

Report to the Council

Committee: Electoral and Corporate Governance
Reviews Committee

Date: 28 June 2011

Chairman: Councillor J Philip

1. COMMUNITY GOVERNANCE REVIEW – MORETON, BOBBINGWORTH AND THE LAVERS (MBL) PARISH COUNCIL

Recommending:

(1) That the following proposals arising from the Community Governance Review for MBL Parish be adopted, as they reflect the identities and interests of the communities in the area and are effective and convenient namely:

(a) re-warding of the area comprising the existing Parish Wards of High Laver, Little Laver and Magdalen Laver to form a single ward entitled “The Lavers” as shown on Map 2 (shaded pink) of Appendix 1;

(b) the transfer of those areas of High Laver and Little Laver wards which are part of Matching Green Village to the Parish of Matching (as set out in Appendix 1 (and shaded green on Map 1) to this report);

(c) the re-alignment of the MBL/Matching Parish boundary in Matching Green Village as a consequence of (b) above as shown with a green line in Map1 of Appendix 1;

(d) that MBL Parish, should continue to have a Parish Council with electoral arrangements based on wards;

(e) that no change to the number of Parish Councillors in Matching and MBL Parishes be made;

(2) That an Order be made under Section 92 of the Local Government and Public Involvement in Health Act 2007 to give effect of the proposals arising from the review, subject to a report to this meeting on further consultation with elected Councillors resident in the MBL part of Matching Green village to ascertain the level of public support for a new Matching Parish Council elections in 2012;

(3) That a statutory statement under Section 96 of the Act indicating the Committee’s response to the review (as set out in Appendix 2) be adopted for subsequent publication all respondents to the public consultation;

(4) That the Council make an application to the Local Government Boundary Commission (LGBC) for the following:

(a) the re-alignment of the boundary between North Weald and Nazeing and Ongar and Rural County Electoral Divisions and the District Wards of Moreton and Fyfield and Hastingwood, Matching and Sheering Village to follow the new Parish boundary; and

(b) the holding of an election in 2012 in the District Ward of Hastingwood, Matching and Sheering Village.

Introduction

1. This Committee was established by the Council in June 2010 to carry out a community governance review in respect of MBL Parish Council.
2. Community governance reviews are carried out under the Local Government and Public Involvement in Health Act 2007. Reviews are designed to allow community governance at Parish level to be examined so as to achieve arrangements which are both effective and convenient for local communities whilst reflecting their identities and common interests. These reviews can be used as a basis for creating, altering, disbanding, combining or grouping parishes. They can also be used to review electoral arrangements including such matters as ward boundaries, the number of councillors and the cycle of elections.
3. In this case the review initially focused on warding arrangements within MBL Parish, where the Parish Council wished to change the number of wards in order to achieve a better electoral equality across its area and reduce its election costs. During the consultation on reducing the number of wards, some residents of Matching Green village (in the part within MBL Parish) requested a review to be undertaken of the Parish boundary as it affects the village. This boundary currently divides Matching Green equally between the MBL and Matching Parish.

Consultation

4. Consultation was carried out in two phases. The first phase concerned the parish wards in MBL Parish. A letter, explanatory statement, return pro forma and envelope were sent to each household in the parish wards of High, Little and Magdalen Laver.
5. The second phase involved a wider consultation with electors in Matching Green village (MBL part) and householders in the remainder of the Lavers wards and the whole of Matching Parish. This second phase focused specifically on the question of whether the parish boundary at Matching Green should be altered so as to incorporate the whole of the village in Matching Parish.
6. This consisted of individual letters to electors and householders in the three areas. The letter enclosed a summary sheet of issues that electors and households might wish to consider and this referred to more detailed information which as published on the Council's website. In addition to this we convened a public meeting on 1 April 2011 to hear views in person from local residents. The issue of whether there should be change in the number of councillors to reflect the transfer of electors between the two Parish Councils.
7. We also consulted the two Parish Councils and received comments back from Essex County Council, which has an interest in the County electoral division boundary change. It is known that the County Council consulted the two local County Councillors.

Results of Consultation – First Phase

8. These are set out in more detail in Appendix 3 to this report. In Phase 1, there was strong support for the re-warding of the three Lavers wards into one new parish ward. The Committee accepted this as a firm proposal.
9. The second phase of the consultation was about the Matching Green boundary. In

this case, we had to determine how the electors who would be directly affected by the proposed boundary change could be given priority in assessing the results. In our view, all households in the Lavers Ward and Matching Parish had to be consulted but in our judgement they were less directly affected than those in Matching Green Village (MBL part) which would actually transfer. For this reason, we decided to consult electors within Matching Green Village (MBL part).

10. The results indicated support for the proposed boundary change. Although this was very clear in percentage terms among those who responded, we nevertheless thought carefully about how to interpret those who did not. We took the view that, as the consultation had been publicised widely, the silence of those residents who had not responded could be interpreted as meaning that they saw no adverse effects from the change.
11. We felt that there was a strong case for making the boundary change as we did not consider that any local links were severed by realigning the boundary at Matching Green, this change being preferable to the current situation where a single village community is divided between two parishes. It has been said to us on many occasions that the current boundary is illogical. The Lavers area would retain its individual character whilst having the whole of Matching Green Village in Matching Parish seems to reinforce the community links with the latter as reflected in their common name.

Other Boundaries

12. The proposed boundary change at Matching Green is unusual in that the present Parish boundary is shared by district ward, county electoral division and Parliamentary constituency boundaries. Although the District Council has powers under the 2007 Act to change a parish boundary, it is not able to change those for District Wards or County Divisions. However, the LGBC is able, on application, to make consequential changes to the District and County electoral boundaries if a parish boundary is altered. We think there is a strong argument for re-aligning these County and District boundaries with the revised parish boundary, not least to avoid voter confusion and we recommend that an application under the Act be made to the Commission to make those changes.
13. We have received informal advice from the Commission that they see no fundamental difficulties (subject to looking at the detailed information) in realigning the district and county boundaries. However, a condition of the Commission's approval will be that an out of turn district election must be held in 2012 to ensure that the four year electoral cycle is regained in 2015. District & Parish elections (the latter was uncontested) were held in 2011 for the Matching area.
14. As the Moreton and Fyfield District ward is due to hold elections in 2012, it was obvious to us that if an out of turn election must be held, it should take place in Hastingwood, Matching and Sheering Village District Ward. In some ways it is regrettable that another election would have to be held so soon but we feel the advantages in terms of community governance and avoidance of voter confusion at elections is such that this is an acceptable price to pay for achieving a logical boundary. It may be worth mentioning that the 2011 District election in the ward was contested, which is an exception to the normal situation.

The Parliamentary Boundary

15. A review of Parliamentary Constituencies in England is currently underway. The Committee has been advised that the only way in which the parliamentary boundary at Matching Green can be altered is as a result of the current review. The review is being progressed by a separate Commission. We plan to take advantage of whatever consultation arrangements follow later in the year to press for the

parliamentary boundary at Matching Green to be realigned if it remains at that location.

Other Issues

16. As part of this review, the Council is asked to consider whether there are any other alternative governance arrangements which would better reflect local communities of interest other than parish councils. No such proposals have been notified to us and we have taken the view that there is no reason why the current parish pattern in the area should be discontinued.

MBL Parish

17. Currently, Moreton, Bobbingworth and The Lavers Parish Council has five wards and the proposal is to reduce these to three. This Parish Council area is rural in character with many scattered hamlets and small villages. There was significant, but not overwhelming support, for reducing the number of MBL Parish Councillors but we have accepted the argument put forward by MBL Parish Council that a reduction in the number of wards would still recognise local interests in The Lavers area and that 14 Parish Councillors should be retained to make access to elected members as easy as possible over this wide area.

Matching Parish

18. We have also looked at the position of Matching Parish Council assuming that the transfer of part of Matching Green into its area comes about. Currently Matching Parish Council has seven councillors and elects for the whole parish area without wards. Although Matching Parish Council will receive additional electors as a result of the boundary change, we do not see a case for introducing warding arrangements there based on the members of electors involved. The results of the consultation indicated clearly that among those who responded that there was no support for increasing the number of Parish Councillors. This was also the view of the Parish Council. We are therefore not recommending any changes to the present electoral arrangements, the number of parish Councillors.

Parish Elections in Matching

19. At our last meeting in formulating our proposals for this meeting of the Council, we considered whether the transfer of the Matching Green electors into Matching Parish should warrant an additional Parish Council election in 2012. This is because of the potential "democratic deficit" for those voters who could not take part in the 2011 parish election and will miss the 2012 MBL election. Although Matching Parish Council is not in favour of another election, we have consulted three parish councillors (two from Matching and one from MBL) who live in Matching Green and asked them to canvass the views of local residents on this.
20. As we have explained above, it is likely that if the District ward boundary changes to match the new parish boundary there will be a District Council election in 2012. If the wish of local residents was to have a further election in Matching Parish, this could be held concurrently with the District poll and the costs would thereby be shared. There may of course be a third election in the District in May 2012, namely for an Essex Police Commissioner although this is not yet certain.
21. The cost of a District Council election would be met by this authority. If a Parish election were held at the same time the cost would be shared and the Parish Council will be re-charged for its proportion according to whether it is contested or uncontested.
22. Our Chairman will be reporting to the Council meeting on the results of this further

informal consultation on another Parish Council election in Matching in 2012. If there is public support for such a step, it will be necessary to make provision for this in the order referred to in recommendation (2) in this report.

Conclusions

23. The Council is under a duty to complete community governance reviews within a 12 month period. The Council therefore must at this meeting reach a firm conclusion on the proposals which are now being submitted. There is no scope for deferment or reference back of our proposals, they must be determined at this meeting.
24. We have tried to consult as widely as possible on these changes which, particularly with the Matching Green boundary, are complicated mainly due to the different electoral boundaries which run along the same route. We hope that the Council will agree that support from the local area for the re-warding of MBL Parish and the change in the parish boundary at Matching Green is sufficient to permit our recommendations to be adopted.
25. The new boundary would be reflected in the next published electoral register in early 2012. The new warding arrangements for MBL would come into effect at its scheduled District and Parish elections in May 2012. The electors transferring to Matching Parish would vote in the next ordinary Parish Council election in 2015 unless this Council is minded to hold another election in 2012, those Parish Councillors having a three year term expiring in 2015. Those voters would be voting in a new District election in 2012, for the relevant District Ward.
26. Appendix 2 sets out the form of statutory statement required to be published subject to the council's final decision.
27. We recommend as set out at the commencement of this report.

Background Papers:

Phase 1 and 2 Consultation material.

Consultation responses.

Letter from Local Government Boundary Commission.

Consultation responses from Moreton, Bobbingworth and The Lavers Parish Council.

Consultation responses from Essex County Council