

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet 11 December 2008
AUTHOR/S: Chief Executive

PROPOSALS FOR REVIEW OF THE BOUNDARY BETWEEN SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL AND CAMBRIDGE CITY COUNCIL

Purpose

1. To update Cabinet on the response received from GO East giving its views on future treatment of housing allocation targets for South Cambridgeshire should there be a boundary review as a result of a joint submission by SCDC and the City Council, before the outcome of the next Regional Spatial Strategy (RSS) Review is known.
2. This is a key decision because it is likely to be significant in terms of its effects on communities living or working in an area of the District as it affects many of the wards and Parishes whose boundaries are adjacent to the boundary of the City Council.

Background

3. In October 2007 Council authorised the Chief Executive to enter into discussions with the Chief Executive of Cambridge City Council regarding a District / City boundary review, on the basis that such discussions were to have due regard to the needs of parishes likely to be affected by any such review. The Local Government and Public Involvement in Health Act 2007 permits principal authorities, of which SCDC is one, to request the Boundary Committee to undertake administrative boundary reviews. Such requests can be unilateral or made jointly by neighbouring authorities.
4. Reports were brought to the April and July meetings of the Electoral Arrangements Committee outlining a proposal which had been drawn up following those discussions and the rationale for those proposals. At the April meeting following representations from several Parish Councils and some local Members, the Committee decided that all Parish Councils in the district would be asked for their views on the proposals. The outcome of the consultation exercise was reported to the July meeting.
5. Cambridge City Council at a meeting of Council on 16 April 2008 resolved to submit the boundary review proposals considered appropriate by the two authorities to the Boundary Committee.
6. An RSS review commenced in Spring 2008 and is programmed to last for 3 years. Officers view this timescale as optimistic given their experience of preparation of the current RSS which was scheduled for 3 years but took 6 years to complete. The review of the RSS will be tackling a Cambridge sub-region review as well as consideration of the location of a possible large new settlement in the eastern region. It could include further development on the edge of Cambridge as the current East of England Plan removed references to Cambridge being a 'compact' city and envisages that "*The extent of the green belt may need to be revisited in the review of the RSS.*" It is likely, on current information, that the RSS will not be complete by the time a boundary review is completed.
7. At the July meeting of Council, Council resolved:
 - (a) That the submission of a request for a review of the administrative boundary between Cambridge City Council and South Cambridgeshire District Council

be agreed in principle, on the basis of the proposals outlined previously and shown on the plan attached at Council Agenda page 13, subject to definitive assurances from central government that the housing targets fixed in the Regional Spatial Strategy will be readjusted to take account of the numbers of planned new housing going to the City as a result of a boundary review.

- (b) That delegated authority be granted to the Leader and Cabinet to determine the adequacy of any assurances that may be forthcoming and consequently the decision as to whether or not to submit the request.

Update on housing targets

8. The written response from the Deputy Regional Director of GO East is attached at **Appendix A**. Counsel's advice is that the letter is as good an assurance that can realistically be secured. It cannot operate to amend the RSS and is not approved policy, but would be a weighty material consideration which any Inspector would have to take into account in making either development plan or development control decisions. The letter creates a legitimate expectation which would protect the Council were the Secretary of State or one of her Inspectors to seek to act inconsistently with it.

Boundary Review Process

9. In conducting a review, the Boundary Committee must have regard to the need to secure effective and convenient local government; and the need to reflect the identities and interests of local communities. A review is a three-stage process. Firstly, in conducting the review itself, the Committee must consult the councils of the areas to which the reviews relate, along with other interested councils, including parish councils, and other interested persons. The second stage is the publication of draft recommendations, followed by a period during which representations may be made. This is followed by the submission of final recommendations by the Committee to the Secretary of State. The Committee is not bound by any proposals submitted to it for consideration.
10. The Director of the Boundary Committee wrote to all Chief Executives of Principal Authorities in England on 12th June 2008 requesting whether their Council was considering an electoral or administrative boundary review, in order to facilitate planning the programme of work for the Boundary Committee for 2009 through to 2011. The Director has indicated to the Principal Solicitor that, should a joint submission be received, the likely start date is estimated to be late 2010. However, he cautioned that priority will be given to requests for electoral reviews required by those Councils wishing to move to all out elections and single member wards (another provision of the 2007 Act), so the estimated timeline given for an administrative boundary review may be subject to change. This position remains as at 27 November 2008.

Options

11. Cabinet could decide that it prefers not to take any risk and await the outcome of the RSS Review before pursuing the joint submission with the City Council.
12. Cabinet could decide that the assurances given in the letter from the Deputy Regional Director are sufficient.

Implications

13.	Financial	If the joint submission is made any resultant boundary changes will have an impact on the amount of Council Tax collected and Government Grant received by the Council, as the tax base and population levels of the district will change, leading to a lower level of funding being received. However, this loss of income will be offset by a reduction in costs and future pressures on the Council for delivering services. At this stage these are not quantifiable, however, financial modelling of the impact of growth on the District has begun, which will be used to assess the implications of the boundary changes to the Council.
	Legal	The letter from GO East could be relied upon by the Council in challenging a prejudicial readjustment of the housing allocations contrary to the assurances given, in the event of the boundary proposals being implemented,.
	Staffing	None identified
	Risk Management	See legal above
	Equal Opportunities	None identified

Effect on Annual Priorities and Corporate Objectives

14.	Working in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future	The boundary review discussions with the City Council are a good example of partnership working to address the impact of growth on the communities of South Cambridgeshire
	Deliver high quality services that represent best value and are accessible to all our community	The proposed changes will allow the Council to focus on meeting the needs of the village communities
	Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work	The proposed changes to the boundary recognise the need to protect and enhance the setting of the necklace villages

Recommendations

15. It is recommended that:

- (a) the Leader and Cabinet can rely upon this letter as the best assurance that can be obtained in all the circumstances to mitigate the risk identified on the implications for the Regional Housing Targets within the RSS (East of England Plan) should the boundary proposals identified be implemented, and
- (b) as a consequence of (a) above, the Chief Executive be authorised to submit a request for a review of the administrative boundary between Cambridge City Council and South Cambridgeshire District Council on the basis of the proposals referred to in paragraph (7) above and the Resolution of the Council on 17 July 2008 set out at Minute 32(d).

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

The October 2007 and April & July 2008 reports to the Electoral Arrangements Committee
Correspondence from GO East.

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