

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Civic Affairs Committee held on
Thursday, 4 January 2018 at 10.00 a.m.

PRESENT: Councillor David McCraith – Chairman
Councillor Charles Nightingale – Vice-Chairman

Councillors: Brian Burling
Sebastian Kindersley
Ray Manning
Peter Topping
Bunty Waters

Nigel Cathcart
Janet Lockwood
Deborah Roberts
Aidan Van de Weyer

Officers: Patrick Adams
Beverly Agass
Gemma Barron
Kirstin Donaldson
Andrew Francis
Rory McKenna

Senior Democratic Services Officer
Chief Executive
Head of Sustainable Communities and Wellbeing
Development Officer
Electoral Services Manager
Principal Lawyer & Deputy Monitoring Officer

Councillor Pippa Corney was in attendance, by invitation.

Apologies for absence were received from Councillor Jose Hales and Bridget Smith.

1. APOLOGIES FOR ABSENCE

Councillors Jose Hales and Bridget Smith gave their apologies for Absence. Councillors Sebastian Kindersley and Aidan Van de Weyer were acting as substitute. Councillor David Bard had been appointed as substitute for former Councillor Simon Crocker, who was no longer a member of the Committee.

2. DECLARATIONS OF INTEREST

Councillor Brian Burling declared an interest in agenda item 4, Willingham and Over Parish Boundary Review, as a landowner of fields within the proposed extent of the revised boundary. Councillor Burling had received dispensation to participate in the debate, but not vote.

Councillor Ray Manning declared an interest in agenda item 4, Willingham and Over Parish Boundary Review, as a landowner of fields within the proposed extent of the revised boundary. Councillor Manning had received dispensation to participate in the debate, but not vote.

3. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 7 December 2017 were agreed as a correct record, subject to the following amendments:

- The inclusion of the Chief Executive in the list of those present.
- The amendment of the final bullet point in the list of responses from Mr Papworth

on page 4 to read: "Mr Papworth indicated that the land he owned in the area in question was more than just the Business Park."

4. WILLINGHAM AND OVER PARISH BOUNDARY REVIEW

The Principal Lawyer for Governance reminded the Committee that a valid petition had been received and according to Section 88 of the Local Government and Public Involvement in Health Act 2007 the Community Governance Review must make one of the following recommendations in relation to the existing parishes:

- that the parish should not be abolished and that its area should not be altered;
- that the area of the parish should be altered;
- that the parish should be abolished.

The Principal Lawyer for Governance advised that under the above Act the Council must have regard to the need to secure that community governance in the area under review:

- reflects the identities and interests of the community in that area;
- is effective and convenient.

The Principal Lawyer for Governance explained that the "area under review" was the whole area of Willingham and Over.

The Chairman invited representatives from Over Parish Council and Willingham Parish Council to speak.

Parish Councillor Geoff Twiss, Vice-Chairman of Over Parish Council

Parish Councillor Geoff Twiss made the following points:

- Two meetings had been arranged between Over and Willingham Parish Councils.
- A site visit had also been arranged, but this had focussed on the areas of green space.
- The first meeting heard that Over Parish Council were unanimously opposed to moving the boundary and so the second meeting was not held.
- The boundary had remained unchanged for 400 years and part of the areas heritage.

The Committee asked Parish Councillor Twiss for clarification on a number of points and received the following replies:

- There was primary source evidence, repeated in the History of Over, that the current boundary was agreed in 1602.
- There was no formal resolution at the meeting of Over Parish Council to decide that the boundary should be unchanged, but the feeling was unanimous.

Parish Councillor Dr Ray Croucher, Chairman of Willingham Parish Council

Parish Councillor Dr Ray Croucher made the following points:

- The meeting between representatives of Over and Willingham Parish Councils had not resulted in a compromise solution.
- Over Parish Councillor Graham Fenn had suggested an amendment to the boundary, which had not been sanctioned by Over Parish Council and was not acceptable to Willingham Parish Council.
- The circulated map showed a proposed compromise solution, that had been agreed by Willingham Parish Council Planning Committee.
- This proposal had been made independently of the petitioner Barry Papworth.
- This proposal reduced the amount of land to be transferred by approximately 40%.
- In keeping with the guidance, the proposal kept to natural boundaries and had clear open space between occupied areas.

The Committee asked Parish Councillor Croucher for clarification on a number of points and received the following replies:

- The Planning Committee of Willingham Parish Council had agreed the compromise solution on the distributed map.
- The Planning Committee's proposals had not been mentioned at the joint meeting with Over Parish Council as it had been clear that no compromise was possible.
- The proposed area included an empty field as the boundary was marked with a hedge with mature trees and the guidance recommended the boundary line should be in 'no man's land'.

A lack of consensus locally

Members of the Committee made the following points about the opinions of local representatives:

- It was disappointing that the two parish councils had been unable to reach a compromise solution.
- It was disappointing that Willingham Parish Council's solution was not shared at the joint meeting with Over Parish Council.
- Perhaps an independent Chairman should have presided over the joint meeting involving both parish councils.
- It was disappointing that the local district council members were not in agreement.

Historical boundary

Members of the Committee made the following points about the historic boundary:

- To alter a 400 year old boundary was heritage vandalism.
- Historic boundaries needed to adapt to change.
- Other anomalies existed in the District, but the Committee had to make a recommendation on this one.

The Principal Lawyer for Governance reminded members that the starting point for any decision should be does the current position (what's on the ground) reflect the identities and interests of the community in that area and is it effective and convenient?

The identity and interests of the community in the area

Members of the Committee made the following comments on whether the proposed changes reflected the identities and interests of the community in the area:

- Those living in the disputed area identified with Willingham, not Over.
- Any cross boundary issues required the input from two County Councillors, so moving the boundary made administrative sense for an area that many residents considered to be in Willingham.
- The Green Line was preferable, as this had been supported by those consulted, although Willingham Parish Council's compromise solution was also acceptable.
- Seven out of the nine households affected by the change had spoken to Councillor Burling and five of these had wished to remain in Over.
- The Council's official consultation exercise carried greater weight as it was impartial, received 244 responses and was undertaken by professional officers.

Councillor David Bard formally proposed and Councillor Bunt Waters seconded the boundary as recommended by Willingham Parish Council. Councillor Sebastian Kindersley recommended an amendment to his proposal, to move the boundary north so that the unoccupied square field remained in Over. This proposed amendment was seconded by Councillor Deborah Roberts. The Committee held a brief recess whilst local knowledge on the veracity of the different boundaries was considered.

It was noted that the boundary proposed by Councillor Bard was made up of mature trees and a hawthorn hedge, which could not be removed without planning permission. The boundary proposed by Councillor Kindersley was made up of bushes and a wire fence.

Councillor Bard stated that he considered that the boundary in his proposal had more permanence and so he did not accept Councillor Kindersley's amendment. Members of the Committee made the following points:

- Nobody was living in the disputed field and so excluding this simply meant less land being transferred from Over to Willingham.
- Transferring as little land as possible was a sensible compromise.
- The proposed boundary in the amendment was clearly defined.
- The amendment should be supported as a compromise.
- The boundary in the amendment was not a clearly defined natural boundary, with a third of it without a hedge and so should be rejected.
- A road or a watercourse made a better boundary than a hedge.
- The hawthorn hedge marking the unamended proposed boundary could not be removed without planning permission.
- The Petitioner, Barry Papworth, had raised no objection to unoccupied farmland remaining in Over.
- There was no reason to include agricultural land in the transfer.

The Principal Lawyer for Governance advised that the Committee needed to decide whether the proposed boundary was easily identifiable.

A vote was taken and with 5 votes in favour of the motion and 5 votes against the Chairman made a casting vote against the motion, which was **DEFEATED**.

The substantive proposal was now discussed by the Committee and the following points were made:

- This proposal was a compromise that had the agreement of Willingham Parish Council.
- No consensus had been reached between the two parish councils and so this proposal should be rejected.
- Regrettably a consensus between the two parish councils was impossible and the Committee needed to make a recommendation.
- This issue had taken up too much of the Council's time and resources and needed to be resolved by recommending this proposal to Council.
- This proposal represented the interests of those living in the area, who identified themselves as Willingham residents.

A query was raised by Cllr Sebastian Kindersley. It was noted that following the resignation of Councillor Simon Crocker there had been a vacancy on this Committee and under the terms of the Constitution Group Leaders could appoint a substitution to fill a vacancy until a replacement has been appointed at a meeting of Council.

The Committee took a vote and with 5 votes in favour of the motion and 5 votes against the Chairman made a casting vote in favour of the motion, which was **AGREED**. It was proposed that the Council make a request to the Local Government Boundary Commission for England (LGBCE) to make the County Council boundary conterminous with the parish boundary. A vote was taken and with 7 votes in favour and 3 against, this proposal was **AGREED**. The Committee

RECOMMENDED THAT COUNCIL

- A) Agree the alternative boundary, as shown on the green line in the attached map, less the red cross hatched area.*
- B) Make a request to the Local Government Boundary Commission for England (LGBCE) to re-align the County Council boundary along the new parish boundary.

Reasons for Recommendation

- a) Provides an easily identifiable boundary that is likely to remain.
- b) Reflects the views of affected persons.
- c) Reflects community identity on the ground.
- d) Only affects land necessary for good governance.

(*Note: Map attached at Appendix L)

5. DATE OF NEXT MEETING

The next meeting of the Committee was to be confirmed.

The Meeting ended at 11.55 a.m.
