

**REPORT TO:** Civic Affairs Committee

7 December 2017

**LEAD OFFICER:** Head of Sustainable Communities and Wellbeing

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## **Community Governance Review for Willingham and Over**

### **Purpose**

1. To consider the responses received through public consultation to the Community Governance Review (CGR) of Willingham and Over parish boundary.
2. To make recommendations to Council, taking account of legislation, guidance and the CGR Terms of Reference.

### **Recommendation**

3. The Committee could:
  - (a) recommend to Council no change to the parish boundary, or
  - (b) recommend to Council "First Proposed New Boundary" as shown in Appendix J, or
  - (c) recommend to Council "Second Proposed New Boundary" as shown in Appendix J, or
  - (d) recommend to Council an alternative boundary.

The committee should give reasons for their recommendation to Council.

4. If the Committee recommends a change to the boundary, they should also decide whether to recommend to Council that the Local Government Boundary Commission for England (LGBCE) be asked to review the principal area boundaries so that the county and parish boundaries continue to be coterminous. The Committee could:
  - (a) recommend to Council to make a request to the LGBCE to re-align the County Council boundary along the new parish boundary, or
  - (b) recommend to Council not to make a request to the LGBCE to re-align the County Council boundary along the new parish boundary.

### **Background**

5. South Cambridgeshire District Council received a valid petition to carry out a Community Governance Review of the Willingham and Over boundary dated July 2016. The petition was signed by local residents and businesses.
6. The Civic Affairs Committee agreed the Terms of Reference for the Review on 9 December 2016.

7. The Terms of Reference for the Review were published on 31 January 2017. They were made available in hard copy at South Cambridgeshire Hall, Ploughman's Hall Willingham, and Over Community Centre. They are also published on the SCDC website.
8. A local briefing was given at Willingham Parish Council meeting on 1 February 2017. A further local briefing was given at Over Parish Council meeting on 14 February 2017.
9. Public consultation was opened on 21 February 2017. A letter notifying the public of the open consultation and details of how to respond, was sent to every household and business in both Willingham and Over parishes on 21 February 2017.
10. The consultation was closed at midnight on 16 May 2017.
11. Civic Affairs Committee considered the options in relation to the Community Governance Review on 28 September 2017.

The decision taken (8 votes to 2) was not to change the boundary on the basis that:

- (a) "the suggested boundary change included a large amount of unpopulated land that was unnecessary to resolve the stated anomaly"; and
- (b) "the consultation response of only 244 residents from both village provided insufficient evidence for change."

Following this decision, on 6 October 2017, Farrer & Co wrote seeking confirmation of the decision and reasons for the same. A copy of this correspondence is attached as Appendix A.

On 23 October 2017, Willingham Parish Council wrote asking that the matter be brought back before Committee for further deliberation so that the recommendation be the subject of further "evidence based review and exploration of options". A copy of this correspondence is attached as Appendix B.

External advice was sought in light of this correspondence. In light of that advice, the decision was taken that the matter should be reconsidered by Civic Affairs Committee before a recommendation is made to Council.

12. Since the decision to refer the matter back to Civic Affairs Committee the following correspondence has been received:
  - (a) Letter from Farrer & Co dated 16 November attached as Appendix C.
  - (b) Response to matters raised by Farrer & Co – 16 November 2017, written by Geoff Twiss, on behalf of Over Parish Council attached as Appendix D.

- (c) Statement by Willingham Parish Council, dated November 2017 and received 27 November 2017 by e mail attached as Appendix E.

13. This report is an updated version of the report presented at the previous meeting.

### **Considerations**

14. The Council received a total of 244 responses to the public consultation. Responses were received both online, and by post. Responses can be found in full (with sensitive information redacted) at Appendix F.
15. Two further responses were received from Willingham and Over parish councils. These can be found at Appendices G and H, respectively.
16. On account of Over being a smaller parish than Willingham, and by request of Over Parish Council, all figures are given both as raw numbers and percentages. The number of registered electors in Over is 2,357 (June 2017) and the number of registered electors in Willingham is 3,206 (June 2017).
- (i) The overall percentage of Over residents that responded to the consultation was 5%
  - (ii) The overall percentage of Willingham residents that responded to the consultation was 4%
17. For the purpose of this report, those with a postcode in Highgate and Over Mereway ('affected persons') have been singled-out owing to the impact of the review upon them in particular. However, it should be noted that their numbers are also counted as residents of Over parish.
18. The consultation asked respondents
- (a) Whether they believed the boundary should be changed, and
  - (b) Which of the proposed alternatives (supplied on an attached map [Appendix I]) they would find preferable.
19. The Terms of Reference for the review included a map that followed the proposals as set out in the petition. Following the close of the consultation officers provided a more detailed map, attached at Appendix J, to respondents in order to provide clarity on the boundaries that officers would be recommending, taking account of guidance provided to local authorities for the purpose of reorganisation orders. Guidance provided to local authorities on the matter of Community Governance Reviews states that "the boundaries between parishes will normally reflect the 'no-man's land' between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made". The map at Appendix J therefore follows the ditches and hedges closest to the line proposed in the petition. The map does not change the petition proposal, nor the map issued by the Council as part of the consultation, nor the options on which residents were asked their views.
20. One option for Committee is to agree an alternative boundary to those suggested within the petition. An alternative boundary would not necessarily require further

consultation but it may if it is fundamentally different to the original proposal. Correspondence from Farrer & Co on behalf of the petitioner states that the petitioner would be “wholly content with a new boundary which omits unoccupied farm land” (point 16, Appendix C).

### **THE RELEVANT LEGAL FRAMEWORK: Community Governance Reviews**

21. By section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), Councils had a discretionary power to undertake a CGR. However, if no such review was yet being undertaken (and/or had not been undertaken in the last 2 years), under section 83(2) a principal Council was obliged to carry out a CGR if it received a valid petition pursuant to section 80 (the requirement that 7.5% of the electors signed the petition, in section 80(3)(c), was met here).

Section 93 the 2007 Act states the following duties of a Council in undertaking a review:

- “(1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
  - (a) the local government electors for the area under review;
  - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
  - (a) reflects the identities and interests of the community in that area, and
  - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
  - (a) that have already been made, or
  - (b) that could be made,for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must—
  - (a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council ~~begins the review~~ **receives the community governance petition or community governance application.**"

These duties were reflected within the Terms of Reference agreed by Committee prior to commencement and must be considered in making a decision.

22. Section 100(1) empowered the Secretary of State to issue guidance as to the carrying out of CGRs. By section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.
23. The currently relevant Guidance was published the DCLG in March 2010 ("the Guidance"). This Guidance must be considered as a whole, but the following excerpts are highlighted given the decision 28 September 2017 and subsequent correspondence:
  - (a) "...over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous..." (para 15, and repeated at para 84);
  - (b) "a [CGR] offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist in England..." (para 16, and repeated at para 85);
  - (c) "...the recommendations made in a [CGR] ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services" (para 23);
  - (d) (In relation to the petition thresholds) "These thresholds have been chosen to ensure that the minimum number of signatures to be obtained is neither so high that it will be impossible in most cases to collect that number nor so low as to allow a very small minority of electors to trigger a review" (para 42);
  - (e) Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:
    - reflective of the identities and interests of the community in that area and
    - effective and convenient" (para 52);
  - (f) "When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:
    - the impact of community governance arrangements on community cohesion and
    - the size, population and boundaries of a local community or parish" (para 53);

- (g) “It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area” (para 58);
- (h) “...the effectiveness and convenience of local government is best understood in the context of a local authority’s ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them” (para 62);
- (i) “The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents...” (Para 74);
- (j) “As far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable” (para 83);
- (k) “In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement” (para 94);
- (l) “The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act” (para 95);
- (m) In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made” (Para 96).

24. A full copy of the Guidance on Community Governance Reviews is attached as Appendix K.

### **Consultation Responses**

25. Of the 244 responses received from members of the public,
- (a) 118 (48%) were from residents of Over
  - (b) 124 (51%) were from residents of Willingham
  - (c) 2 (1%) were from residents living elsewhere with a connection to Willingham/Over
  - (d) Of those responses, 18 (7%) were from people who would be directly affected by a change to the parish boundary. Namely, those living/working at Highgate Farm and Over Mereway.
26. Of the 18 responses from affected persons (Highgate and Over Mereway),
- (a) 14 (78%) supported moving the parish boundary
  - (b) 4 (22%) did not support moving the parish boundary
27. Of the 118 responses from Over residents,
- (a) 68 (58%) supported moving the parish boundary
  - (b) 50 (42%) did not support moving the parish boundary
28. Of the 124 responses from Willingham residents,
- (a) 113 (91%) supported moving the parish boundary
  - (b) 11 (9%) did not support moving the parish boundary
29. Overall, the responses were as follows,
- (a) 164 (67%) of respondents supported moving the parish boundary
  - (b) 80 (33%) of respondents did not support moving the parish boundary

### **Preferred Alternatives**

30. The consultation asked residents, "If the boundary were to change, which of the preferred alternatives would be most appropriate." The map showing proposed alternatives (as per the petition) can be found at Appendix D. The optional answers to this question were as follows:
- (a) A – First proposed new boundary (green line)
  - (b) B – Second proposed new boundary (blue line)
  - (c) C – Neither proposed/ no change
31. Of the 18 responses from affected persons (Highgate and Over Mereway),
- (a) 11 (61%) preferred option A
  - (b) 4 (22%) preferred option B
  - (c) 2 (11%) preferred neither option/ no change
  - (d) 1 (6%) declined to answer
32. Of the 118 responses from Over residents,
- (a) 32 (27%) preferred option A

- (b) 23 (19%) preferred option B
  - (c) 53 (45%) preferred neither option/ no change
  - (d) 10 (8%) declined to answer
33. Of the 124 responses from Willingham residents,
- (a) 47 (38%) preferred option A
  - (b) 67 (54%) preferred option B
  - (c) 8 (6%) preferred neither option/no change
  - (d) 2 (2%) declined to answer
34. Overall, the preferred alternatives were as follows:
- (a) 81 (33%) respondents preferred option A
  - (b) 90 (37%) respondents preferred option B
  - (c) 61 (25%) respondents preferred neither option/ no change
  - (d) 12 (5%) respondents declined to answer
35. During the consultation process, it came to officers' attention that the Royal Mail has the delivery addresses of affected properties listed as, for example, 'Over Road, Willingham'. This address is used for Royal Mail's operational purposes, and may not have been assigned by the District Council, who are the official naming and numbering authority. The Council's Local Land and Property Gazetteer (LLPG) lists these properties as, for example, "Willingham Road, Over". Unlike the Royal Mail, the LLPG is a spatial data system which operates according to parish boundaries. This discrepancy is not uncommon. Provided that a correct building number and postcode is provided, there should be no effect to service delivery.
36. The consultation also brought to our attention the fact that some Council services held the incorrect postcode for two addresses at Highgate Farm. This error has now been rectified.

### **Electoral Arrangements**

37. Any changes made to parish boundaries as a result of a council decision will come into effect at the next scheduled parish elections in May 2018.
38. The Council only has the power to amend parish boundaries. Principal area (district/county) boundaries will not automatically be affected by changes made by Community Governance Reviews.
39. The parishes of Willingham and Over will both sit within the new district ward of Over & Willingham. However, the two parishes sit in separate county council divisions (Cottenham & Willingham, and Longstanton, Northstowe & Over). If the Committee (and then Council) choose to move the parish boundary, they will also need to decide whether to make a request to the Local Government Boundary Commission for England (LGBCE) to re-align the County Council boundary along the new parish boundary.



40. Choosing not to request the re-alignment of the county boundary will result in the electors in the area affected being represented by a different county councillor to the rest of their parish which. This may not reflect “convenient and effective local government”. It would also complicate the delivery of effective elections, and would require the creation of a new polling district to cover the area affected.
41. A request to re-align the county boundary should not be too problematic as the number of electors affected is relatively small, and thus unlikely to adversely affect the electoral equality in the area. Like all requests to the LGBCE, however, some risk does apply.

### **Options**

42. The Committee could,
- (a) recommend to Council no change to the parish boundary, or
  - (b) recommend to Council “First Proposed New Boundary” as shown in Appendix J, or
  - (c) recommend to Council “Second Proposed New Boundary” as shown in Appendix J, or
  - (d) recommend to Council an alternative boundary.
43. If the Committee recommends a change to the boundary, they should also decide whether to recommend to Council that the Local Government Boundary Commission for England (LGBCE) be asked to review the principal area boundaries so that the county and parish boundaries continue to be coterminous. The Committee could:
- (a) recommend to Council to make a request to the LGBCE to re-align the County Council boundary along the new parish boundary, or
  - (b) recommend to Council not to make a request to the LGBCE to re-align the County Council boundary along the new parish boundary.

### **Implications**

44. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

### ***Financial***

45. The cost of any further consultation requested by the committee.

### ***Legal***

46. The terms of reference for a Community Governance Review of the boundary between Willingham and Over parishes has considered the Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/626). (The 2007

Act transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England), together with the relevant provisions of the 2007 Act.

**Staffing**

47. Any further steps to bring the Community Governance Review to completion will be managed within existing resources.

**Effect on Strategic Aims**

48. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages; helping to achieve our vision to deliver superb quality of life for our residents, and remain the best place to live, work, and study in the country

**Background Papers**

Report to Civic Affairs Committee – 9 December 2016

<http://scambs.moderngov.co.uk/documents/s98977/Community%20Governance%20Review%20Willingham%20Over.pdf>

CGR for Willingham and Over – Terms of Reference

[https://www.scambs.gov.uk/sites/default/files/community\\_gov\\_review\\_willingham\\_Overterms\\_of\\_ref.pdf](https://www.scambs.gov.uk/sites/default/files/community_gov_review_willingham_Overterms_of_ref.pdf)

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