

Committee: Electoral Arrangements Working Group

Agenda Item

Date: 22 July 2010

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Title: Community Governance Review – proposed arrangements

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Item for decision

Summary

1. In November 2010, the Working Group recommended a programme of reviews to be undertaken during the summer and autumn of 2010, including a community governance review (previously called a parish review) of the boundary at Foresthall Park, and possibly to include Priors Green also.
2. The programme of electoral reviews was approved by the Finance and Administration Committee later that month.
3. This report sets out a series of proposals and a suggested timetable for carrying out the community governance review.

Recommendations

4. It is recommended that the timetable and terms of reference for the proposed review be approved with immediate effect, as set out in paragraphs 26 and 27 of this report; there is no need to recommend anything to the parent committee at this stage as the Working Group is facilitating the Council's agreed programme of reviews and there is nothing of policy significance to decide at this stage.

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Correspondence with relevant parish councils

Local Government and Public Involvement in Health Act 2007 (LG&PIHA) and other relevant legislation

Guidance on Community Governance Reviews issued by the Department for Communities and Local Government in April 2008

Impact

- 6.

Communication/Consultation	In accordance with statutory and other guidance and the agreed terms of reference
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Community Safety	N/a
Equalities	N/a
Health and Safety	N/a
Human Rights/Legal Implications	If changes are agreed, a legal order must be made affecting arrangements in the parishes concerned
Sustainability	Nothing directly identifiable
Ward-specific impacts	Birchanger, Stansted South, and Takeley and the Canfields
Workforce/Workplace	N/a

Situation

7. A programme of reviews has been agreed. This proposes a community governance review of the Foresthall Park area (Birchanger/Stansted), and possibly Priors Green as well (Little Canfield/Takeley) commencing in June/ July 2010.
8. The following report summarises briefly the reasons for the review to be undertaken; brings Members up to date with new developments; and sets out a suggested timetable, process and terms of reference for the review.

The historic and present position at Foresthall Park

9. As Members will be well aware, the residential development site known as Foresthall Park (known historically as Rochford Nurseries) is divided in a seemingly random fashion by the parish boundary between Birchanger and Stansted.
10. The boundary between the two parishes has already been altered twice in recent years principally to accommodate changes in the Stoney Common area, much of which was historically part of Birchanger parish. The most recent change altered the definition of the parish boundary but the effect complicated the electoral position in that the electors affected will not be assigned to their intended new ward until May 2011.
11. The gradual impact of the changes made has been to expand the boundaries of Stansted at the expense of Birchanger. This is largely because recent residential developments have been seen as extensions to the natural limits of Stansted village and remote from the settlement of Birchanger.
12. The present division of the residential site between different parishes is widely acknowledged to be unsatisfactory. It has resulted in individual properties and electors being divided between Birchanger and Stansted in an apparently

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haphazard way unconnected to any considerations of community identity and interest. The position is perhaps compounded by the allocation of Stansted postal addresses to the entire site and to considerable uncertainty among all of the interested parties about the exact position of the boundary in relation to roads and individual properties.

13. The Council has a long-standing commitment to undertake a further review once 200 houses on the site are occupied. It is understood that this level of occupation has now been reached. The idea for setting this limit was to enable a meaningful consultation to be carried out with occupiers of the new dwellings, so that community identities can be established.
14. I do not have reliable up to date figures of the number of properties now occupied but in February this year I was told the figure was 213; Councillor Salmon then gave me a list indicating the number had risen to around 279 by the end of March.
15. Stansted Parish Council made a formal approach asking for a review to be undertaken on 3 November 2009 and this was reported to members at the EAWG two days later.

Options for change

16. There appear to be a number of options for change as identified to the previous meeting. These can be summarised as:
 - Leave things as they are (probably an unsustainable outcome)
 - Tidy up the boundary so that it does not pass through houses or roads but leave things broadly as they are (probably only sustainable if residents on both sides of the boundary are largely satisfied with their existing community links, subject to the boundary being realigned in a sensible fashion)
 - Create a new, separate, parish of Foresthall Park (sustainable only if it can be demonstrated that Foresthall Park is a separate and distinct community, much in the same way as was shown at Flich Green, and that there is strong support locally for that option)
 - Transfer the entire site into Stansted (probably the more likely option but dependent upon responses to the consultation)
 - Transfer the entire site into Birchanger (cannot be ruled out as residents may have established firm community links with the parish)
17. It is advised at this stage that Members do not take a firm position so that the options can be reviewed in the light of the consultation responses. The Council's position will remain neutral until after the first consultation stage at which point a proposal must be agreed for publication.

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Priors Green

18. The position at Priors Green is much different in that the phases of the development and layout of the site seem to take into account the existing parish boundary in a much more satisfactory manner than at Foresthall Park. There has been no pressure from either parish council (Little Canfield and Takeley) for any change to be considered. However, the present boundary does seem to form a somewhat artificial division of a single development site, especially as the distinction between the communities of Little Canfield and Takeley has been somewhat blurred.
19. There is also the consideration that community facilities will be shared between residents of both parishes and that postal addresses allocated are for Little Canfield in all cases. I believe this has caused some confusion about parish and community identities.
20. I understand that the two parish councils have formed a joint working party and are in the process of establishing a committee for the management of the new community hall.
21. One option that may be worth considering is a formal grouping arrangement of the two parishes, but that would require the consent of both of the parish meetings and the adoption of electoral wards. Or the two parishes could simply be merged together as a single parish. However, there is no indication that either of the two parishes would be prepared to consider either of these options.
22. The best approach at this stage may be to include Priors Green in the advertisement for the initial consultation phase of the review and invite any proposals for change. If nothing in the way of a representation arises then it can perhaps safely be concluded that no change is either needed or required.

Proposed timetable, process and terms of reference

23. The Council must comply with the duties in s93 of the LG&PIHA and with the guidance issued by the Secretary of State and the Electoral Commission. Broadly, these are:
 - The area under review must be specified.
 - The terms of reference must be published.
 - The Council must consult the local government electors for the area under review, and any other person or body (including the County Council) which appears to have an interest in the review.
 - The Council must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

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- The Council must take into account any representations received.
- As soon as practicable after making any recommendations, the Council must publish those recommendations and take all necessary steps to inform everyone who may be interested.
- Where changes to existing arrangements are to be made, the Council must complete its review by making a Reorganisation Order.
- The Council must conclude the review within 12 months of starting it.

24. There appears to be no guidance on the means taken to publicise the review. It is suggested that this should be done by placing a newspaper advert in a relevant local newspaper circulating in the Stansted and Takeley area; by placing a suitable link on the Council's website, and by sending a standard consultation letter to the County Council, the parish councils concerned, any other local community bodies that can be identified, the ward councillors concerned, and possibly to the occupiers of all residential addresses within the review areas.

25. This last suggestion might be difficult to carry out in practice as the review area may include the whole of the parishes concerned. However, in other places being reviewed such as Swards End and Flitch Green, it was found that writing directly to the occupiers of properties likely to be affected by the review, together with a questionnaire for return, was an effective method of establishing community identities.

26. The review area is suggested as:

- The parishes of Birchanger and Stansted, concentrating especially on the new residential site known as Foresthall Park, and other nearby areas that may be affected by a change of parish boundaries at that location.
- The parishes of Little Canfield and Takeley, concentrating especially on the new residential site known as Priors Green, and other nearby areas that may be affected by a change of parish boundaries at that location.

27. The suggested timetable for the review is as follows:

Action	Time allowed	Effective dates
Start of review and invitation for the submission of proposals	Six weeks	16 August to 30 September 2010
Evaluation of submissions and preparation of draft proposals	One month	1 to 29 October 2010
Publication of draft proposals	One week	1 to 5 November 2010

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Consultation on proposals	Three months	8 November 2010 to 1 February 2011
Evaluation of representations and preparation of final proposals	One month	2 February to 4 March 2011
Publication of final proposals	One week	7 to 11 March 2011
Publication of recommendations	Two to three months later	23 to 27 May 2011
A reorganisation order is made	Thereafter	June 2011
The order is sent to the required statutory bodies and the Local Government Boundary Commission for England is asked to make a related alteration order for any principal area wards and electoral divisions affected	As soon as the order is made	June 2011
The order becomes effective (for parish elections) – hopefully at the same time for district elections also (otherwise at such later date as the order may be made and brought into effect)	When the next revised register of electors is published	1 December 2011

28. Of course, the major difficulty with this timetable will immediately become apparent. That is, that any proposals agreed and implemented by order cannot easily be made in time for the district and parish elections in May 2011. In fact, I believe that to be able to do so is practically impossible. That is why I have deliberately allowed for a time lag of two to three months between publishing the final proposals for change and then publication of the recommendations and making the order.

29. I accept that it will be confusing to go through this process and then publish final proposals for change just before the local elections only for them not to be implemented at the election. However, even if it was possible to make the order and bring it into effect for the parish election (a very big 'if'), the district election would be fought on the old boundaries.

30. In my view it would be more confusing still to publish the recommendations and make the order before the elections take place, only for those

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recommendations not to be implemented, or for parish and district elections to take place on the same day but using unsynchronized electoral boundaries.

31. Theoretically, it would be legally possible to publish a revised register for the parish election on either 1 or 15 April 2011 (the last possible date as this is the 11 day election register) but it would entail a great deal of extra work during a period of maximum pressure for the democratic services section; it would involve extra cost in having to advertise the publication of a further revised register (as required by law); it would confuse candidates and political parties as well as the public in that the register used for nominations and the poll would be different; and it would vastly increase the possibility of mistakes arising and of electors being disfranchised. In other words, it would be dangerously risky and would amount to bad practice.
32. Inevitably, whatever happens, some electors will be confused and perhaps angered that the proposals so recently agreed could not be implemented at the time they might expect. I regret that this is an inevitable consequence of the legal process for changing parish and electoral boundaries.
33. The only other viable option might be to delay the entire review until after the local elections but the Council is now committed to an earlier review and local expectations would not be met.
34. The only practical option in my view is to proceed but to make it clear at all stages of the review process that the changes proposed are for the future and will not apply in May 2011.
35. It is proposed that the terms of reference set out in paragraph 25 and the timetable set out in paragraph 26 are adopted to enable the review to proceed.

Risk Analysis

36. See risk analysis below.

Risk	Likelihood	Impact	Mitigating actions
Parish boundaries and arrangements for voting do not reflect the community identities and values of the district's residents	2 – if the review is conducted according to the timetable proposed any community dissatisfaction is likely to be assuaged but short term dissatisfaction may remain	3 – damage may be done to community values and to levels of community participation if action is not taken as proposed	The review process will involve full consultation with affected residents and other bodies such as parish councils as well as the opportunity to submit proposals for consideration

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- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.