

Report to the Cabinet

Report reference: C-038-2009/10
Date of meeting: 12 October 2009



Portfolio: Leader

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:**
 - (a) whether or not a community governance review of Moreton, Bobbingworth and The Lavers Parish Council should be undertaken;**
 - (b) subject to (a) above:**
 - (i) that the public notice set out in Appendix 3 be approved;**
 - (ii) that the outline timetable for completing the review set out in Appendix 4 be noted;**
 - (iii) that the proposed list of Consultees set out in Appendix 5 be approved subject to any additions proposed by the Parish Council;**
 - (iv) that the Council 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. which can be drafted by the Returning Officer prior 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 also submits a draft timetable for the review, an initial statement publicising the opening of the review and asks the Cabinet to make recommendations as to how the review should be conducted at member level.

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. A copy of the Parish Council's letter is attached at Appendix 1. A further letter is attached at Appendix 2.
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; or
 - (c) electoral arrangements for parishes.
4. The 2007 Act devolves the power to take decisions about Parish Council electoral arrangements 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. However, if the governance arrangements of an existing Parish are affected, the Electoral Commission's approval may be required before any order is made to effect the changes.
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 Electoral Commission;
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. (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.

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.

Action Required Now

11. The Cabinet must consider whether it wishes to agree the community governance review. If so, the Cabinet must recommend to the Council accordingly.

12. Subject to Council approval, an initial notice must be published announcing the start of the review and seeking views/comments from local people. A suggested public notice is attached at Appendix 3.

13. 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.

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

Timescale

15. Such reviews must be completed in no more than one year. An outline timetable is attached as Appendix 4.

Consultation

16. A list of Consultees for the review is set out in Appendix 5. (The Parish Council will be asked to consider any further Consultees for inclusion.)

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 £1000 each) but cheaper 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:

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.