

Supplementary Committee Agenda



Epping Forest District Council

Cabinet **Monday, 7th June, 2010**

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services: Gary Woodhall (The Office of the Chief Executive)
Tel: 01992 564470 Email:
gwoodhall@eppingforestdc.gov.uk

8. ANY OTHER BUSINESS (Pages 3 - 6)

(a) Local Land Charges – Access to Environmental Information

(Legal and Estates Portfolio Holder) To consider the attached report (C-004-2010/11)

10. FINANCE & PERFORMANCE MANAGEMENT CABINET COMMITTEE - 18 MAY 2010 (Pages 7 - 10)

(Finance & Economic Development Portfolio Holder) To consider the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 18 May 2010 and the recommendations therein (report to follow).

N.B. There will be a presentation on the proposed reform of the Housing Revenue Account subsidy system at 6.30pm in the Council Chamber prior to the start of this Cabinet meeting; all Members are welcome to attend.

14. COMMUNITY GOVERNANCE REVIEW - ONGAR TOWN COUNCIL/ GREENSTED WARD (Pages 11 - 36)

(Leader of the Council) To consider the attached reports (C-005-2010/11 and C-006-2010/11):

(a) Community Governance Review – Moreton, Bobbingworth & The Lavers Parish Council

(b) Community Governance Review – Greensted Parish Ward (Ongar Town Council)

Representatives of Moreton, Bobbingworth & The Lavers, Ongar Town and Stanford Rivers Parish Councils have been invited to address the Cabinet for 5 minutes on these reports. Stanford Rivers Parish Council has stated that it has no view on the

matter.

A similar offer was extended to the Greensted residents but the contact person who has been liaising with this Council is unable to attend.

Report to the Cabinet

Report reference: C-004-2010/11

Date of meeting: 7 June 2010



**Epping Forest
District Council**

Portfolio: Legal and Estates

Subject: Local Land Charges – Access to Environmental Information

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

To note the Information Commissioner's guidance on charging for access to environmental information and to request updates as further legal advice is received on the potential impact of the Environmental Information Regulations.

Executive Summary:

The Information Commissioner's Office (ICO) published guidance that in its opinion the majority of the information provided by local authorities in response to property searches enquiries is likely to be environmental information and charges should only be raised in accordance with the Environmental Information Regulations 2004 (EIR). Legal advice has been sought by the Local Government Association (LGA) as to the correctness of this opinion as this would have an impact on the fees Council's could charge.

Reasons for Proposed Decision:

The advice of the LGA will have an impact upon the income of this Authority.

Other Options for Action:

None

Report:

1. Members will be aware that the Council provides answers to Official Local Land Charges searches submitted by post and DX, on-line via NLIS and to personal searchers. The Official search comprises of two forms The LLC1 Certificate and the CON29R. The LLC1 Certificate is issued on completion of a search of the Local Land Charges register maintained by the Council. This currently costs £23.50. The second is form is the CON 29R Enquiries form, which is used to obtain information specifically held by the Local Authority, relating to properties within their District. The fees for the CON29R are set by the Local Authorities (England)(Charges for Property Searches) Regulations 2008 amended by the Local Land Charges (Amendment) Rules 2009 (the CPSR). These latter rules provide that the supplying of such information should be based on cost recovery to the Council.

2. A number of the Personal Search Companies have for some time demanded that this information be provided for free under the provisions of the EIR. Some have been submitting

cheques for payment under protest and have stated that they will take action to reclaim any overpaid fees.

3. The ICO has issued guidance to local authorities as to how they should respond to requests made for local property search information, what the relationship is between the EIR and the CPSR and in particular whether information provided in response constitutes environmental information as defined by the EIR.

4. The overview from the guidance is as set out below and reference to the FOIA refers to the Freedom of Information Act 2000.

- The majority of the information provided by local authorities in response to property search enquiries is likely to be environmental information as defined by the EIR.
- The charging provisions in the CPSR do not apply to environmental information.
- Under the EIR a public authority should accept an applicant's request to inspect the information.
- Environmental information that is inspected by the applicant cannot be charged for.
- Public authorities cannot use the publication scheme provisions of the FOIA to charge for environmental information contained in property search records.
- Information that is not environmental should be considered under the FOIA. In such cases, the CPSR can form the basis for any charging.

5. If this were correct the amounts that could be charged, where applicable, would lead to a substantial reduction in income of the Authorities and the LGA has taken a leading role in co-ordinating a response. Legal advice has been sought and local authorities are waiting for the LGA to issue guidance. There is a clear conflict between the EIR and the charging regulations.

Resource Implications:

The Revised Estimate for 2009/10 was £159,400 with an actual outturn of £183,482 showing an increase in activity for the year. The Estimate for 2010/11 is £177,300. Currently the LGA guidance is to continue charging until absolute clarity for both personal and official charging is available from the Government.

Depending upon the outcome of the LGA guidance and Government views, income could be reduced with a further sum also may be required to repay fees charged in previous years.

Legal and Governance Implications:

Local Authorities (England)(Charges for Property Searches) Regulations 2008 amended by the Local Land Charges (Amendment) Rules 2009, Environmental Information Regulations 2004, Freedom of Information Act 2000

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

LGA

Background Papers:

Guidance issued by the ICO on 16th July 2009...

Impact Assessments:

Risk Management

None

Equality and Diversity: Not applicable

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group? N/A

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Tuesday, 18 May 2010

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 6.35 - 7.30 pm

Members Present: C Whitbread (Chairman), R Bassett, Mrs D Collins, D Stallan and Ms S Stavrou

Other Councillors:

Apologies: - Mrs M Sartin

Officers Present: D Macnab (Deputy Chief Executive), A Hall (Director of Housing), R Palmer (Director of Finance and ICT), P Maddock (Assistant Director (Accountancy)), B Moldon (Principal Accountant) and G J Woodhall (Democratic Services Officer)

Also in attendance: Mrs M Carter and S Smith

48. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

49. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 March 2010 be taken as read and signed by the Chairman as a correct record.

50. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Cabinet Committee.

51. REPLACEMENT OF HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM

The Director of Finance & ICT introduced a report upon the Government's proposals to replace the current Housing Revenue Account (HRA) Subsidy System. In attendance was also the Council's appointed Consultant from ConsultCIH, and the Chairman of the Council's Tenants & Leaseholders Federation.

The Consultant from ConsultCIH presented the report prepared on the implications of the proposed HRA reforms upon the Council. The proposal by the Government had been based upon moving towards a self-financing HRA system in which the current subsidies were exchanged for a one-off adjustment of housing debt, after which rental surpluses and Right-to-Buy receipts would be retained by local authorities in their entirety, under clause 313 of the Housing & Regeneration Act 2008. The debt

settlement from the Government for the Council had been set at £164.4million, but after offsetting the HRA's current surplus of £22.8million this would result in an actual debt allocation of £157.6million. The difference between the two figures would be retained as borrowing potential for the Council to provide further housing, which when allied to grants from the Homes & Communities Agency could provide an additional 240 social housing properties over the next 30 years. A model had been produced for the Council, based upon the existing HRA five-year forecast and a number of key assumptions, including general inflation of 2% and long-term debt interest rates of 6%. If revenue surpluses were set aside for repayment, then the debt could be paid off in 18 years and reserves built up to £450million after 35 years. However, a key issue for the Council would be the subsequent effect upon the General Fund, as the proposal would involve the Council losing its debt free status.

In response to questions from Members, the Consultant added that the proposed debt allocation could currently only happen on a voluntary basis, although this position could change in the future. It was felt that the proposed debt settlement could benefit councils with decent housing stock as more funds would be available to pay back the debt. It was confirmed that the Public Works Loan Board would provide loans for the proposed debt, which should be fixed for a long period with stable interest rates and repayment plans, but it would still require careful Treasury Management by the Council.

A letter was read out by the Director of Finance & ICT from an individual member of the Tenants & Leaseholders Federation (TLF), before the Chairman of the Federation summarised it's formal views:

- (i) the current subsidy system was immoral and unfair to the Council's tenants, as the surpluses were used to fund non-housing Government spending;
- (ii) concern over the proposed rejection of the Government's offer, although the potential effect on the Council's General Fund was acknowledged;
- (iii) the Council was urged to accept the Government's offer if the effects upon the General Fund could be overcome;
- (iv) support for the Government's proposal for Councils to retain 100% of their Right-to-Buy receipts; and
- (v) to consult with the Federation over the possible transfer of non-housing assets from the HRA to the General Fund.

The Principal Accountant outlined the further analysis of the proposals upon the Council, and in particular the General Fund. The proposals would give rise to a debt per property of £27,500 for the Council, which was high in comparison to other councils throughout the country. The General Fund currently paid interest at 1.8% to the HRA, which for 2009/10 equated to £396,000. The proposed debt reallocation at an interest rate of 6% would produce a new combined charge to the General Fund of £2.2million, an increase of £1.8million on the current position and represented a significant additional cost. The HRA also included non-housing assets such as commercial properties, which could be transferred to the General Fund. Such a transfer would benefit the General Fund provided the rent received, net of property expenses, exceeded the additional interest payable to the HRA. Further work was required to establish the impact of such a change on both the HRA and General Fund, and a further report would be submitted to the Cabinet in due course.

The Director of Finance & ICT added that the HRA was only meant to provide a landlord function for social housing, and it seemed to be an accident of history that it also received income from commercial properties. It was felt that it would be more appropriate for all residents within the District to benefit from such income, and not just the Council's housing tenants, hence the proposed further report on the matter.

The Director then proceeded to present the Council's suggested response to the Government's consultation, which involved answers to the six listed questions. It was highlighted that a number of Councils within Essex did not have a HRA as they had previously transferred their housing stock to Housing Associations, and consequently the proposals did not affect them. The additional cost to the General Fund of £1.8million would lead to cuts in Council services as any future rise in Council Tax to cover the additional costs would be capped by the Government. Of the nine Councils with similar circumstances that had been written to by the Director, only one had responded. Welwyn & Hatfield Council had stated that they were not in a similar position to Epping Forest, and would not be supporting any possible joint response through the Local Government Association. It was highlighted that there could be a further two or three revisions of the Housing Revenue Account over the proposed 30-year period.

The Cabinet Committee felt that the new Government could alter the terms of the proposal in future, and the recent rise in inflation was also a worry. There was concern expressed at the Council losing its debt-free status and, as there was no certainty about the proposals over the term of the debt, it was felt that this would be a very risky venture for the Council with its current strong financial position. There was no guarantee that any solution to the issues facing the Council would be implemented on a permanent basis by the Government and the Cabinet Committee was reluctant to commit the Council to this debt over such a long period, especially as the Government could impose further debt upon the Council in future. Consequently, it was felt that the proposed offer from the Government should be rejected and the draft response to the consultation, outlining the Council's views, should be approved.

RECOMMENDED:

- (1) That the report provided by ConsultCIH on the implications of the proposed reforms of the Housing Revenue Account Subsidy System upon the Council be noted;
- (2) That the views of the Council's Tenants & Leaseholders Federation on the Government's proposed reforms be noted;
- (3) That the proposed offer from the Department of Communities & Local Government on the reform of the Housing Subsidy System be rejected;
- (4) That the Council's draft response to the Government consultation (attached at Appendix 2 of the report) be approved; and
- (5) That the submission of a further report to a future meeting of the Cabinet on the possible transfer of non-housing assets currently held within the Housing Revenue Account to the General Fund be noted.

Reasons for Decision:

To be able to respond to the Government's consultation on the proposed reforms of the HRA subsidy system before 6 July 2010.

Other Options Considered and Rejected:

To respond in favour of the offer or to make changes to the Council's draft response attached at Appendix 2 of the report.

CHAIRMAN

Report to the Cabinet



Report reference:

C-005-2010/11

**Epping Forest
District Council**

Date of meeting:

7 June 2010

Portfolio: Leader (Report of Returning Officer)

Subject: Community Governance Review Moreton, Bobbingworth and
The Lavers Parish Council

Responsible Officer: Ian Willett (01992 564243)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) That a report be submitted to the Council recommending that community governance review of Moreton, Bobbingworth and The Lavers Parish Council should be undertaken, with public notice given of the opening of the review and initial consultation opened;**
- (2) That consideration be given as to whether the boundary between Greensted and Moreton, Bobbingworth & The Lavers Parish Council should be included in review and recommended to the Council; and**
- (3) That the Council be recommended to progress the review in one of the following ways:**
 - (i) through Overview and Scrutiny; or**
 - (ii) by means of a new Committee with membership and terms of reference, etc. to be presented by the Returning Officer to the Council meeting.**

Executive Summary:

This report deals with a request received from Moreton, Bobbingworth and The Lavers (MBL) Parish Council for a review of its parish electoral wards. Details are given in the report of the process by which the District Council can deal with such a request. This process is called a community governance review which is conducted under Part 4 of the Local Government and Public Involvement in Health Act 2007.

The MBL Parish Council is seeking to combine three parish electoral wards (High Laver, Little Laver and Magdalen Laver) to form a new single parish ward. This is on grounds of reducing election costs and maintaining community identity. The MBL Parish Council is seeking to call the new ward "The Lavers".

The report asks the Cabinet to make recommendations as to how the review should be conducted at member level and whether the boundary between Greensted and M,B,L should be included in the review.

Reasons for Proposed Decision:

To respond to the request from MBL Parish Council.

Other Options for Action:

The request for a community governance review having been made, there are no other options but to respond.

Report:

1. The (MBL) Parish Council has applied to the Council for a community governance review under the Local Government and Public Involvement in Health Act 2007.
2. The Council is now under a duty to consider this application and decide whether a review is to be conducted.

The 2007 Act - Community Governance Reviews

3. A community governance review is a review of part or the whole of the District to consider one or more of the following:
 - (a) creating new parishes;
 - (b) abolishing, merging or altering parishes;
 - (c) reviewing electoral arrangements for parishes.
4. The 2007 Act devolves the power to take decisions about Parish Councils from the Secretary of State and the Electoral Commission to Principal Councils. Reviews can be initiated by the Council (as in this case) or by a petition from local people.
5. The Council is required to:
 - (a) publish a notice of the opening of a review;
 - (b) invite and consider comments from the local community and other relevant persons and organisations on the issues to be covered in the review;
 - (c) prepare draft proposals for the review, publish these and invite comments;
 - (d) finalise proposals after taking account of the representations received;
 - (e) make an order giving effect to the changes and notify the community and other interested persons and organisations including the Local Government Boundary Committee for England.
6. In deciding whether to undertake a community governance review, the Council must have regard to the need to secure appropriate community governance within the area subject to the review and that:
 - (a) such governance reflects the identities and interests of the community there; and
 - (b) they are effective and convenient.

Background to the (MBL) Parish Council Request

7. The (MBL) letter sets out the Parish Council's objectives for the review (Appendix 1). MBL is a grouped parish, consisting of five separate Parish Councils as follows:

Parish	Electorate	Parish Councillors (Elector/Parish Councillor Ratio)
Bobbingworth	218	3 (1:72.66)
High Laver	342	4 (1:85.50)
Little Laver	70	2 (1:35.00)
Moreton	276	3 (1:92.00)
Magdalen Laver	183	2 (1:91.5)
Total	1089	14

8. The effect of the MBL Parish Council's proposals is as follows:

Parish	Electorate	Parish Councillors (Elector/Parish Councillor Ratio)
Bobbingworth	218	3 (1:72.66)
Moreton	276	3 (1:92.00)
High Laver) Little Laver) Magdalen Laver)	595	8 (1:74.37)
Total	1089	14

9. This parish is part of the District Ward of Moreton and Fyfield and the County Electoral Division of Ongar and Rural. The proposals of the Parish Council do not affect these electoral warding arrangements. However, any changes to parish boundaries which cut across District or County Council wards/divisions are required to be referred to the Boundary Committee for England.

10. Specific reference is made in the MBL submission to the amalgamation of the three Laver wards (or parishes). There has also been discussion between the Returning Officer and the Parish Council regarding the cost of electoral arrangements and how these could be reduced by a smaller number of wards. Such costs are re-charged to the Parish Council, whether elections are held or not.

11. This application was first considered by the Cabinet at the meeting on 12 October 2009, when it was decided to defer the review pending further negotiation with MBL regarding:

- (a) reducing the proposed number of Parish Councillors; and
- (b) a contribution to the cost of the consultation.

12. Parish Council has responded in a letter of 24 November 2009 (Appendix 2) to these two points:

- (a) **Cost** - the Parish Council is "alarmed" by the potential cost of newspaper adverts and other consultation material and suggests that advertisements in village magazines together with hand delivery to the members of the local community is the only contribution to the cost which MBL is willing to make.

(b) **Number of M, B and L Councillors** - the Parish Council is "confused" by the Cabinet's previous comments on saving costs by reducing the number of members. MBL points out that a small population spread over 13 square miles warrants the current level of representation, not less. By the same token, MBL points out that, aside from printed material, member costs are very low, no payment of allowances or expenses being claimed.

Dealing with the Requested Review

13. Subject to Council approval, an initial notice must be published announcing the start of the review and seeking views/comments from local people.

14. The Cabinet need to make recommendations about how the review is to be handled at member level, viz

(a) by Overview and Scrutiny;

(b) by a new non-executive Committee;

(c) by the Returning Officer under delegated authority.

15. This is not a Cabinet matter and all decisions must be made by the full Council.

Timescale

16. Such reviews must be completed in no more than one year. Elections are not due to be held for MBL until May 2012 and there is thus every opportunity to complete this review in time for the electoral register to be revised.

17. A complication with this review is a suggestion that the area to the south/east of the A414 may have more affinity with Greensted than with MBL possible transfer to that parish being possibly more appropriate due to the way that the A414 effectively severs that part of MBL from the rest of the grouped parishes. MBL Parish Council is not opposed to this issue being included in the consultation but the local residents have not expressed a view. Approximately 5 households are involved.

18. Such a change would cross a District Ward boundary and lead to the Boundary Committee for England becoming involved. It could also lead to the review of MBL being tied in to the proposed review for Greensted. (See separate report).

19. A map showing the MBL Parish is attached at Appendix 3.

Resource Implications:

There is no specific budget provision for community governance reviews. Assistance from the Parish Council has been discussed and it will be seen from the second letter of MBL Parish Council that assistance with the circulation of consultation material will be available.

This is a two stage consultation process.

An estimate of the cost of producing consultation material for the first round is £300 which can be accommodated within existing budgets but it is hoped that postal costs can be avoided by using the good offices of the Parish Council to circulate this material within the Parish.

The second round of consultation is likely to involve another consultation document and the costing for this is more difficult to predict. However this second document could be more extensive if the community has asked for more issues to be reviewed following stage one. For this reason an estimated cost might be £500. It is emphasised that this is a provisional estimate only.

At various stages of the process, there will be a requirement to publicise the stage reached. This may mean a newspaper advertisement (approximately up to £1,000 each) but alternatives will be looked at if allowable under the legislation. Funding is available from other budgets for this.

There is no power to re-charge the cost of the review to any other Council, except by agreement. This is because the statutory power to conduct the review rests with this Council.

Legal and Governance Implications:

The process for conducting community governance reviews is governed by the 2007 Act and regulations. There are no other governance issues.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

There have been informal discussions with MBL Parish Council. The Returning Officer has visited the Parish Council and given a presentation on these reviews.

Background Papers:

None.

Impact Assessments:

Risk Management

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

No.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A

The legal requirements and government advice specifies the manner in which reviews are to be conducted. There are no other risks provided that any new warding arrangements are in place in time for the 2011/2012 electoral register (i.e. September 2011) and for the next MBL elections in 2012.

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Moreton, Bobbingworth & The Lavers Parish Council

2, Landview Cottages, Moreton, Chipping Ongar, Essex, CM5 OLE 01277 890394

19th ^{May} January 2009

Our Ref. CNT. 1297

Mr. Ian Willett
Returning Officer
Epping Forest District Council
Civic Offices
Epping, Essex
CM16 4BZ

Rec 19/5/09

Dear Ian,

Community Governance Review

Further to your presentation to the Parish Council on 9th March 2009 the Council debated the issue at their 12th May meeting. The culmination of the debate was a resolution to initiate the Community Governance Review and I have been asked to write to you to start this process, which you kindly offered to assist us with, when you attended the March Parish Council meeting.

The key issues agreed were: -

1. The desire to amalgamate the three electoral wards – High Laver – Magdalen Laver and Little Laver into one electoral ward.
2. The desire to maintain the current eight seats within the combined wards.
3. The continued practice of recognising each individual Parish Identity in all other council business.
4. To retain the current name of the Parish Council i.e.
Moreton, Bobbingworth and the Lavers Parish Council
5. To retain the current practice of having a planning sub-committee for each Parish in the council.
6. Not to seek any parish boundary changes, in particular with Matching Parish Council.
7. That apart from the Parish Council election process, residents would be unaware of any real change in the day to day activities of the council.

The issue has been notified in the local parish magazine and Council meeting agenda and no public opposition has been displayed to date.

In general terms, the local community has a recognised concept of three divisions within the district comprising of: - Moreton - Bobbingworth - and the Lavers as a grouped entity and community activities are very much associated with these divisions. In many ways this is lead by the Parochial Church boundaries, where the three Lavers are grouped with Matching and Moreton and Bobbingworth are grouped with Fyfield.

On a separate issue I would like to warn you that there is a probability the St. Edmunds Hall in Matching will not be available for a polling station for the district next year, possibly for the General Election. Currently Matching Primary School is having a new assembly hall built, due to be finished this summer and the school will no longer use the old hall. At some time in the near future ECC will not support the cost of St. Edmunds Hall, which has an outstanding planning permission to be replaced by a house on the site and will inevitably be sold. Clearly I am not party to the exact time scale but it may be prudent for you to explore your options for an alternative polling station at an early stage, bearing in mind the possibility of a general election sooner rather than later.

Yours sincerely,



Colin Thompson

Clerk to the Parish Council

Moreton, Bobbingworth & the Lavers Parish Council

2, Landview Cottages, Moreton, Chipping Ongar, Essex, CM5 OLE 01277 890394

24 November, 2009

Our Ref. CNT 1319

Mr. Ian Willett
Democratic Services
Epping Forest DC
Civic Offices
High Street
Epping, Essex
CM16 4BZ

Your Ref. PU/IW/CL/ER/11/5/2

Dear Mr. Willett

Community Governance Review

Thank you for your letter of 20th October and the report of the Cabinet's concerns. The Parish Council debated these at their meeting on Monday 9th November. I can say that members were alarmed and confused by the Cabinet's response and I have been asked to respond with their views. They were unable to come to any firm conclusion because the details presented are very vague.

(a) Cost

The Council were alarmed by the potential cost of this very minor change to the warding of the parishes. The change only affects a total of 595 electors. You estimate an initial £300 for consultation materials but indicate a potential for a further £500 on the basis that the community may ask for more issues to be reviewed. The PC are at a loss as what these may comprise or why any other issue should be encompassed within a straight consultation on a simple issue. The Council were further alarmed by your statement that it MAY BE necessary for newspaper advertisement with an estimate of £2000 when there is a possibility of alternatives. Several Councillors, who have experience of advertising in local papers believe a reasonable cost would be around £250 per issue. Members believe a hand delivered consultation to every house (approx 200) in the parishes affected, together with advertisements in the local village magazines would be the most effected way to communicate. The two village magazines have a circulation of 950 in the district and members are positive that this would prove a better communication than in the public notice section of a local paper.

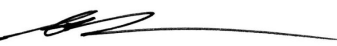
So faced with an indeterminate cost ranging from £550 to £2800 they are unable to make any sensible response to Cabinet. However as far as they are concerned, the only PC contribution to the cost will be the delivery of the consultation papers to every house hold affected.

(b) Number of Parish Councillors

Members are confused by the Cabinet's comment on saving cost by reducing members. All of the Councillors work for their community voluntarily without payment of attendance allowances or expenses. The only costs I can attribute to each member is printed material (now much reduced due to use of e-mail) and occasional training courses or materials, to date a minimal amount each year. It should also be recognised that the combined parishes' population is distributed over a rural area of approx. 13 square miles and this requires greater not less representation.

Reducing members would only reduce the effectiveness of the council and not reduce costs. There is no benefit to the community by reducing members and the council has no intention in doing so.

Yours faithfully,

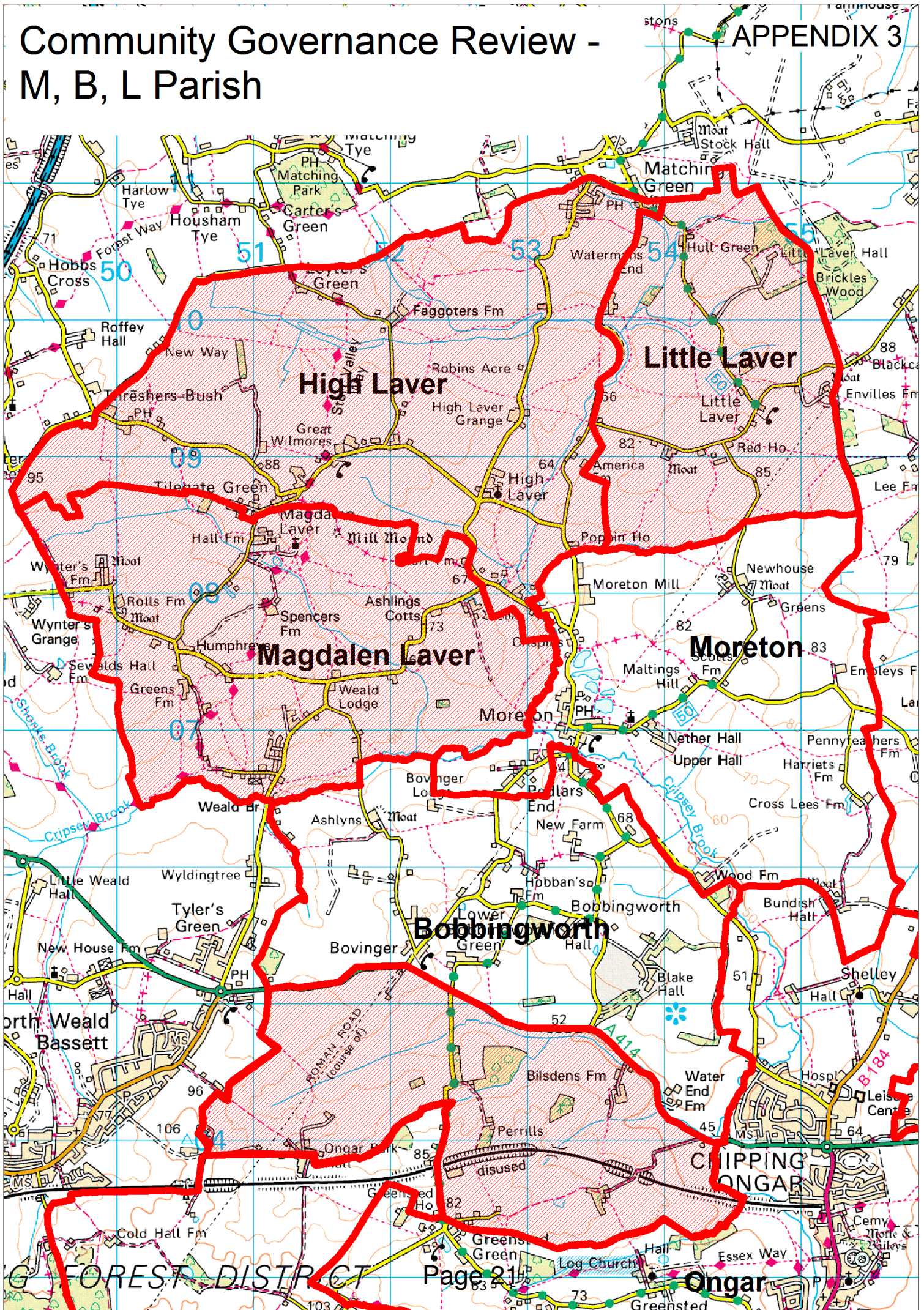

Colin Thompson
Clerk to the Parish Council.

Rec 27/11

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Community Governance Review - M, B, L Parish

APPENDIX 3



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Report to the Cabinet

Report reference: C-006-2010/11
Date of meeting: 7 June 2010



Portfolio: Leader (Report of Returning Officer)
Subject: Proposed Community Governance Review – Ongar Town
Responsible Officer: Ian Willet (01992 564243)
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) To consider recommending to the Council that a community governance review be undertaken in respect of the Parish Ward of Greensted in Ongar Town Parish to assess whether its transfer to Stanford Rivers Parish would provide more effective local governance and better reflects community links;**
- (2) Subject to (1) above, to recommend to the Council that the Greensted review be carried out separately from the Moreton, Bobbingworth and The Lavers (M, B, L) Parish Council review of parish warding;**
- (3) That residents of Greensted directly affected be consulted as part of the review and those residents not directly affected, through the relevant Parish Council; and**
- (4) That the review be progressed by means of the member body established to deal with the M, B, L parish warding review.**

Executive Summary:

This report deals with a request for a community governance review for the Parish Ward of Greensted of Ongar Town Parish. The report outlines a request from local residents for the boundary between Ongar Town and Stanford Rivers Parish Council to be amended so that the Parish Ward is transferred to the latter Council.

The report also outlines the various considerations which must be taken into account in dealing with this request the views of two of the three parish councils in this area and other consultation with local resident which have been undertaken.

Reasons for Proposed Decision:

The Council is required to consider and respond to this application by the Local Government and Public Involvement in Health Act 2007.

Other Options for Action:

There is no other option for dealing with this request.

Report:

1. At the Council meeting on 3 November 2009 (Minute 91(a)), the Council adopted the following motion:

"That this Council –

(a) notes the powers available to the District Council under the Local Government and Public Involvement in Health Act 2007 to conduct corporate governance reviews within the District, including arrangements for Parish Councils;

(b) notes that such reviews are designed to ensure that community governance is reflective of the identities and interests of the community in an area and is effective and convenient;

(c) notes that concerns have been expressed by residents of Greensted Parish Ward in the Ongar Town Council area that they have more affinity with surrounding rural parishes than the Town of Ongar;

(d) asks the Cabinet, or such other member body as has been established to deal with such reviews, to carry out reviews of the following:

(i) the current Parish Council boundary in the Greensted area;

(ii) whether the Greensted area would be better included in an adjoining rural parish;

(iii) whether there are any residential areas more suitable by reason for their inherent character to remain part of Ongar Parish;

(iv) consequential arrangements to Parish Council warding and polling arrangements arising from any changes agreed; and

(v) consequential changes to District Council boundaries and warding arrangements arising from those changes."

2. This motion now stands referred to the Cabinet for consideration.

Community Governance Review – Procedure

3. Details of the review procedures are set out in the separate report on the proposed governance review relating to Moreton, Bobbingworth and The Lavers Parish Council.

The Scope of the Proposed Review

4. The map at Appendix 1 shows the Greensted ward, which is a westward extension of the Ongar Town Council area. The parish ward contains 568 electors. 60 households are estimated to be situated in the parts of Ongar Town adjoining the Marden Ash area.

5. Except the area adjoining the Town of Ongar proper, the Greensted Parish Ward is rural in character, being similar to the adjoining parishes of Moreton, Bobbingworth and The Lavers and Stanford Rivers. The proposal is to embark on a community governance review with the objective of considering whether Greensted should

become part of Stanford Rivers Parish Council on grounds of community interest. The original motion was moved by a local District Councillor for Ongar in response to representations from local residents.

6. A statement prepared by the local residents is set out in Appendix 3. This was supported by survey returns from a total of over 60 households in the rural area of Greensted ward, all of which supported transfer.
7. At the last review of District Wards in 2002, the inclusion of Greensted in a District Ward linked to Ongar (known as Chipping Ongar, Greensted and Marden Ash Ward) was debated on much the same basis now. The then Local Government Boundary Commission took the view that their policy precluded such a proposal.

Electoral Arrangements

Greensted Ward

8. This parish ward is within Ongar Town Parish. The parish is situated in the Chipping Ongar, Greensted and Marden Ash District Ward and the Ongar and Rural County Division.

Stanford Rivers Parish

9. Stanford Rivers Parish has no parish wards. The parish is situated within the Passingford District Ward and the Ongar and Rural County Division.

Election Cycle

10. The election cycle for this area is as follows:

Year	Election(s) Due
2011	Ongar Town Chipping Ongar, Greensted and Marden Ash District Ward
2012	Stanford Rivers Parish Council Moreton, Bobbingworth and The Lavers Parish Council District Ward of Passingford
2013	Ongar and Rural County Electoral Division

11. If the Council were to complete a transfer of Greensted to Stanford Rivers Parish, this would transgress District ward boundaries and lead to the Boundary Committee for England needing to make corresponding changes to the District wards. The most likely scenario is that the new parish and District wards would not take effect until 2015, the next ordinary elections.
12. If the area south of the A414 which is mentioned in the earlier report regarding M, B, L were included in the Greensted review, this too would involve the Boundary Committee with the same effect on implementation as would a single review of Greensted, Stanford Rivers and M, B, L.
13. What will be required is to ensure that all boundary changes are synchronised so as to avoid confusing voters.

What Would Need to be Covered in the Greensted Review?

14. These would include:
 - (a) an assessment of local opinion in Greensted;
 - (b) an assessment of community links and effective and convenient arrangements for the area; and
 - (c) where a new boundary between Ongar Town and Greensted should be.

What Proposals Would Emerge from the Initial Consultation?

15. These might include:
 - (a) new parish warding arrangements for Stanford Rivers Parish Council, Ongar Town;
 - (b) new district warding arrangements affecting those areas ;
 - (c) a review of polling stations (due in 2011 anyway); and
 - (d) definition of a new parish boundary between Ongar Town and Greensted near Marden Ash.

Consultation

16. Both Ongar Town Council and the local residents have conducted their own informal soundings. These results are set out in Appendix 2 and 3.
17. Neither of these surveys can be regarded as meeting the statutory requirement for consultation. This falls to the Council to conduct and will have to be carried out in a planned manner.
18. Ongar Town Council has also commented to the District Council and these are set out in Appendix 2. The Cabinet should consider these views in deciding whether to launch the review and should balance these against those expressed by residents.
19. The Stanford Rivers Parish Council has stated that it has no view on the matter.

District Council Consultation – Options

20. The guidance under the 2007 Act requires the Council to "consult both those local government electors in the area under review and others (including a local authority such as the County Council) which appear ... to have an interest in the review". This consultation should extend to those parish councils which are affected.
21. The question of whom to consult has proved to be a bone of contention already in relation to the informal consultation conducted by Ongar Town Council. The latter consulted all residents in the Greensted Ward. Residents have argued that only those who might transfer should be consulted. Consultation would however clearly have to take place with residents of Greensted who might transfer to Stanford Rivers.

22. It could be argued that the other areas of Ongar Town and Stanford Rivers Parish should also be consulted but this would extend and prolong consultation and add to costs. It is suggested that those areas not listed in paragraph 21 above should be represented by the views of their Parish Council.

The Way Forward

23. The Cabinet need to reach a conclusion on the following:
- (a) is there a case for a review and the launch of the stage one consultation to gauge opinion?
 - (b) if so how should the reviews be "packaged" in one of the two following options viz:
 - Option 1 - Greensted and M, B, L separated as two reviews running in parallel; or
 - Option 2 - a single review: covering M, B, L and Greensted/Stanford Rivers; and
 - (c) the policy to be adopted regarding consultation.

Summary of Recommendations

24. The M, B, L parish ward review can proceed separately as it is relatively simple and can be completed within the year.
25. The Greensted review should be run separately from M, B, L as the only overlap is in relation to the "A414 strip" which does not affect the M, B, L warding proposal.
26. On consultation, the "A414 strip" residents and the rural residents of Greensted should be directly consulted. Others should be represented through consultation with the Parish Councils concerned.

Resource Implications:

See report on M, B, L Parish Ward review.

Legal and Governance Implications:

See M, B, L report.

Safer, Cleaner and Greener Implications:

Nil.

Consultation Undertaken:

The Returning Officer has given presentations to Ongar Town Council and Stanford Rivers Parish Council on the Greensted review and to M. B. L Parish Council on this as well as the Parish Ward review for that area.

Background Papers:

Consultation returns provided by Greensted residents.
Consultation returns provided by Ongar Town Council.
Correspondence between EFDC and the 3 Parish Councils.

Impact Assessments:

See M, B, L report.

Risk Management

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

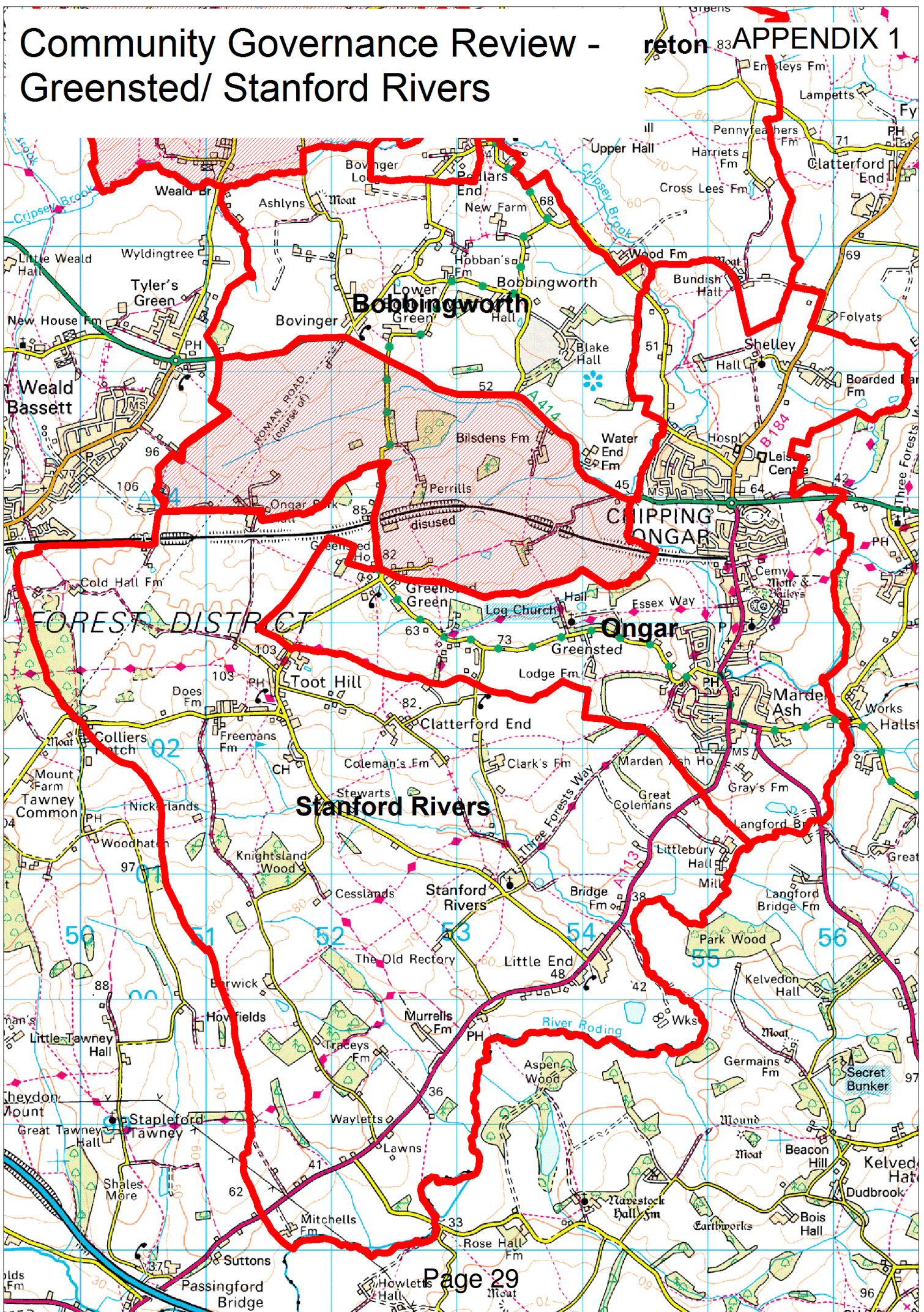
No

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A

Community Governance Review - Greensted/ Stanford Rivers

reton APPENDIX 1



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Ongar

Town Council



Mark Squire
Town Clerk



Mr Ian Willett
Assistant to the Chief Executive
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

10th February 2010

Dear Mr Willett,

Re Greensted Ward – Ongar

I refer to our recent meetings and the Epping Forest District Council (EFDC) meeting of 3rd November 2009, specifically motion 91 regarding the 'Greensted Parish Ward'.

I have taken this opportunity to provide some input on behalf of Ongar Town Council (OTC).

On the 24th November 2009, I wrote to all residents within the Greensted Ward on behalf of OTC regarding potential boundary changes to ascertain the underlying feelings of residents and whether they had any particular grievances or issues to discuss. In the letter (copy attached) OTC sought their views, comments and opinions and also offered to arrange a meeting to enable a discussion between residents and local councillors if so required.

OTC wrote to all 291 residences in the Greensted Ward and received a very low response from some 21 households (either by letter, e-mail or phone call), representing a return of 7.2%. No residents specifically requested a public meeting with the council.

I received only 4 communications 'for' a boundary change which consisted of two letters and an e-mail emanating from Greensted Road addresses and one phonecall from the resident who had initially instigated the motion of a boundary change.

I received feedback from 18 residents, requesting no change to existing boundaries and 1 ambiguous reply seeking further information.

I have attached copies of all communications for your perusal.

On the 14th January 2010 OTC met with EFDC District Councillors Derek Jacobs and Glynn Pritchard, who represent Ongar. The objective was to understand the rationale behind the proposed changes to the Greensted Ward boundary, to discuss the implications of the potential changes, to air the concerns of OTC and to hear their views of the District Councillors themselves.

OTC expressed to the two District Councillors its disappointment that they had not contacted this Council when the issue was first raised and had only been informed when Cllr Pritchard phoned the office and then forwarded a copy of a letter he had sent to the Clerk of Stanford

Bansons, Bansons Way, Ongar, Essex, CM5 9AS

Tel 01277 365348

Fax 01277 362315

e-mail clerk@ongartowncouncil.gov.uk

www.essexinfo.net/ongartowncouncil

Ongar

Town Council



Mark Squire
Town Clerk



Rivers some time previously. OTC was also under the impression that Moreton Parish Council was consulted before OTC was informed of the action taken by him.

OTC would ask EFDC to consider carefully the following points at the next relevant meeting when the 'Greensted issue is discussed further:-

- From information gathered to date, there appears to be little evidence to suggest or support that there is any real feeling or impetus from the Greensted Ward for a boundary change.
- Rather there would appear be a concerted effort for change by an individual/very small number of residents.
- The sixty or so houses mentioned in previous correspondence as part of the rural area represents a fifth of the ward which is a significant percentage.
- Costs are likely to be considerable and the boundary review could foreseeably extend to the 3 other Wards in Ongar, with a potential 'knock-on' effect to six neighbouring parishes surrounding Ongar.
- There is a danger that an isolated request incurs costs for the majority of residents. Is this serving the best interests of local democracy?
- How would the proposed boundary change be more effective for the residents of the Greensted Ward? What are the perceive benefits?
- Community governance arrangements should reflect people across the whole community and not just a discrete cross section or small part of it.
- What would be the 'knock-on' affect in terms of electoral representation, precept levy and number of councillors per ward, all with further cost implications?
- How would any potential changes fit into the respective Parishes timetables for Parish elections?

OTC strongly believes that it has served the Greensted Ward well:-

- Whilst OTC is not primarily responsible for the highway in Greensted, OTC has consistently chased EFDC and Essex County Council ECC (and continues to do so) for further road improvements in Greensted. The most recent meeting was on the 30th November 2009, where the Chairman and Clerk met with Gerard McEwen ECC, District Councillor- Ongar and Rural, David Forkin, Area Highways Manager EFDC and Trevor Baker, District Manager EFDC to reiterate the problem.
- OTC has achieved an extension of the speed limit further along the Greensted Road.
- OTC has achieved additional road signage and a white line marking on the centre of the road.
- The neighbouring parishes of Stanford Rivers and Moreton and Bobbingworth have previously declined OTC's request to join OTC in the campaign for road improvements.
- Essex Police have maintained that the road is very windy and that speed limits are unenforceable. As such they have declined to implement speed cameras.
- Due to difficulties being experienced by the company contracted to deliver OTC's quarterly newsletter these have, for the past two years, been posted to all residents in the outer lying residents in all the Council's rural areas, including Greensted Ward, to ensure each household receives a copy

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- Chairmen of OTC, Chairs of Environment Committee as well as Greensted Ward councillors have often met with the resident who has request this boundary change to discuss traffic issues. Also the issues have been discussed at more than one Annual Town meeting. OTC has been pursuing ECC Highways for improvements for at least 30 years which has resulted in the successes detailed earlier
- Historically OTC has contributed towards the upkeep of Greensted Church.

OTC has not sensed any disquiet from the residents of Greensted. On a personal level, having completed one year as Town Clerk, from memory, I have only receive one complaint from a Greensted resident complaining about the speed limits along Greensted Road during this time.

OTC is highly supportive of the needs of the residents of Greensted Ward who like all Ongar residents, have been are invited to all council meetings, the Annual Town Meeting as well as open councillor surgeries that have been running for some time now. The issue of a 'boundary change' has not been raised at any of these events.

OTC is aware that much of its area is rural where the needs may be different from the more urban parts of the town. It feels that has a long history of recognising and responding to those needs.

Whilst OTC cannot justify the promotion of boundary changes, the council does wish to reflect the interests of the community in the Greensted area and if there are minor boundary anomalies, OTC would be pleased to take this into consideration. It is feasible that if a comprehensive boundary review is undertaken, there may be a rationale to expand OTC's current boundaries to more natural barriers (rivers, roads, railways etc), but again OTC is mindful of the cost to the ratepayer.

I trust this letter is helpful in preparing for the EFDC meeting which will incorporate the Greensted Ward agenda item.

Please let me know whether you require any further information.

Yours sincerely

Mark Squire
Town Clerk

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Rural residents request for a boundary review part of the Greensted Ward under the Community governance review 2007 act.

Greensted Ward is made up of approximately two hundred and ninety one households (291) of which approximately sixty (60) rural houses may be affected by a change in the ward boundary.

The houses are scattered along and near to Greensted Road, Drapers Corner, Greensted Green and Toot Hill Road, a stretch of approximately three miles leading out of Chipping Ongar. They form small clusters or lone properties. This geographical area is a narrow stretch bordered by Bobbingworth to one side and Stanford Rivers the other, with undefined boundaries

Because of the spread of houses there is a the lack of a community identity with the resident's forming a disparate group, with the Greensted Church being the only focus with which local residents can identify with.

The residents recognise the Introduction of the "Guidance on community governance reviews" gives them the opportunity to request a review that may correct what they believe is a boundary anomaly and put in place a strong clearly defined boundary that is tied to firm ground features, and with the removal of the anomalous Ongar Town parish boundary that currently exists.

A number of rural residents have made their views known, i.e. that the community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services, relating to households of a similar disposition.

A considerable number of issues/problems that face rural residents are at variance with those people who reside in the conurbation of Ongar, and it is difficult for those residents in the town to feel engaged with rural priorities. People living in the town do not normally have to worry about:

- Drainage/sewage
- Pavements,
- Street lighting
- Power cuts from overhead power lines.
- Country Lanes with speeding vehicles and lorries that are far too large and wide for the road endangering residents lives (national speed limit 60mph)

The problem of being a minority group in a parish where the issues are centred on the town has been a long standing one which over the years has encouraged apathy to take hold, with residents having no input to the environment that they live in. It is important that local people have empathy with their neighbours who face similar day to day issues and able to relate with them.

The majority of the houses who may be affected by change are already geographically nearer to Stanford Rivers/Bobbingworth than they are to Ongar. The name change from Ongar Parish Council to Ongar Town Council has further reinforced the perception that the OTC interests are centred in the town forgoing the parish.

Using the electoral role of those houses in the rural part of Greensted Ward a sample of residents were asked if they felt a community governance review should be conducted by EFDC with consideration being given to change the current boundary (see attached sheets).

- 57 houses on the electoral role, which consisted of 105 names,
- 38 households visited (66.6%)
- 68 residents were surveyed
- 66 would like a review (97%)
 - *1 against,
 - *1 don't really know

(*they were unsure if change would result in an improvement in their lives).

The above sample clearly shows the strength of feeling for a review of the Greensted Ward boundary, and demonstrates the positive reasons that a review should be undertaken with the rural residents who are likely to be affected by the outcome.