

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Electoral Arrangements Committee 21 November 2011  
**AUTHOR/S:** Executive Director (Corporate Services)/ Senior Lawyer

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### **REQUEST FOR A GROUPING ORDER UNDER S.11 LOCAL GOVERNMENT ACT 1972 – HISTON & IMPINGTON**

#### **Purpose**

1. To consider the following resolution made by the parish meetings of Histon and Impington on 14 October 2011:  

“That South Cambridgeshire District Council be requested to proceed to pass an order under section 11 of the 1972 Local Government Act to group the Councils of Histon and Impington to coincide with the election timetable, May 2012.”
2. To consider the detailed Joint Business Case (attached to this report at Annex A) presented in support of the above resolution including a request to reduce the number of councillors, to dissolve the separate parish councils of Histon and Impington and to create a new common parish council to be named “Histon & Impington Parish Council”.
3. To make recommendations to full Council.
4. This is not considered to be a key decision but is of importance to the local communities as it affects perception of local identity.

#### **Considerations**

5. Section 11 of the Local Government Act 1972 (“the Act”) provides a procedure whereby the parish meeting of a parish may apply to the district council for an order grouping the parish with a neighbouring parish or parishes in the same district. A grouping order may best be considered as a working alliance of parishes that have come together under a common parish council, with the electors of each of the grouped parishes electing a designated number of councillors to the common parish council. It has been found to be an effective way of ensuring parish government for small parishes that might otherwise be unviable as separate units, while otherwise guaranteeing their separate community identity. Under the Act, smaller parishes of less than 150 electors are unable to establish their own parish council.
6. The government’s official guidance\* on the making of grouping orders states:  

*“in some cases, it may be preferable to group together parishes so as to allow a common parish council to be formed... such proposals are worth considering and may avoid the need for substantive changes to parish boundaries, the creation of new parishes or the abolition of very small parishes where, despite their size, they still reflect community identity. Grouping or degrouping needs to be compatible with the*

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\* Guidance on community governance reviews – 2010 – para.114 Section 4

*retention of community interests. It would be inappropriate for it to be used to build artificially large units under single parish councils.”*

7. The Resolutions of 14 October 2011 refer to the grouping of councils rather than parishes but the detailed Business Case submitted in support makes it clear that what is requested is the creation of a single parish council to represent the two existing parishes. There are no proposals to alter the parishes, parish boundaries or to create wards. The parish councils already share facilities and other resources.
8. Since a parish council derives its authority from its parish meeting, it was necessary for the two parish meetings of Histon and Impington to meet and consider the proposal to make a formal request to the district council to order the dissolution of the existing councils and to form a new common council under which the parishes of Histon and Impington would be grouped. Extraordinary meetings of Histon and Impington parish meetings took place on 14 October 2011.
9. The Council's power to make a grouping order is discretionary and the following factors need to be considered:
  - (a) Will the grouping of these two large parishes under a common parish council make for more efficient and expedient government and still preserve the community identities of each parish?
  - (b) Does the proposal have sufficient local support?
  - (c) Does the scale of change merit greater consideration and consultation and a lengthier timetable for implementation through the mechanism of a community governance review?

### **Background**

10. The Business Case provides detailed background information as to the make-up of the two communities and how they are currently served by their councils. Many resources are already shared and it is believed that further efficiency savings can be made if the two parishes are grouped under a common parish council replacing the two existing parish councils.
11. In May 2011, the parish councils launched a community consultation entitled “*Two Villages, One Community, One Council? Your Community – Your Decision*”. Its purpose was to determine the level of support for the creation of a single council. Consultation leaflets and voting slips, asking for residents to indicate their views, were delivered to every residence (north of the A14) in June 2011. A copy is reproduced on p14 of the Business Case. An electronic poll was established on the councils' website. A stall was put up at the annual feast open air market and a public meeting was held in September prior to extraordinary meetings of the parish meetings being held on 14 October.
12. The Minutes of the respective parish meetings held on 14 October 2011 are appended to the Business Case. They record the following:
  - (a) Number of Electors present  
at the meeting – Histon 56 Impington 55 Other 4
  - (b) Results of the consultation of residents –

Votes received	512
In favour	472
Against:	32
Other	8

- (c) That the votes were plotted onto a map which showed “a broad spread across the 2 villages”.
13. As at September 2011, there are 3,567 registered electors in Histon and 2,893 registered electors in Impington (this figure includes the 474 electors south of the A14 in Kings Meadow). The total number is 6,460 out of a population of 8,350.
14. An article appeared in the HI courier in September 2011 headed “We CAN Do Better! – only 300 Responses in a village of 3500 homes” (see page 19 of the Business case).
15. Appendix F of the Business Case (p.23) contains the “no” responses. Many of the concerns raised appear to be based on the perception that community identity would be lost if the parishes (as opposed to parish councils) were to merge. This confusion raises the question whether the consultation leaflets and other material made the position sufficiently clear to residents. In any event both the parish councils and the parish meetings felt there was enough public support to proceed with the proposal.
16. The following letter was published in the Cambridge News on 24 October 2011 Headed “*Bad time to put up allowances*” in reference to county councillors voting to increase their allowances, the letter went on:
- “Histon and Impington Parish Councils have agreed to merge, at a meeting attended by 120 people out of an electorate of over 6,000 convened on a Friday evening at 7.30 in the middle of October, thus disenfranchising many elderly and working people. No wonder there is little respect for our local councillors and such a low turnout of voters” Name supplied Resident Manor Park Histon*
17. On 6 November, the same resident posted the following complaint via the Council’s website:
- “Complaint about the proposed merger of Histon and Impington Parish Councils which has been railroaded through and disenfranchised many disabled and elderly parishioners”*

### **Further considerations**

18. Whenever a district council is requested to make orders affecting a local community, it is highly important that effective public consultation takes place and that any decision taken has due regard to representations made. The greater the impact of the proposal on the local community the more the district council will need to be satisfied that the proposal has sufficient public support. It is worth noting that Community Governance Reviews (“CGR”) under a different statutory regime to the one under consideration here requires clear and sustained local support for any proposal that has major implications for the local community.
19. A CGR under the 2007 Act has not been carried out. The level of local support falls short of the 10% that would be required before a petition could be presented to the Council in order to force a CGR. Notwithstanding this, the Council has a discretionary power to undertake a CGR at any time.

20. Council will need to consider whether the level of public support for this proposal is sufficient to make a grouping order under section 11 of the 1972 Act or whether a full CGR under the 2007 Act is warranted given that the latter process takes an average of 12 months to complete.
21. The Council has a duty to ensure that any order it makes reflects the identities and interests of the local community in the area and that it is effective and convenient.

### **Grouping Order provisions**

22. Section 11 (3) states:

*“A grouping order shall make the necessary provision-*

- (a) for the name of the group;*
- (b) the electoral arrangements that are to apply to the council;*
- (c) for the application to the parishes included in the group of all or any of .. [statutory] provisions with respect to the custody of parish documents, so as to preserve the separate rights of each parish;*
- (d) for the dissolution of the separate parish council of any parish included in the group*

*and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any necessary adaptations of this Act to the group of parishes or to the parish meetings of the parishes in the group.”*

Section 11 (3) (A) defines the term “electoral arrangements” and means all of the following:-

- (i) the year in which ordinary elections of councillors are to be held;
- (ii) the number of councillors to be elected to the council by each parish;
- (iii) the division (or not) of any of the parishes, into wards for the purpose of electing councillors;
- (iv) the number and boundaries of any such wards;
- (v) the number of councillors to be elected for any such ward;
- (vi) the name of such ward.

23. The annexed draft grouping order contains the following suggested provisions.

Group Name: The Histon & Impington Group

Parish Council title: Histon & Impington Parish Council

Electoral Arrangements:

Year in which ordinary elections are to be held: 2012

No. of councillors: Histon 11 Impington 8

(The current split is Histon 15 Impington 11)

No division into wards.

Custody of parish documents: Histon & Impington Parish Council

Dissolution of Histon Parish Council and Impington Parish Council

## Electoral arrangements

24. The ordinary day of election for the parishes of Histon and Impington is the first Thursday in May every four years. The next elections are due on 3 May 2012. They are held simultaneously in the same polling station. These arrangements will not change in the event of a Grouping Order being made as the parishes will remain separate and distinct. The Parish Councils' Business Case incorrectly assumes that a Grouping Order will result in the saving of one election by the creation of a common parish council.

Every elector's vote must have equal weight on the grouped parish council which means that the electoral quota across both grouped parishes needs to be fair and equitable. If the Committee is minded to reduce the total number of councillors to 19, a fair and equitable split would be 11 and 8 respectively as stated above.

## Options

25. (a) To recommend the making of a Grouping Order (as requested) in the terms of the Draft Order attached to this report as Appendix B, or
- (b) To recommend the making of a Grouping Order in the terms of the Draft Order annexed subject to such amendments as the Committee recommends, or
- (c) To direct that a full Community Governance Review under the Local Government and Public Involvement in Health Act 2007 be undertaken, to set the remit for such review including the possible reduction of councillors from 26 to 19 and to defer any decision pending the outcome of that Review, or
- (d) To recommend that no order is made thus retaining the status quo i.e. two parishes served by two parish councils.

## Implications

26.

Financial	None
Legal	There are no legal implications for SCDC other than the electoral implications described above.
Staffing	None
Risk Management	N/A
Equality and Diversity	None
Equality Impact Assessment completed	None This does not impact on SCDC
Climate Change	None

## Consultations

- a. The Parish Councils' Business Case sets out the details of the local consultation carried out by the parish councils.
- b. The Parish Meetings of Histon & Impington support the request.
- c. SCDC has not undertaken a Community Governance Review and therefore has not carried out its own consultation.

## **Effect on Strategic Aims**

27. There will be no impact on the Council's strategic aims whichever option is adopted.

**Background Papers:** the following background papers were used in the preparation of this report:

- Appendix A Histon & Impington Parish Councils Business case for the creation of a single Parish Council to represent the parishes of Histon & Impington – October 2011
- Appendix B Draft "Grouping Order" under s.11 LGA 1972

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