

# ***Report to the Council***

**Committee: Council**

**Subject: Consultation Response to Local Government Boundary Commission (England) Ward Boundary Review**

**Portfolio Holder: Leader**

**Date: December 2022**

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## **Recommending:**

- (1) That the Council approves the consultation response as set out in Section 3 of this report for submission to the Local Government Boundary Commission (England).**

## **Summary**

- 1.1 Since September of last year, the Council has been the subject of an electoral review by the Local Government Boundary Commission for England (LGBCE). The review is considering the size of the Council, in terms of the number of Councillors, and its ward boundaries. This is the first review of the Council by the LGBCE since 1998.
- 1.2 The LGBCE completed the first stage of its review back in May 2022 when it recommended that the District would be best represented by 54 Councillors in the future; a reduction of 4 Councillors in comparison to the current number. This was consistent with the Council's consultation response and discounted options including 45, 48, 51 and 57 Councillors.
- 1.3 The final stage of the process is for the LGBCE to agree a warding pattern across the district that fairly reflects the needs of the electorate. After considering representations from all interested individuals and parties it issued its draft recommendation on Warding Patterns for wider consultation on the 4 October 2022.
- 1.4 The deadline for responses to the consultation is 12 December 2022, but the LGBCE has granted an extension to allow the Council to consider their response this evening.
- 1.5 The Council's decision in December 2021 to retain elections in thirds meant that the LGBCE was required to design their warding proposals around an assumption of a uniform pattern of 3 member wards across the District, each being consistent with the 3 statutory tests laid down within legislation. These 3 tests being:
- Equality of representation.
  - Reflecting community interests and identities.
  - Providing for effective and convenient local government.
- 1.6 The Local Government Boundary Commission had made it clear in its briefings to the Council that if Epping Forest DC chose to remain electing by thirds, then this would lead to the District being predominantly made up of, larger, three member wards, as opposed to the current mixture of one, two and three member wards.

Although, it was understood that the Boundary Commission could deviate, in limited circumstances, from this arrangement if its proposals could not demonstrate that the 3 tests could be met.

- 1.7 The cross-party Portfolio Holder Advisory Group highlighted to the Boundary Commission that it considered that a uniform 3 member warding pattern across the entire district would not meet the 3 tests and exceptions would need to be made in parts of the district's to reflect disparate and discreet community identities.
- 1.8 It appears that the LGBCE's had rejected the Council's concerns and has recommended that the entire district be divided into 18 three-councillor wards. Their report states "we consider that our draft recommendations will provide for good electoral equality while reflecting community identities and interests where we received such evidence during consultation".
- 1.9 In respect of the representations received by the Commission arguing that a uniform pattern of 3 member wards would not reflect the electoral needs of the district the Boundary Commission said.

"The two district-wide schemes [contained in the consultation responses received] provided a mixed pattern of one-, two- and three-councillor wards for Epping Forest. We carefully considered the proposals received and noted that neither of these schemes provided a uniform pattern of three-councillor wards. As the Council elects by thirds (meaning it has elections in three out of every four years) there is a presumption in legislation that it have a uniform pattern of three-councillor wards. We will only move away from this pattern of wards should we receive compelling evidence during consultation that a uniform pattern would undermine our statutory criteria. Having carefully considered the submissions provided, we are of the view that we have not received compelling evidence to move away from a uniform pattern of three-councillor wards."

- 1.10 The Council, residents and other interested groups now have until the 12 December 2022 to comment upon these proposals before the Commission make their final recommendations on the 28 February 2023.

## **2 Consideration of the Warding Proposals by the PHAG**

- 2.1 The cross-party Boundary Commission PHAG subsequently re-met on two occasions to consider the draft recommendations.
- 2.2 Members considered the views expressed around the warding arrangements for Roydon & Lower Nazeing, Rural East, Loughton Roding & Buckhurst Hill East & Whitebridge and Waltham Abbey North, Waltham Abbey South & Rural.
- 2.3 The main points considered by the PHAG are set out below.

### Roydon and Nazeing

- 2.4 In relation to Roydon and Nazeing there was some support for the Roydon Parish Council's views that too many seats are proposed in the Parish Wards. However, it noted that this was a matter for the Parish Council to respond on. It was also noted that the projections of electorate for the Halls Green Ward were probably now too high due to the continuing delays in approving the Local Plan, meaning that anticipated developments would most likely not be fully built out by 2028.

### Rural East

- 2.5 The PHAG felt strongly that the LGBCE has not met its own tests adequately with the proposals put forward because of the size of the area and disparate nature of the communities covered by it. The PHAG felt that the area should be represented by 3 single member wards, the detail of which is set out in the proposed consultation response set out in Section 3 below.

### Loughton Roding & Buckhurst Hill East & Whitebridge

- 2.6 Councillor Murray and Councillor C. Pond were strongly of the view that Buckhurst Hill and Loughton were distinct communities and should be recognised as such within the Warding proposals as they were physically separated by a 'Green Walk', which had been created in 1940 following the Abercrombie principles. This demonstrated a clear boundary between the areas and had been upheld as a distinct boundary in the last review.
- 2.7 Councillor Murray presented evidence (Background Document) that demonstrated the various community links which clearly defined Buckhurst Hill and Whitebridge as separate areas.
- 2.8 However, several members of the group thought the Commission's proposals were acceptable considering the urban demographics of the area. Furthermore, that if the Council were to pursue this line, it could be argued that this principle could be used across the district for other wards, therefore increasing the number of members which was contrary to the recommendations to reduce members to 54.
- 2.9 On balance the PHAG did not support the case put forward on the grounds that this situation was not unique to the proposed Ward of Loughton Roding & Buckhurst Hill East & Whitebridge.

### Waltham Abbey North, Waltham Abbey South & Rural

- 2.10 The PHAG considered a submission from Councillor S. Kane to remedy the ward splitting of the Ninefields community in Waltham Abbey by the inclusion of a number of roads into Waltham Abbey North. The PHAG noted that this would not only take the variance too high in Waltham Abbey North but also make Waltham Abbey South & Rural too low. Because of the consequential knock-on effect on other wards the PHAG did not support these proposals.
- 2.11 A proposed draft response to the Boundary Commission clearly setting out the Council's concerns is set out in the section below.
- 2.12 This report seeks Council's endorsement to these consultation comments set out below so that they may be submitted as the Council's agreed response to the consultation paper.

## **3 Consultation Response to LGBCE**

- 3.1 That the PHAG supports all of the Commission's draft recommendations for the district wards with the strong exception of the Rural East ward.
- 3.2 That Council previously argued that the Rural East of the District would be too large geographically and with too many individual communities which share little or no

community identity for the Commission’s own tests to be met. The publication of the Consultation draft which dismissed the Council’s views and includes a proposed Rural East ward only serves to emphasise just how large and disparate this warding arrangement would be in practice. The ward would be more than 17 kilometres, north to south and 13 kilometres east to west, with elements of 21 individual communities captured within it, this is demonstrably too large and clearly contradicts the Commission’s criteria of Effective Local Government (as it is geographically too large) and Community Identity (as the communities largely do not associate with each other). To address these issues the Council strongly believes that this ward should be split into three single member wards as follows:

<i>Ward 1</i>	<i>Ward 2</i>	<i>Ward 3</i>
Lower Sheering Sheering	Bobbingworth High Laver East High Laver West Little Laver Moreton Magdalen Laver Matching (1) Matching (2)	Norton Mandeville Paslow Common Willingale AB& BR Fyfield
<i>variance 30% 2022 32% 2028</i>	<i>variance -2% 2022 -7% 2028</i>	<i>variance 14% 2022 7% 2028</i>

- 3.3 This would provide effective local government by creating smaller, more manageable geographical areas for the members. The proposed ward covers nine parish councils therefore splitting this ward into three wards would allow the member to develop connections and good contacts with those parishes, which would not as easily be created and maintained if it was a three-member ward.
- 3.4 Community identity revolves around the various parishes, primary schools and community buildings within each of these areas which strengthens the Council argument for retaining the three single member wards.
- 3.5 There is also a distinct difference between the Sheering and Lower Sheering wards which were more populated, urban in style and had clustered housing developments compared to the rest of the parishes, where the housing becoming much more sporadic towards the east of the proposed ward pattern.
- 3.6 The Council notes that the variance for the Lower Sheering and Sheering is above the tolerance but as the room for growth in this area is confined and because it is so different to the rest of the proposed ward, this should be overlooked for the sake of the community identify and effective local government.
- 3.7 If the Commission was not minded to support the above recommendation, the Council proposes that a single member ward and a two member ward would be preferred to the three member ward for the above reasons.
- 3.8 The proposed single- and two-member ward proposed would be as follows:

Ward 1 (single member ward)	Ward 2 (two-member ward)	
Lower Sheering Sheering	Bobbingworth High Laver West Moreton Matching (1) Norton Mandeville Willingale Fyfield	High Laver East Little Laver Magdalen Laver Matching (2) Palslow Common AB& BR
<i>variance 30% 2022 32% 2028</i>	<i>variance 6% 2022 0% 2028</i>	

3.9 It should also be noted that the Council supported Roydon Parish Council's comments, which argued that the number of Parish ward members required for Hall Green was too large. The developments predicted for this area are reliant on the Local Plan being adopted in good time and master planning for the site being produced to allow for the development to take place before 2028. With the delays in adopting the Local Plan it is now felt unlikely that this development area will be completely built out by the 2028 date.

#### **4 Resource Implications**

4.1 None this year or next.

#### **5 Legal and Governance Implications**

5.1 The submission does not propose any changes to the Council's existing governance arrangements but does recognise that, depending upon the conclusion reached by the LGBCE, a review of the democratic structures of the Council are likely to be required.

#### **6 Safer, Cleaner and Greener Implications**

6.1 None.

#### **7 Consultation Undertaken**

7.1 None

### **Background Documents**

Councillor Murray's information on the community differences between Buckhurst Hill and Whitebridge presented to the Local Government Boundary Review (Portfolio Holder Advisory Group) – 21 November 2022