

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Civic Affairs Committee held on  
Thursday, 7 December 2017 at 6.00 p.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  
Gemma Barron  
Kirstin Donaldson  
Andrew Francis  
Kathrin John  
Rory McKenna

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

### **1. APOLOGIES FOR ABSENCE**

Apologies for Absence were received from Councillor Jose Hales, with Councillor Sebastian Kindersley acting as substitute, Councillor Bridget Smith, with Councillor Aidan Van de Weyer acting as substitute and Councillor Nick Wright, with Councillor David Bard acting as substitute.

### **2. DECLARATIONS OF INTEREST**

Councillor Sebastian Kindersley declared a non-pecuniary interest in agenda item 6, Update on Code of Conduct Complaints, as the complaint reported related to Barrington Parish Council and he was the County Councillor for Barrington.

Councillor Aidan Van de Weyer declared a non-pecuniary interest in agenda item 6, Update on Code of Conduct Complaints, as the complaint reported related to Barrington Parish Council and he was the District Councillor for Barrington.

Councillor Brian Burling declared an interest in agenda item 5, 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 to vote.

Councillor Ray Manning declared an interest in agenda item 5, 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 to vote.

### **3. DISPENSATIONS GRANTED**

The Committee noted that following due consultation with the Chairman and the Independent Person, a dispensation was granted to Councillor Brian Burling and Councillor Ray Manning on the 29 November 2017 to enable them to take part in discussions only at any meeting of the Council until the 7<sup>th</sup> May 2018 in relation to the

Community Governance Review for Willingham and Over.

#### 4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 28 September 2017 were agreed as a correct record subject to the inclusion of the following sentence at the end of Agenda Item 4, Willingham and Over Parish Boundary Review:

“It was agreed that members of the Committee should receive an estimate on the costs of this review to the Council.”

#### 5. WILLINGHAM AND OVER PARISH BOUNDARY REVIEW

The Principal Lawyer for Governance read out the following statement:

*“Civic Affairs Committee today is being asked to reconsider the decision taken by the committee on the 28th September when this matter was last considered. The decision taken at that meeting was to recommend no change to the boundary on the basis that:*

- The suggested boundary change included a large amount of unpopulated land that was unnecessary to resolve the stated anomaly.*
- The consultation response of only 244 residents from both villages provided insufficient evidence for the change.*

*Following this decision correspondence was received from Farrer & Co on behalf of the petitioner and from Willingham Parish Council. External legal advice was sought and the decision was taken that this matter should be reconsidered by the Civic Affairs Committee before a recommendation is made to Council.*

*Before I hand over to Gemma I would like to highlight the relevant legal framework that members must address when making their recommendations to council.*

*Section 82 (2) of the Local Government and Public Involvement in Health Act 2007 (the Act), provides that a Council **is obliged** to carry out a Community Governance Review if it received a valid petition pursuant to section 80. That condition has been met here.*

*Under section 88 of the Act, the Community Governance Review must make one of the following recommendations in relation to the existing parishes:*

- (a) that the parish should not be abolished and that its area should not be altered;*
- (b) that the area of the parish should be altered;*
- (c) that the parish should be abolished.*

*By section 93(2) of the Act, the Council has discretion as to how to conduct the Community Governance Review, subject to the duties recorded in that section. Those duties are set out in P10/11 to the report and 93 (4) states that 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’ and ‘is effective and convenient’.*

*Section 100(1) of the Act empowered the Secretary of State to issue guidance as to the carrying out of Community Governance Reviews and by section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.*

*The guidance has been reproduced in full and officers selected passages from the guidance in light of the previous decision taken in September which they think will be helpful in guiding members in making a decision today.*

*As regards Dispensations you will see that dispensations have been granted to both Cllr Manning and to Cllr Burling to take part in the discussion today but not to vote. Accordingly, any previous challenge to the granting of a dispensation to Cllr Burling at the*

*last meeting is now irrelevant.*

*Finally, I want to make one thing very clear. I am not saying that members here today cannot make the same decision – no change to the boundary. I am saying that if members were to make the same decision for the same reasons and full council simply adopt the same decision and reasoning then that decision would be vulnerable to challenge.”*

The Head of Sustainable Communities and Wellbeing provided the background to the Community Governance Review, including the valid petition received in July 2016 and the resulting consultation. It was noted that if a boundary change was recommended to Council, the Committee should also consider recommending that a request be sent to the Local Government Boundary Commission for England to alter the County Council’s electoral wards to ensure that the parish and county ward boundaries were co-terminus.

### **Minor amendment**

The Principal Lawyer for Governance explained that paragraph 21 of the report had erroneously included the wording of the old legislation, hence the correction in red, substituting the words “begins the review” with the words “receives the community governance petition or community governance application.”

The Chairman invited representatives from Willingham Parish Council, Over Parish Council and the petitioner Barry Papworth to speak.

### **Parish Councillor Dr Ray Croucher – Chairman of Willingham Parish Council**

Parish Councillor Dr Ray Croucher made the following points:

- The Community Governance Review had not been instigated by Willingham Parish Council.
- 460 residents from Willingham and Over had signed the petition calling for a Community Governance Review.
- Two thirds of those responding to the consultation, supported a change in the boundary.
- More than 50% of the Over residents responding to the consultation supported the change.
- Willingham Parish Council supported the first proposed new boundary (green line).
- Willingham Parish Council had contacted Over Parish Council to attempt to agree a compromise boundary adjustment, but Over Parish Council did not want to meet until early 2018, which was outside the 12 month timeframe.
- Historical reasons for the boundary were insufficient to maintain the status quo.

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

- Willingham Parish Council had not employed or paid any legal firm in relation to this matter.
- Willingham Parish Council had confidence in the consultation process and the number of responses compared favourably to other reviews.
- A boundary change would allow Willingham Parish Council to represent those in the affected area on issues such as footpaths and local signage.

### **Parish Councillor Geoff Twiss, Vice-Chairman Over Parish Council**

Parish Councillor Geoff Twiss made the following points:

- The two parish councils should meet to revisit this matter, possibly in two years time, to seek a compromise solution.
- In September the Committee had voted 9 to 2 in favour of the status quo.

- The intervention of Farrer & Co and the threat of a judicial review should not reverse this decision.
- Only 3% of residents responded to the consultation, which was insufficient evidence for a change.

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

- Over Parish Council believed that it was unnecessary to alter the boundary and did not see what benefit it could bring.
- The installation of telephone lines and related services were unaffected by the position of the boundary.
- Over Parish Council were happy to continue to represent the residents and businesses in the affected area, but aspirations for a footpath between the two villages were unrealistic.
- Over Parish Council were prepared to liaise with Willingham Parish Council to resolve any issues that affected both parishes, but experience over the setting of the County Council ward boundary indicated that the feeling was not mutual.
- Over Parish Council were willing to meet with Willingham Parish Council on this matter, but wanted to wait to hear the outcome of this Committee meeting first.

#### **Barry Papworth, Petitioner**

Barry Papworth, who petitioned the Council for the Community Governance Review under discussion, made the following points:

- He had received complaints from his tenants on Highgate Business Park regarding the current governance arrangements, hence the Review.
- Whilst respectful of historic boundaries, there were compelling reasons for change.
- 67% of the 244 responses received in the consultation exercise were in favour of a change in the boundary.
- It was incorrect to assert that the number of responses received was insufficient, when the boundary affecting Caxton, Elsworth and Cambourne parishes had been altered following only 12 responses.

The Committee asked Barry Papworth for clarification on a number of points and received the following replies:

- Those who work and live in the area under review consider themselves to be part of Willingham and will go to Willingham and not Over for their services.
- His tenants had complained to him that delivery lorries were going to Over.
- Those who work and live in the area under review would prefer to contact Willingham Parish Council with their local concerns, than the more distant Over Parish Council.
- Mr Papworth indicated that the only land he owned in the area in question was the Business Park.

In response to questioning, the Principal Lawyer for Governance explained that it was up to the Committee to decide what was a tangible benefit to affected residents when considering a boundary change.

#### **Deliveries and provision of services to the area in question**

Members of the Committee made the following points regarding services provided to the relevant area:

- Delivery companies would use the Royal Mail address and postcode for their deliveries, which would be unaffected by any boundary change.
- Anecdotal evidence suggested that those on the Business Park did not have problems with their deliveries.

- The supply of utilities would be unaffected by any boundary change.
- Parish Councils were not responsible for street signs.
- The District Council lists the properties on the Business Park as Willingham Road, Over, whilst Royal Mail lists them as Over Road, Willingham, which was a confusing anomaly.

### **Representation of residents by the parish councils**

Members of the Committee made the following points regarding local representation:

- Residents in the affected area were adequately represented by Over Parish Council.
- There was effective communication between the two parish councils, making a change in the boundary unnecessary.
- Residents in the affected area wanted to be represented by Willingham Parish Council.

### **Historical and comparative considerations**

Members of the Committee made the following points regarding the history of the area:

- The current boundary was agreed 400 years ago to resolve a dispute regarding water supply and should remain unchanged.
- A boundary change was considered and rejected in 2011.
- Other anomalies existed elsewhere in the District and so on its own this was not a compelling reason for change.
- It was inevitable that parish council boundaries would change, especially with new development in the District.
- The opposition expressed by Over Parish Council to the loss of land was understandable.

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 identities and interests of the community in the area**

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

- In modern times community identity was difficult to recognise or define.
- Community cohesion would be better served if the boundary was moved to the west, as this was clearly desired by the majority of those living and working in the area concerned.
- Over was a "group village" and Willingham was a "minor rural centre", so any land that was transferred was more likely to be developed, which could have a detrimental effect on community identity.

### **Meeting between the two parish councils**

It was suggested that the two parish councils were best placed to come up with a compromise solution which reflected the needs and interests of the area. Councillor Ray Manning suggested that the boundary could also be amended eastwards to compensate Over parish for the land being moved into Willingham parish. The Committee agreed that this matter needed to be resolved promptly, ideally in time for a recommendation to be made to the next Council meeting on 25 January 2018.

Councillor David Bard formerly proposed that the Committee defer making a decision to allow the two parish councils to attempt to reach a compromise. Councillor Deborah Roberts seconded this proposal. The Principal Lawyer for Governance reminded the Committee that it would need to make a recommendation to Council at some point. The

Electoral Services Manager explained that this matter would have to be resolved by February to ensure that the electoral registers were amended in time for the local elections in May.

Councillor Sebastian Kindersley suggested amending Councillor Bard's proposal to include a time limit of four weeks for the parish councils to reach an agreement, as this would allow the Committee to meet and make a recommendation to Council on 25 January. Councillor David Bard accepted this amendment. Barry Papworth stated that he was happy to support a deferral.

The Committee went into a brief recess to allow the two parish council representative to discuss the proposed recommendation.

Following the recess, Parish Councillors Geoff Twiss and Dr Ray Croucher requested that the word "resolve" be included in the Council's decision to defer the matter. They both agreed that the parish councils could meet within this time frame and that an external chairman was unnecessary.

The Committee agreed that they would have to schedule a meeting in early January in order to make a recommendation to Council. The Committee also agreed that it was unnecessary for officers to write a new report for this meeting.

The Committee unanimously

**AGREED** To defer this decision for four weeks to allow the two parish councils to hopefully meet to discuss and resolve this matter. The Committee will meet on 4 January 2018 to make a recommendation to the Council meeting on 25 January 2018.

The Principal Lawyer for Governance advised that, as the Committee had deferred their decision, the members of the Committee substituting for an existing member should also attend the meeting on 4 January as a substitute for that member.

## 6. **CODE OF CONDUCT UPDATE REPORT**

The Committee **NOTED** the report.

## 7. **DATE OF NEXT MEETING**

4 January 2018 at 10am.

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**The Meeting ended at 8.15 p.m.**

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