

Report to the Council

Committee: Cabinet

Date: 7 June 2010

Subject: Community Governance Review - Moreton, Bobbingworth and The Lavers Parish Council (MBL)

Portfolio Holder: Councillor Mrs D Collins
(Leader of Council)

Item: 10(6)

Recommendations:

(1) That this Council agrees to embark on a community governance review for the Moreton, Bobbingworth and The Lavers Parish Council area;

(2) That the Council publishes this decision and the reasons for launching the review, namely:

(a) the proposal of Moreton, Bobbingworth and The Lavers Parish Council for revised warding for the three Lavers parishes will achieve a more balanced electoral representation across the Parish Area;

(b) the review will enable this Council to assess whether local communities support this proposal and wish to raise any other governance issues.

(3) That the Council be recommended to establish a new Committee responsible for progressing the review and making recommendations to the Council with membership and terms of reference as submitted by the Returning Officer in a separate report.

Report:

1. The (MBL) Parish Council has applied to the Council for a community governance review to be undertaken 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; and
 - (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; and
 - (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.

Dealing with the Requested Review

11. Subject to Council approval, an initial notice must be published announcing the start of the review and seeking views/comments from local people. Although this consultation will focus on the re-warding of the Parish Council, it must also invite proposals from the local community on any other matter related to governance.
12. The Cabinet was asked to make recommendations about whether a review should be carried out and how the review is to be handled at member level.
13. We have on two occasions considered the merits of this proposal and are satisfied that there is a case for starting this review. We feel that the improvements to elector/councillor voting ratios which are possible more than justify this. We recommend that a new non-executive Committee should be established to progress this review and details are set out in a separate report of the Returning Officer.
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. 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.
16. A map showing the MBL Parish is attached at Appendix 2.

Resource Implications:

There is no specific budget provision for community governance reviews. Assistance from the Parish Council has been discussed and MBL Parish Council will give assistance with the circulation of consultation material.

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 however, that this is a provisional estimate only.

At various stages of the process, there will be a requirement to publicise the stage reached. The statutory requirement to publicise these reviews is broadly drawn and requires the Council to publish a decision to commence a review including the reasons for that decision and “take such steps as the Council considers sufficient to secure that persons who may be interested in the review are informed of that review and those reason”. (Section 96(1) of the Act).