

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.