Council does not see the issues confronting Stevenage as being the same as those confronting a Hertfordshire market town, but rather as being similar to those faced by an inner city area. The Council feels that it would be beneficial for the electors of Stevenage to have an MP who is able to focus on their issues alone to the exclusion of the issues affecting rural voters.
55. I heard evidence from the current MP for Stevenage (Mrs Follett) and the former MP for Stevenage (Mr Wood). The former spoke in favour of the Labour Party’s counter-proposal and the latter in favour of the Conservative Party’s support for the Commission’s proposal. In response to my questions, Mr Wood confirmed Mrs Kent and Mr

Froggatt's evidence, in saying that the issues with which he was concerned on behalf of his rural constituents were very different from those with which he was concerned on behalf of his Stevenage town constituents. However, he was concerned that to place the Walkern ward in North East Hertfordshire would leave a small 'rump' of rural voters living outside the Walkern ward, still attached to Stevenage and that their interests might be prejudiced if they formed only a very small part of the Stevenage constituency electorate.

56. Despite Mr Wood's concerns, subject to only two matters, I would be minded to recommend that the entire Walkern ward should be included in the North East Hertfordshire constituency, as it seems to me to be clear that all its electors have closer ties with a rural than with an urban constituency.
57. The first area of concern is that the greater part of the Walkern ward electorate (85% of the total) presently lies within the Stevenage constituency. To place the entire ward in the North East Hertfordshire seat will produce a markedly greater change than to place it in Stevenage. To make such a change in order to favour the interests of the relatively few electors living in the east of the ward was described as 'the tail wagging the dog'. I think that this is not an entirely accurate characterisation, as it implies that the majority will be disadvantaged by such a change. In my view this will not be the case.
58. The second area of concern, is that the majority of the electors of the Walkern ward have been part of the Stevenage constituency for many years (since at least 1983) and that those who are not now part of that constituency were part of it from at least 1983 until as recently as 1997.
59. That there must be change is not in issue. What is in issue is the extent of the change. The most fundamental objection to the counter-proposal

is that it cannot be reconciled with the general principle of minimal change, which was accepted and indeed advocated (in the abstract at least) by all present at the Inquiry.

60. Although, in the absence of any groundswell of public opinion, I have not found the decision an easy one, I am inclined to the view that to include yet more rural voters in an essentially urban constituency would be disruptive of local ties and inconvenient for them; in the sense of their becoming part of a constituency with whose electors they have little in common. Accordingly, although I recognise that no solution will wholly avoid inconvenience, I consider that the counter-proposal can be justified under both limbs of Rule 7.
61. The benefits of the counter-proposal for those who would be principally affected by the Commission's own proposal (i.e. those living on the eastern side of the Walkern ward) are clear, albeit that the number of electors who would share those benefits is relatively small.
62. The adoption of the counter-proposal would involve change for substantially more voters (i.e. those in the west of the ward), but I do not consider that such change would have any adverse impact on those affected by it. This is because their ties appear to be principally with the rural east rather than the urban west. Any inconvenience for those electors in being moved to a new seat will be mitigated by a corresponding benefit in terms of becoming part of a seat with which they have stronger ties. In all the circumstances, I do not consider that the change will be inconvenient for them.
63. Accordingly, notwithstanding that this is an area in which there has already been change in the parliamentary constituency boundaries over the last decade, I would not recommend that the Commission should follow the minimal change option. I would recommend that the

Walkern ward should, in its entirety, become part of the North East Hertfordshire seat as this will best preserve local ties and reduce inconvenience.

64. My recommendation will have the advantage of leaving the North East Hertfordshire constituency with an electorate of almost precisely 'average' size (both on a national and a County basis), albeit that it will have an adverse (although not unacceptable) impact on the deviation of the electorate of the Stevenage seat from the electoral quota and the County average. For the reasons given above, I consider that such a deviation is justified by the application of Rule 7.

(c) A proposal from various sources including the Labour party, that the Datchworth & Aston ward should be moved from the Stevenage to the North East Hertfordshire constituency

65. In relation to the Walkern ward change is inevitable if the ward is not to be split between two constituencies. Having concluded that the Walkern ward should form part of the North East Hertfordshire seat, if my recommendation is accepted Stevenage will be left as the second smallest constituency in the County.
66. Various Labour party interests and the Stevenage Borough Council sought, at the Inquiry, to persuade me that the size of the Stevenage electorate should be yet further decreased by removing further rural electors, namely the 1,895 electors of the Datchworth & Aston ward, from that constituency into the North East Hertfordshire seat. The arguments in favour of change were broadly similar to those advanced in relation to the transfer of the Walkern electors between the two constituencies.

67. The argument was not pursued with as much vigour as it had been in relation to the argument over Walkern, and I sensed that there was an element of opportunism in the suggestion: if the Inquiry could be persuaded that it was a good thing for the rural electors of Walkern to be transferred out of Stevenage was it not worth having a try at running the same argument in relation to the other rural voters of the Stevenage seat? There was not a great deal of evidence on this issue and what there was, was relatively superficial.
68. I have no hesitation in rejecting the suggestion. The Commission's principal responsibility is (having regard to other considerations which do not apply) to ensure that the size of each constituency is as near as possible to the electoral quota: Rule 5. If change is proposed by the Commission to achieve this result, the provisions of Rule 7 apply. I have already indicated above that Rule 7 does not impose an obligation (nor does it logically confer a discretion) to make proposals intended to heal broken local ties or avoid inconveniences arising from an existing boundary.
69. On the basis of my recommendation in relation to the Walkern ward, the North East Hertfordshire seat will almost precisely match the electoral quota and the County average. To accept the counter-proposal would be to effect a change for change's sake which would have the result of increasing the North East Hertfordshire electorate over the national and County average whilst decreasing the size of the Stevenage seat yet further, so that it would become by far the smallest seat in the County.
70. It is possible that my recommendation in relation to the Walkern ward will not be accepted and I set out below my recommendation in this eventuality. On the basis of the different possible permutations of change, the result would be:-



	<u>Stevenage</u>	<u>NE Herts</u>
<u>Adopting my recommendation on Walkern</u>		
Walkern in NE Herts - Datchworth & Aston in Stevenage	66,881	70,477
Walkern in NE Herts Datchworth & Aston in NE Herts	64,986	72,372
<u>Rejecting my recommendation on Walkern</u>		
Walkern in Stevenage - Datchworth & Aston in Stevenage	68,903	68,455
Walkern in Stevenage Datchworth & Aston in NE Herts	67,008	70,350

71. I do not regard the creation of the level of disparity which would occur (assuming the Walkern ward becomes part of the North East Hertfordshire seat) as an acceptable price to pay for a change which has no underlying driving force behind it: i.e. a change in ward boundaries or a shift in population.
72. If my recommendation in relation to the Walkern ward is not accepted by the Commission, the disparity caused by a transfer of the Datchworth & Aston ward from the Stevenage to the North East Hertfordshire seat is considerably less objectionable: indeed it is statistically no more objectionable than my own recommendation in relation to the Walkern ward. However, from the evidence received at the Inquiry I believe that the justification for creating a disparity by transferring the Walkern ward is far stronger than the case in relation to the Datchworth & Aston ward.

If the Commission has not found the case sufficiently compelling in the case of the Walkern ward, I do not believe that it should do so in relation to the Datchworth & Aston ward.

(d) The Commission's proposal in relation to the newly created Hertford Rural South ward

73. The current Hertford and Stortford seat contains nineteen wards of East Hertfordshire District, plus part of the Hertford Rural South ward (683 electors) of that district. The larger part of this ward (1,126 electors) is in the North East Hertfordshire seat, and the Commission propose that the constituency boundary be realigned so that the ward is included wholly in that seat. The electorate of the Hertford and Stortford seat would decrease by 683 to 73,717.
74. This proposal is opposed by various Labour party interests. They contend that it will extend the North East Hertfordshire seat too far south (thus damaging its coherence) and that the inclusion of the ward in the Hertford and Stortford seat would strengthen the coherence of that seat, by including in it all the immediate surroundings of the County town of Hertford. Curiously, the Hertford and Stortford Constituency Labour Party – for reasons which remained unexplained – support the Commission's proposal.
75. A comparison of the effects of the Commission's proposal and of the counter proposal on the size of the relevant seats (assuming my earlier recommendations in relation to the North East Hertfordshire seat are accepted) shows the following :-

	<u>NE Herts</u>	<u>Hertford &amp; Stortford</u>
Commission proposal	70,477	73,717
Counter-proposal	68,668	75,526

76. Whichever proposal is accepted, the North East Hertfordshire constituency will have an electorate close to the electoral quota and the County average. The principal difficulty with the counter-proposal is that it increases the deviation from the electoral quota for the Hertford and Stortford seat from +5.4% to +8%. That said, it would only take the seat from third to second place in terms of size of County seat electorate.
77. Neither the proposal nor the counter-proposal elicited any significant public interest and the only evidence given which focussed specifically on this issue was from Mr Ovenden, the Mayor of Hertford. He submitted a written statement that was treated as read into the record of the proceedings. He was then cross-examined by Mr Gordon on behalf of the Conservative party.
78. I have considerable sympathy for the case advanced by Mr Ovenden: that the electors of the southern end of an extended North East Hertfordshire seat would have far more in common with the electors of Hertford than with those of (say) Letchworth, which is the 'political' centre of North East Hertfordshire. Mr Ovenden made the point that the electors in question would not even be able to reach Letchworth directly without travelling through Hertford. It could be said with some degree of justification that it would be a misnomer to describe a constituency which extends to within only a few miles of the southern edge of the County, as 'North East Hertfordshire', although no one has suggested

that the name of the seat should be changed if the Commission's proposal were to be adopted.

79. Mr Gordon suggested to Mr Ovenden that there was an inconsistency between the case he advanced in relation to the Hertford Rural South ward and his parallel support for the counter-proposals in relation to the Walkern and Datchworth & Aston wards. Mr Gordon suggested that the former involved moving rural electors into an urban seat whereas the latter achieved the converse. I was unpersuaded by this point as Stevenage and Hertford are clearly very different urban animals.
80. In re-examination (but not in his evidence in chief) Mr Ovenden was led by Mr Hobday through a series of local ties between communities which would be split between different seats if the Commission's proposal were adopted, but these did not appear to me to be sufficiently detailed to be capable of having a great deal of weight attached to them.
81. It is regrettable that more attention was not focussed on the fate of the Hertford Rural South ward and, in particular, that no residents from the affected area were put forward as witnesses. Had this issue received as much detailed attention as the Walkern ward issue, I might have found it possible to reach the conclusion that the potential damage to local ties (i) outweighed the inconvenience of moving the larger section of the newly created ward into another seat and (ii) outweighed the result that this would have had on the size of the Hertford and Stortford seat.
82. Whilst I certainly do not regard the Commission's proposal for the inclusion of the Hertford Rural South ward in the North East Hertfordshire seat as an ideal solution, it is one which I feel able to recommend on the basis that it satisfies the requirements of Rules 5 and 7(a), in a situation where it is not clearly demonstrated that Rule 7(b)

has any application. It is a compromise solution, albeit one consistent with the general policy of minimum change.

83. In reaching a conclusion which I do not regard as entirely satisfactory, I draw comfort from the fact that the Commission's proposal is one which has received support both from the Conservative party and from the local Labour party (albeit not from other Labour interests) and that the proposal has not elicited any adverse public comment.

(e) A proposal from various sources including the Labour party, that various wards should be transferred between the Watford and the South West Hertfordshire constituencies

84. The current Watford seat contains the whole of Watford Borough, and five wards of Three Rivers District plus part of the Bedmond & Primrose Hill ward (20 electors) of that district. The larger part of the Bedmond & Primrose Hill ward (2,350 electors) is in the St Albans seat, and the Commission propose that the constituency boundary is realigned so the ward is included wholly in that seat. The electorate of the Watford seat would decrease by 20 to 76,331. This proposal has received no opposition and I would recommend its adoption

85. In response to the Commission's own proposal that there should be only limited change in the Watford and South West Hertfordshire seats, various Labour party interests submitted identical counter-proposals. They proposed that :-

- (a) the Ashridge, Hayling and Northwick wards ("the SW Hertfordshire Wards") be moved from the South West Hertfordshire seat to the Watford seat; and that

- (b) the Abbots Langley, Langleybury and Leavesden wards (“the Watford wards”) be moved from the Watford seat to the South West Hertfordshire seat.

It is claimed that this counter-proposal better reflects community ties in Hertfordshire. I propose to consider these counter-proposals together.

86. Assuming that there are no material changes to the Commission’s other proposals in respect of the Watford and South West Hertfordshire seats (as I recommend should be the case) the effect of the proposed changes taken together will be the transfer of as many as 18,322 electors to a different constituency and to produce a net increase of 2,420 electors in the South West Hertfordshire seat, with a corresponding decrease in the number of electors in the Watford seat. The figures are as follows :-

	<u>Watford</u>	<u>SW Herts</u>
Commission’s proposal	76,331	74,440
Counter proposal	73,911	76,860

87. If both elements of the counter-proposal are accepted, the alteration in the respective sizes of the two seats is unobjectionable as the change only produces a relatively minor increase in the deviation from the electoral quota and County average in the Watford seat. If, however, only one of the proposals were to be accepted the statistical impact would be wholly unacceptable. The impact would be as follows :-

	<u>Watford</u>	<u>SW Herts</u>
Move the SW Herts Wards to Watford	84,282	66,489
Move the Watford Wards to SW Herts	65,960	84,811

It follows from this that the two proposals must stand or fall together as, taken individually, a deviation from the electoral quota and County average of such a magnitude could not properly be considered.

88. The counter-proposal taken as a whole, will affect all the electors in six relatively densely populated wards and will impact upon more voters than the rest of the changes considered by the Commission put together. It will move 2.37% of the County's total electorate between two constituencies.
89. According to a representation received from the Watford Conservative Association, 6,808 of the 10,371 electors who would be moved from the Watford seat have been in that seat since 1984 and all the voters who would be moved from the South West Hertfordshire seat, have been in that seat for decades.
90. Although espousing the principle of minimal change in the context of other issues, the counter-proposal advanced by the Labour party flies in the face of any sensible endeavour to keep change and disruption to a minimum.
91. I consider also that the counter-proposal proceeds on a misunderstanding of the application of Rule 7(b). As I have already stated, I construe Rule 7(b) as introducing an obligation to consider the damage to local ties, if a change is proposed which is intended to give effect to Rule 5. It does not impose a general discretion (still less an obligation) on the Commission to make changes intended to heal existing local ties which have previously been broken in earlier Reviews. This, as I understand the position, accords with the Commission's own interpretation of the Rule.
92. On this basis it appears to me that the counter-proposal falls at the first hurdle. It fails to achieve the objective set out in Rule 5. Accordingly,

Rule 7(b) has no application. There is simply no justification for causing so much inconvenience to so many electors and for effecting such a fundamental departure from the principle of minimal change: a principle which was – in the abstract at least - universally accepted as a cornerstone of the Commission’s review.

93. On this basis I would recommend the rejection of the counter-proposal without even embarking upon a consideration of the case advanced as to the nature, extent and strength of the local ties said to be in issue.
94. A substantial volume of highly detailed evidence was addressed to the Inquiry in support of the counter-proposal: more than in relation to any other issue. In recognition of the fact that the Commission may take a different view on the general approach which I have adopted I propose to summarise the nature and content of that evidence and indicate the conclusions which I consider can be drawn from it.
95. The evidence showed clearly that the Watford Borough is a sub-regional centre for a very wide area and for a substantial number of electors. There are too many electors who form part of ‘Greater Watford’ for them all to be comprised in one seat, yet too few to justify Watford being given two seats. This much was not in issue. Nor was it in issue that the 12 wards of Watford Borough will form the core of the Watford seat. The issue was whether the Watford seat should ‘mop up’ those from the northern (the Watford Wards) or southern (the SW Hertfordshire Wards) perimeter of Watford Borough to make up the seat’s electoral quota. I will deal in turn with each of these border areas.
96. Mr Tim Williams, a Watford Borough Councillor and long time resident of the area, took me through the features of the area on either side of the border between the Watford Wards and the remainder of the Watford



seat. I found his evidence to show clearly the close ties which exist between the Watford Wards and the remainder of the Watford seat.

97. Mrs McNally MEP, a resident of the area who has been politically active in the area in a number of roles and over a lengthy period, sought to persuade the Inquiry that the attachment of the Watford Wards to the Watford seat was unsatisfactory because the residents look to Abbots Langley rather than Watford, not least because the wards lie in the area of the Abbots Langley Parish Council. However, she conceded herself that in terms of travel-to-work, leisure, shopping and education, the patterns are 'mixed'. She did not go so far as to suggest that Watford was not an important focus for these matters.
98. The point was made in answer to Mrs McNally's evidence, that the counter-proposal was not supported by the Abbots Langley Parish Council; nor, indeed, by the Watford Rural Parish Council, Watford Borough Council or Three Rivers District Council. Mr Gordon commented that none of these Councils is controlled by the Conservative party and suggested that their views were not, therefore, based solely upon party political considerations.
99. Mr Namdarkhan, a resident of Abbots Langley for over 30 years, suggested that his parish should be re-united with the South West Hertfordshire seat, principally because of the confusion caused by the fact that it has no electoral connections with Watford other than forming part of the Watford seat. He also urged that local ties lay to the north of the Watford Wards rather than the south.
100. Mr Muspratt, the Leader of the Watford Borough Council gave detailed evidence in relation to the transfer of the SW Hertfordshire Wards but was not invited by Mr Hobday (who called him) to address the fate of the Watford Wards. This struck me as curious given his central role in

the Watford political scene. I infer that if he had anything to say in support of the counter-proposal in relation to the Watford Wards, Mr Hobday would have invited him to address this issue. Apart from a very brief answer in cross-examination which supported the counter-proposal, he had nothing to say on it. I regard his silence as eloquent.

101. The evidence presented in relation to local ties, led me to conclude that the Watford Wards have at least as strong ties with the Watford seat as with the South West Hertfordshire seat. No case for change based on the existence of local ties alone is made out. Further, the M25 to the north and west and the M1 to the east constitute firm physical boundaries which are substantially respected by the existing arrangements. To attach the Watford Wards to the South West Hertfordshire seat, would involve making a change which had, as its direct consequence, the creation of a small enclave separated from the remainder of the seat by the two motorways. Even were such a change necessary to ensure compliance with Rule 5 (which it is not) I would find it difficult to recommend it. The case for rejection is *a fortiori* where Rule 5 is not in issue.
102. If, as I have already concluded, all the changes proposed as part of the counter-proposal in relation to the Watford and South West Hertfordshire seats must necessarily stand or fall together, the changes proposed in relation to the SW Hertfordshire Wards must fall with the proposed changes which I have already rejected. However, as they were the subject of detailed evidence, I feel that I should summarise that evidence also.
103. A number of witnesses gave evidence for and against the counter-proposal in so far as it concerned the SW Hertfordshire Wards. The Reverend Douglas commented on the variety of different boundaries, ecclesiastical, local government and parliamentary, to be found in the

area. She also commented on the employment opportunities for local electors in Watford and the use made by them of Watford's shopping, educational and leisure facilities. She described the railway line which represents the principal physical divide between the area and the Carpenders Park ward of the Watford seat, as an arbitrary basis for a boundary. Her evidence was echoed by other witnesses.

104. Mr Muspratt (who I have already identified as the leader of Watford Borough Council) focussed at some length on the existence of an urban regeneration programme ("SRB") within the area under consideration. The SRB involves not only the SW Hertfordshire Wards, but part of west Watford also. He relied on the SRB to demonstrate that the two areas share common interests and concerns (being those relevant to impoverished inner city areas). He also gave evidence that the SRB was strengthening the links between the two areas. Whilst it may be the case that local ties are undergoing change (whether as a result of the SRB or for other reasons) his evidence failed to demonstrate the existence of local ties already in place which are of such a strength as to merit protection by a boundary change. Mr Muspratt was also forced to accept that the existing parliamentary boundary divide had not prejudiced the delicate and difficult process of obtaining Central Government approval for the SRB.
105. Mrs Hobday (a local councillor) also gave evidence in support of this aspect of the Counter-proposal. She sought, like the other witnesses, to demonstrate the existence of strong local ties between the SW Hertfordshire Wards and Watford. She pointed to facilities shared between the wards under consideration and the Carpenders Park ward which lies in the Watford seat (places of worship, a library, police station and local council and social services offices) and the fact that the SW Hertfordshire wards form part of the Watford Rural Parish Council

area. In re-examination she substantiated the case that public transport links are far more numerous between the SW Hertfordshire Wards and Watford than between those wards and Rickmansworth.

106. The case put forward in support of the counter-proposal was sufficient to convince me that local ties do exist between the SW Hertfordshire Wards and the Watford seat and that those ties are undergoing a process of strengthening. However, even Mrs Hobday was forced to accept that, albeit that they are working together, the areas which currently lie on either side of the parliamentary boundary represent two separate communities or areas.
107. The case for the “two communities” was put in considerable detail by Mr Clements, another member of the Watford Rural Parish Council, who has connections going back to the area as far back as 1949. Perhaps the most eloquent evidence which he gave, was to confirm that the South West Hertfordshire Wards have formed part of that seat “since the first brick and the first house was occupied”. Whatever changes the area may be undergoing in terms of local ties, it is hard to argue with any conviction that it does not still share local ties with its existing constituency. Thus, whilst any change might reinforce one set of local ties it will necessarily break another.
108. If I am wrong on the general approach which I have adopted in relation to the counter-proposal, and that it can be justified by reference to local ties, it appears to me that a reasonable balance has to be struck between the preservation of local ties and inconvenience, I approach the counter-proposal on the basis that it could not properly be recommended unless an extremely strong case were made out that strong existing local ties would be broken if the change was not implemented.

109. For the reasons explained above, I do not find it to be the case that strong local ties would be broken if the change was not implemented. Balancing the nature of the local ties against the extreme inconvenience of such a wholesale change, I would maintain my initial recommendation that the counter-proposal should be rejected.

(f) A proposal from Mr Davey to move the Knebworth and Codicote wards from the Stevenage to the Hitchin and Harpenden constituency

110. Mr Davey made written representations to the Inquiry in relation to this and the following issue, but did not attend the Inquiry in person or through a representative. Accordingly, there was no opportunity to question him in relation to his counter-proposals. It is also to be noted that Mr Davey does not reside within the County (he lives in London) and it is unclear what his interest is in the Commission's proposals in relation to the County, other than that he states that he "knows the County well".

111. His proposal that the Knebworth and Codicote wards (with a total of 6,054 electors) should be moved from the Stevenage seat to the Hitchin and Harpenden seat is based on their being "more comfortable bedfellows", although he does not amplify this comment.

112. The result of Mr Davey's proposals would be to reduce the size of the Stevenage seat beyond any acceptable bounds to around 60,000 electors (the precise figure depends on the outcome of other issues considered above but could be less than 60,000). This would leave the Stevenage seat far and away the smallest seat in the County whilst swelling the electorate of Hitchin and Harpenden to in excess of 74,800 making it one of the largest in the County.

113. In the absence of a very clear justification, a change which produces such a flagrant contravention of Rule 5 cannot be recommended. No such justification has been advanced and I have no hesitation in recommending that the Commission should reject Mr Davey's counter-proposal.

(g) The Commission's proposals in relation to the Hitchin and Harpenden constituency

114. The current Hitchin and Harpenden seat contains ten wards of North Hertfordshire District, plus part of the Graveley & Wymondley ward (925 electors) and part of the Letchworth Wilbury ward (0 electors) of that district; and six wards of the City of St Albans, plus part of the Marshalswick North ward (39 electors) and part of the Sandridge ward (3,624 electors) of that district.

115. The larger parts of the Graveley & Wymondley and Sandridge wards are in the Hitchin and Harpenden seat, and the Commission proposes that the constituency boundary is realigned so that these wards are included wholly in that seat. The larger part of the Letchworth Wilbury ward is in the North East Hertfordshire seat and the larger part of the Marshalswick North ward is in the St Albans seat, and the Commission propose that the constituency boundaries be realigned so that these wards are included wholly in those seats. The electorate of the Hitchin and Harpenden seat would increase by 665 to 68,765.

116. There has been no opposition to the Commission's proposals in relation to the Letchworth Wilbury and the Marshalswick North wards.

117. Mr Davey made a written counter-proposal that the Sandridge ward should be included in the St Albans seat, because his earlier proposal in relation to issue (f) above would leave the Hitchin and Harpenden seat

with too large an electorate. Mr Davey's counter-proposal is, therefore, essentially parasitic on the outcome of issue (f) above.

118. There has been no other opposition to the Commission's proposal. The St Albans Conservative Association has sympathy with Mr Davey's counter-proposal but accepts that, without a total rewrite of the electoral map of the County (which it does not favour), it would produce a serious imbalance in the numbers of electors or wholly perverse boundaries.
119. As noted above, Mr Davey neither resides in the County nor did he take the trouble either to attend the Inquiry or explain his absence and I attach little weight to his counter-proposal. As I have recommended that his counter-proposal in relation to issue (f) should be rejected it must logically follow that this counter-proposal should be rejected also. I so recommend.
120. Mr Davey also suggested that the Graveley & Wymondley ward should be included in the Stevenage seat in preference to the Hitchin and Harpenden seat. The case which he advances is based upon changes in the nature and size of the local electorate which will occur when the electorate increases in consequence of proposed development in the ward. I have already indicated above the Commission's approach in relation to such potential changes and why I consider that approach to be justified. In the absence of any opportunity to test Mr Davey's counter-proposal by questioning him at the Inquiry, I consider it appropriate to reject the case which he advances and to recommend that the Commission should maintain its existing proposal in preference to the counter-proposal,

(h) A proposal from Mr Jones that the Lower Sheering ward should be included in the Hertford and Stortford constituency.

121. Mr Jones appeared in person at the Inquiry and addressed me in relation to his proposal that the Lower Sheering ward should be moved out from the existing Essex constituency of which it forms a part to the Hertfordshire seat of Hertford and Stortford.
122. His proposal, although well reasoned, involves an inevitable breach of Rule 4(1)(a)(i), namely that :-

*“So far as is practicable having regard to Rules 1 to 3A ...  
no county or any part shall be included in a constituency  
which includes the whole or any part of any other county  
... “*

The inclusion of an Essex ward in a Hertfordshire seat is one which Rule 4(1)(a)(i) precludes “*so far as is practicable*”. However Rule 4, like Rule 5, is subject to the overriding requirements of Rule 7 if that Rule has any application.

123. Having heard Mr Jones’ evidence in relation to the Lower Sheering ward, I am not persuaded that it would be appropriate to depart from the application of Rule 4. What Mr Jones is effectively trying to achieve, is to restructure the way in which local development takes place, by seeking to ensure that Lower Sheering is treated as though it were part of Hertfordshire rather than part of Essex. His concerns appear to me to have nothing to do with issues relevant to the representation of the local electorate in Parliament and Rule 7 has no application to the case which he advances.
124. In those circumstances, I would recommend that the Commission should reject the proposal.



Constituency names

125. It was not suggested at the Inquiry or in any of the written representations received prior to the Inquiry that there is any reason to change the names of any of the County's constituencies. I have mentioned above that it could be said with some degree of justification that it would be a misnomer to describe a constituency which extends to within only a few miles of the southern edge of the County, as 'North East Hertfordshire'. However, no one has suggested that the name of the seat should be changed and it is not easy to identify a suitable alternative which would more accurately describe its geographical identity.
126. In the circumstances I recommend that no alterations should be made to the names of any of the County's constituencies.

Conclusion

127. For the reasons explained above, I respectfully recommend that the Commission should maintain its provisional recommendations unaltered, subject only to transferring the Walkern ward of the East Hertfordshire District from the Stevenage seat to the North East Hertfordshire seat.

I have the Honour to be, Sir  
Your obedient Servant

Richard Hacker Q.C.  
Assistant Commissioner

## **APPENDIXES**

If you would like to see a copy of any Appendix mentioned in this report, please contact the review area team leader whose telephone number can be found on the news release announcing the Commission's decision on this report.

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