

# **Report to Community Governance Committee**

**Date of Meeting: 18 November 2010**

**Subject: Community Governance Review – Moreton, Bobbingworth and The Lavers (MBL)**

**Officer Contact for Further Information: I Willett (01992 564243)**

**Committee Secretary: P Sewell (01992 564532)**

---

## **Recommendation:**

- (1) To consider the Council’s proposals for this Community Governance Review as a basis for further consultation:**
  - (a) the re-warding of The Lavers area;**
  - (b) the MBL/Matching Parish boundary in the area of Matching Green;**
  - (c) any other matters; and**
- (2) To seek further advice from the Local Government Boundary Commission on the consequential changes to Parliamentary Constituency, District Ward and County Electoral Division boundaries prior to the final recommendations being made to the Council.**

## **Report:**

1. At the Council meeting on 30 June 2010 (Minute 32), it was decided to launch a Community Governance Review in respect of MBL Parish Council.
2. The reasons for launching the review were three-fold:
  - (a) to pursue the proposal of MBL Council for revised warding within the parishes so that the three wards of High Laver, Little Laver and Magdalen Laver could be combined in one new ward to be known as “The Lavers”;
  - (b) to achieve a closer alignment of the ratio of electors to Councillors between the five MBL parish wards; and
  - (c) to achieve savings in the cost of elections to the Parish Council by virtue of having only three wards.
- ... 3. A map of the MBL Parish Council area is set out in Appendix 1 to the report. Appendix 2 shows the comparative electoral ratios for the present five wards and the proposed three new wards.

## **Consultation**

4. Community Governance Reviews are carried out under the Local Government and Public Involvement in Health Act 2007. The Act and supporting Government guidance requires that people affected by a review should be consulted on both the specific reasons for carrying out the review and any other community governance matters which they would like to take into account.

- ...
5. Appendix 3 shows the consultation letter and attachments which was sent to all households in the three Lavers wards. As required by the legislation, a consultation letter was also sent to MBL Parish Council, Essex County Council and the Local District Ward Councillor. The Local Government Boundary Commission and Ordnance Survey were also notified that the review had commenced.
  6. A total of 310 letters to householders were sent out and 102 pro formas were returned. Those response forms have been checked against the electoral roll to ensure that they originate from The Lavers and not other parts of MBL Parish. The returns have all come from the area under review.

### **Results of Consultation**

7. A summary of the responses is set out in Appendices 4 and 5 as follows:
  - (a) Appendix 4 shows the returns which were in support of the ward change (86); and
  - (b) Appendix 5 shows the returns which were not in support (16).
8. Respondents supported the argument of saving MBL's costs through the warding change and 11 commented specifically on the importance of improved electoral equality.

### **Other Matters Raised by Respondents**

- ...
9. A number of respondents raised the question of the boundary between MBL and Matching Parish in the area of Matching Green. A map showing the existing boundary is attached as Appendix 6. It will be seen that the boundary between Matching Green and High Laver/Little Laver wards effectively divides Matching Green village.
  10. Nine respondents who raised this issue felt that their interests could not be represented by MBL Parish Council. Three drew attention to their feeling that they could not vote on matters affecting the area in which they live. One consultee mentioned that electoral equality might be further improved if the review addressed the number of Councillors on MBL Parish Council representing The Lavers and that this figure could be reduced to seven without detriment.

### **The Matching/High and Little Laver Boundary**

- ...
11. Not only is the boundary shown on Appendix 6 a parish boundary but also it is a District Ward and County Electoral Division boundary, namely:

District:	Wards of Moreton & Fyfield and Hastingwood, Matching & Sheering Village.
County Council	Ongar & Rural and North Weald & Nazeing Divisions.
  12. This is also a Parliamentary Constituency boundary. Matching is part of the Harlow Constituency and The Lavers are within the Brentwood and Ongar Constituency. Any change to the parish boundary in this area would require the District Council to refer consequential changes to the County and District Council boundaries for consideration by the Local Government Boundary Commission. The latter, if satisfied as to the need for those changes, will make an order to change the District Wards and the County Electoral Divisions involved so that all shared a common boundary.

13. As the constituency boundary will be under review over the next two years, it is suggested that further advice is sought from the Commission on this.
14. Further clarification of the Local Government Boundary Commission's role is being sought and an oral report will be made at the meeting. It does appear that the Council may pursue a boundary change at parish level independently of the Commission. This might mean that different boundaries could apply in the location. This is a factor which the Council needs to take into account when making a final decision.
- ... 15. Appendix 7 shows a map prepared by the Clerk of Matching Parish Council. This represents an option for resolving the fact that Matching Green village is divided in two. The Committee will see that he proposes a boundary which diverts towards Goosebridge Cottage and encloses Matching Green by then joining the High Laver/Little Laver ward boundary in Watery Lane.
16. This suggestion has been passed to the Clerk of MBL Parish Council.
17. The area enclosed under the Clerk's proposal would have the effect of transferring 166 electors to Matching from High Laver ward. The new electorate totals for the two parishes would therefore be as follows:

	<b>Present Electorate</b>	<b>Proposed (+/- Matching Green)</b>	<b>No of Councillors</b>
MBL	1089	- 166 (923)	14
Matching	544	+ 166 (710)	7

18. Electoral ratios would also change if this change were made:

MBL (overall)	1:77.8	1:65.9	14
The Lavers			
- High	1:85	1:14	4
- Magdalen	1:91	1:91	2
- Little	1:35	1:35	2
Bobbingworth	1:72	1:72	3
Moreton	1:92	1:92	3
Matching	1:77.7	1:101.4	7

19. Matching and MBL parishes have comparable electorate ratios for their overall areas. However, in MBL there are significant variations across the five wards of this group. The combination of the three Laver wards would reduce this variation as follows:

	<b>Electorate</b>	<b>Councillors</b>	<b>Ratio</b>
High Laver ) Magdalen Laver ) Little Laver )	595	8	1:74.37

20. With a boundary change around Matching Green, the ratios would change to the following:

High Laver )			
Magdalen Laver )	429	8	1:53.6
Little Laver )			

21. Under Government guidance, the Council must take account of projected developments in the area in determining how to carry out a community governance review. With the help of the Directors of Planning and Economic Development and Housing, the following picture emerges for the period to 2015-16:

MBL (overall)	33 new housing units	(66 electors)
Matching	9 new housing units	(18 electors)

22. Of the MBL total, the seven units which will be located in High Laver, none are located in the transferred area.

### **Defining Boundaries**

23. Size, population and boundaries of a local community or parish are linked to the principal criteria as identified in the 2007 Act, specifically in reference to community governance remaining effective. The general rule applied to parish size is that it is “based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government”. There is wide variation between parish size and also council size, with the Local Government Boundary Commission for England (LGBCE) considering each area on its own merits. The 1972 Act, as amended, specifies that though each parish council must have at least five councillors, there is no maximum limit.
24. The issue of boundary changes between parishes is one similarly detailed in 2010 Government guidelines. Boundaries should “reflect the ‘no-man’s land’ between communities represented by areas of low population or barriers such as rivers, roads or railways” (paragraph 83, pp25) being identifiable” and remaining so in the future (wherever possible).

### **Note on the Effect of the Boundary Change**

25. The transfer of part of High Laver to Matching Parish will reduce the electorate by 166 voters. The remaining voters in that parish ward would, with four Parish Councillors, enjoy a ratio of one Councillor to 14 voters. This is a very low figure and brings into question the need for four Councillors in that ward.
26. Currently High Laver is divided into two polling districts (PD): West and East. Voters in East PD have voted in Matching Green School along with voters from Little Laver. Voters from the West PD vote in Magdalen Laver Village Hall which is in a separate ward.
27. The 166 voters who would transfer from High Laver East would then be voting in their own parish area. The remainder, who would not be within Matching, would still vote there, as would those from Little Laver. For those 57 voters in High Laver (East) a separate polling station would not be a practical proposition.

What action is now required of the District Council?

28. The 2007 guidance places a duty on the Council to “ensure that community governance within the area under review will be reflective of the identities and interests of the community and is effective and convenient”.
29. Where an existing parish is under review, the review must make one of the following recommendations:
  - (a) that no alterations to the parish should be made and it should not be abolished;
  - (b) that the parish should be altered;
  - (c) that the parish should be abolished.

In addition, the name(s) of the parish should be recommended, as should whether the parish should continue to have a Council.

30. For governance reviews dealing with electoral matters (e.g., warding), this Council must determine:
  - (a) whether the number of electors or their distribution makes a single election impracticable or inconvenient;
  - (b) whether it is desirable that any areas of a parish are separately represented.
31. The Council also has to have regard to the following in relation to assessing wards:
  - (a) the number of local government electors in the parish;
  - (b) any change in the number or distribution of electors over the following five years;
  - (c) identifiable boundaries;
  - (d) any local ties which are broken by the fixing of any boundary.

## Summary

32. The Committee needs to consider what should be included in the second stage of consultation under this review:

**(a) The Lavers – Warding**

Are the Committee persuaded that there is support for combining the three Lavers wards into a single new ward called “The Lavers”?

If so, should this be included as a firm proposal in the next stage?

**(b) The Matching/Lavers Boundary**

Are the Committee persuaded about the level of support for the proposed boundary change between The Lavers and Matching Parish, in the area of Matching Green?

Does this change pass the test of the criteria outlined in paragraphs 26-28 above?

If the answer to these questions is “yes” should this proposal be included in the further consultation?

Which revision to the boundary should be used for consultation purposes?

What is the effect of this change on the desirable number of Councillors in MBL?

### **Further Consultation**

33. If the Council decides to pursue the boundary change, it is suggested that further consultation should be focused on the areas likely to be affected, namely, the three Lavers wards including the part of Matching Green which is in The Lavers area. At a later stage direct discussion with the two Parish Councils may be beneficial, before the Committee formulates its final recommendations.

### **Timing of Implementation of Proposals**

34. Elections are due to be held in 2011 (Matching) and 2012 (MBL). There is sufficient time to make the internal warding changes in the latter so that these are included in the 2012 register, in time for the May elections.
35. For Matching, it is unlikely that any boundary change can be in place by the 2011 elections. This means that for both Parish Councils, the change could not take place in electoral terms until 2015/2016, unless the terms of office of Parish Councillors are terminated early and elections held earlier based on the new boundaries.
36. It remains a concern of the Returning Officer that there should be common boundaries for all elections in the Matching Green area so as to avoid confusion among voters.
37. These are issues which can be discussed in greater detail after the next stage.
- ... 38. The timetable for this review is set out in Appendix 8.

### **Financial Implication**

Stage One Consultation Costs:

Printing consultation material	£299	
Postage	£ 71	
Pre-paid returns	£ 24	
Envelopes	£ 12	£306

It is anticipated that the Stage 2 Consultation will involve similar costs.

### **Background Papers**

Individual survey returns.