

Report to the Local Highways Panel

Report reference: LHP-001-2009/10

Date of meeting: 26 January 2010



**Epping Forest
District Council**

Subject: Review of the Panel Constitution

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Recommendations/Decisions Required:

- 1. That following the resolutions of Council on 19 January 2010 the Panel:**
 - (a) notes that with immediate effect all Parish Panel members shall be accorded full voting rights;**
 - (b) amends the Constitution and terms of reference to reflect (a);**
 - (c) further revises the Constitution and terms of reference to amend the membership of the Panel to 22 as follows:**
 - 11 Conservative Group**
 - 2 Liberal Democratic Group**
 - 2 Loughton Residents Association Group**
 - 1 British National Party Group**
 - 1 Other**
 - 1 Parish for the South Area**
 - 2 Parish for the West Area**
 - 2 Parish for the East Area**
- 2. That the Panel undertakes a review of the remainder of the Constitution and terms of reference; and**
- 3. To recommend to Cabinet and Council accordingly.**

Report:

Background

- 1. The Highways Panel was established by Council in April 2009 in response to the Essex County Council's new "Localism" agenda. A Constitution and terms of reference were prepared based upon the broad principles contained within the County Council's localism manual. The Constitution and terms of reference were agreed at the annual Council in May 2009.**
- 2. The Constitution provides for a membership of eleven District Councillors, appointed on a pro-rata basis, with three co-opted Parish representatives who do not have voting rights. The three Parish members were representing the same geographical areas included within the three area planning committees and the Safer, Cleaner, Greener problem solving areas.**
- 3. The Essex County Council localism manual provides guidance on the makeup of a local highways panel. It suggests that there should be a minimum of 10 members and that at least 25% of that membership should be non-district council elected representatives. There is however no direct reference in the manual to the provision of voting rights.**

4. The Parish members had previously raised their concerns at Panel meetings regarding:
- (a) the inequity of the absence of voting rights; and
 - (b) the practicality of three Parish members being able to properly represent all of the parishes.

These concerns were noted by the Panel, but a decision was made to retain the original arrangements and review the constitution and terms of reference ahead of the next municipal year.

5. This led to the Chairman of the Local Councils' Liaison Committee addressing the Cabinet on the 4th of January 2010, when the following decisions were made:

(1) That, following a request by the Local Council's Liaison Committee, the amendment of the Terms of Reference for the Local Highways Panel to grant the Parish Council Representatives full voting rights with immediate effect be recommended to the Council for approval; and

(2) That the Local Highways Panel be requested to review its operations and procedures and report to the Annual Council meeting scheduled for 25 May 2010.

6. The above recommendations are subject to endorsement by Council on 19 January 2010. The panel would then be required to review the Constitution and terms of reference and make recommendations to Council in due course. However, the changes in the voting provisions would be in place with immediate effect.

Panel membership

7. The terms of reference explains that membership of the Panel is 14, comprising of 11 District and 3 Parish members. This does not equate to the suggested 25% Parish representation in the ECC guidance manual. The 11 District members are allocated on a pro-rata basis, the make up being:

Conservative group:	7
Lib Dem Group:	2
LRA group:	1
BNP Group:	1

8. Parish members have also expressed concern around the scale of the geographical areas they are meant to represent. At Cabinet some Members expressed a view that Parishes did not know who their representative was. Solving this is difficult, in the main because of the size of the District and the number of Parish Councils. The 3 Parish members represent the three planning area committee areas, these being:

South: Loughton, Buckhurst Hill, Chigwell (3)
West: Waltham Abbey, Nazeing, Roydon, Epping Upland (4)
East: Abbess Beauchamp & Berners Roding, Epping, Fyfield, High Ongar, Lambourne, Matching, Moreton Bobbingwirth & The Lavers, North Weald, Ongar, Sheering, Stanford Rivers, Stapleford Abbots, Stapleford Tawney, Theydon Bois, Theydon Garnon, Theydon Mount, Willingale (17)

Whilst the population of the southern and western areas is greater, the geographical expanse covered by area east and the number of Parish councils in that area (17 in all) makes co-ordination for a single parish member a somewhat daunting exercise.

9. An analysis of the District, Parishes and associated electorates results in the following data:

Area	Electorate	No. of Parishes	No. of District Cllrs
South	42,422	3	25
West	22,922	4	14
East	33,365	17	19

This provides the following potential Parish membership options for consideration:

	South	West	East	Total
Based upon electorate	2	1	1.5 (2)	4.5 (5)
Based upon no. of Parishes	1	1	4	6
Based upon DC members	2	1	1.5 (2)	4.5 (5)

11. The present arrangement results in a Parish representation of 21.4%. If the guidance of at least a 25% non district membership is to be achieved, the simplest way of achieving this is to add one additional Parish member, increasing their number to 4 and the overall Panel membership to 15, resulting in 26.7%. However, with the already agreed change to the voting arrangements, this number could result in the District Conservative Group not having the majority on the Panel to which it is entitled under the pro-rata rules. To overcome this, Conservative membership would need to be increased by 2 members to 9, taking the size of the Panel to 17 members.

12. If the suggested guidance of the Panel having a 25% Parish representation is to be adhered to, and Parish concerns about geographical representation are to be embraced, the above options result in a core Panel composition of either 20 or 24 members in total, before pro-rata principles are applied. It is however suggested that a panel membership of 24 is too large and therefore the Parish membership should be related to the electorate numbers. A Panel of 20 would be made up as follows:

District Councillors: 15: 9 Conservatives
2 Liberal Democrats
2 LRA
1 BNP
1 other
Parish members: 5: 2 south area
1 west area
2 east area

However, a panel of 20 would see the Conservative representation of 9 members exceeded by the other membership, and therefore, to preserve the core principles of pro-rata, the Conservative membership would have to be increased by 2 to 11 to ensure a majority position. This results in a Panel membership of 22.

13. It is further suggested that, as far as is practical given the demands upon District members on other 'committees', Group Leaders endeavour to allocate District membership in such a way as to provide the widest possible geographical representation.

14. The Panel at an earlier meeting agreed, endorsed by Cabinet, to review its Constitution and terms of reference in more general terms, and members are requested to review the existing arrangements and bring forward matters for consideration.

15. All changes to the Constitution and terms of reference will need to be referred to Cabinet and where appropriate referred also to Council.