

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Electoral Arrangements Committee 8th July 2008
AUTHOR/S: Principal Solicitor

ARBURY PARK PARISH REVIEW

Purpose

1. To receive an update from the Principal Solicitor on the responses to the consultation on the proposal of this Committee at its February meeting to create a new parish for the Arbury Park area.
2. To consider whether to make a final recommendation to Council on the creation of a new Parish at Arbury Park or otherwise.
3. To note the procedure for creation of a new parish and related actions.

Background

4. The section 106 Agreement completed in connection with the development at Arbury Park on the northern Cambridge fringe in June 2005 and to which the District Council is a party obliges the District Council to use its reasonable endeavours to arrange for an electoral review of the electoral area within the site pursuant to section 9 of the 1997 Act, section 13 of the Local Government Act 1992 or 'such other statutory provision as shall be deemed requisite for such purpose', arising from the additional electorate occupying the development. The trigger point for the review was reached in the summer of 2007 upon 100 electors first occupying the development.
5. There are approximately 245 occupied properties at Arbury Park with a substantial amount of development planned. This large development currently falls wholly within Impington and the Parish Council are experiencing a greatly increased workload as a result. They feel very strongly that a new parish will better serve the interests of the residents on the new development.
6. Officers consulted on the possible options for review last summer and the responses received and the issues raised by interested parties are set out fully in the October report to this Committee. Members will recall that clarification was sought on the timing of a possible City/District boundary review and the Committee decided in February, in light of the timescales given, to proceed with the parish review on the Cambridge Northern Fringe. The Committee resolved, in light of the guidance contained in Circular 11/97 and the consultation responses received, to propose that a new parish be established for the Arbury Park area and resolved to consult on this proposal. The Committee made a decision on the arrangements for securing that persons who may be interested in the proposal are informed of the proposals and the timescales within which representations could be made.
7. The parish review process is therefore at the stage where this Committee should take into consideration representations received on their proposal, and further consider whether they wish to make a final recommendation to Council on a review, now called a reorganisation order under new legislation referred to below. The Committee will

also have to consider the name and style of any new parish, whether there should be a parish council and also what the electoral arrangements will be for the new parish.

Process

8. This review commenced under the 1997 legislation and is being concluded under the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') and associated Regulations. New guidance on undertaking 'community governance reviews' was issued jointly by CLG and the Electoral Commission in April 2008 under section 100 of the 2007 Act ('the Guidance'). The introduction to the Guidance makes clear that the Secretary of State now has no involvement in decisions on parish reviews and the Electoral Commission's involvement is limited to giving effect to consequential recommendations for related alterations to the electoral areas of principal councils (in this case SCDC is the principal council).
9. This review is subject to the provisions of The Local Government and Public Involvement in Health Act 2007 (Commencement No.3, Transitional and Savings Provisions and Commencement No.2 (Amendment)) Order 2008 which states certain specified sections of the 1997 Act shall continue to have effect where reviews have been commenced under that Act but were not concluded when the 2007 Act came into force. The Order substitutes certain sections of the 1997 Act. The decision made at the February meeting of this Committee was just in advance of these transitional regulations being published on 12th February 2008. However, they do assist in clarifying the point at which the new legislation takes effect in this review by reference to the point reached in the process under the 1997 Act. This Council was only part way through the stage set out in section 10 of the 1997 Act. The Principal Solicitor's advice is that paragraph 5 of the Order applies insofar as this Committee has made draft recommendations. Therefore sections 9, 18, 22 and 24 of the 1997 Act shall continue to have effect until this Committee makes final recommendations to Council.
10. If and when final recommendations are made they shall be treated as recommendations made in a community governance review under Part 4 of the 2007 Act and sections 86, and 96 to 100 of that Act shall apply. Section 86 of the 2007 Act requires a community governance review to recommend either to create a new parish or not, and sets out the different ways that such an area can be created. If the review recommends the constitution of a new parish, it must also make recommendations as to the geographical name of that area, whether the parish should be known by an alternative style and recommendations as to whether or not there should be a parish council. Section 96 to 100 deals with publicising the outcome of the review and supplementary and incidental matters. A decision to create a new parish from part of an existing parish is known as a reorganisation order. In addition, the Council needs to make a decision on electoral arrangements for any new parish and consider whether any changes are required to any existing parish affected by the reorganisation order.
11. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 and the Local Government Finance (New Parishes) (England) Regulations 2008 deal with incidental and transitional matters such as the distribution of property, rights and liabilities of parish councils affected by a reorganisation order.
12. At the time of writing this report CLG and the Electoral Commission have not yet produced the model reorganisation order which was to have been made available on commencement of the relevant provisions of the new Act. It is hoped this will be available shortly.

Considerations

13. There is an obligation on this authority to have regard to the Guidance. The following sections of the Guidance are relevant when considering the representations which have been received:
- 'When undertaking the review, Principal Councils must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.'
 - 'As stated in the Local Government White Paper parish councils are an established and valued form of neighbourhood democracy and management. They are not only important in rural areas but increasingly have a role to play in urban areas. We propose to build on the existing parish structure, so as to improve its capacity to deliver better services and represent the community's interests.'
 - 'Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.'
 - 'Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change.'
 - '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 areas.'

Consultation on the proposal to create a new parish at Arbury Park

14. A spreadsheet containing the responses received is attached (Appendix 1). A leaflet containing a plan was delivered to all residents in Impington, Histon, Girton and Milton and posters were distributed locally advertising the community event held on 30th April 2008. The response to the leaflets has been good. The level of attendance at the event was disappointing but those Arbury Park residents who attended were very keen to have a new parish established as soon as possible. Two City Councillors attended and one local Member. A copy of the leaflet is attached (Appendix 2).
15. Members will note the following from the attached spreadsheet (the City Council's comments are shown in blue):
- There were 49 responses in total (joint responses have been calculated as two)

- 28 respondents express a preference for Arbury Park to become a new parish. Some of these respondents live in Arbury and some in Impington north of the A14 and neighbouring parishes.
 - 6 respondents feel this whole process is premature pending a possible district/city boundary review
 - Of those 6, one is the City Council and 3 are City Councillors: in their view if SCDC is going to pursue the review then the area for the new parish should include Kings Meadows estate. (One of the 3 City Councillors stated that it should include other areas in north Cambridge but reiterated that to go ahead now is an unnecessarily bureaucratic procedure. Clearly it is not possible to consider areas of the City for inclusion in a parish.)
 - 4 respondents suggest that all of Impington south of the A14 should become a new parish. Members will recall that such an option was the subject of the review consultation last summer and was not supported.
 - 1 respondent suggests that the new parish should be formed of Arbury, Kings Meadows and Cambridge Regional College AND be part of the City.
 - 1 respondent would like to see a unitary authority brought into existence
 - 1 response was unclear
 - 8 respondents felt that the new parish should include Kings Meadows estate as well as Arbury because of the similar urban nature and the fact that both areas are isolated from Impington by the A14 barrier. These respondents include the County Councillor for the area concerned and a City Councillor.
16. A further representation was received from the Arbury Park Residents' Group who undertook a door-to-door survey of residents living at Arbury. They distributed 150 questionnaires to 70% of the houses and received a response rate of 30%. (It is not known how many of the respondents to this survey also responded to the leaflets distributed by the Council.) Of those that responded 89% agreed to a new parish at Arbury being formed. Further questions in the survey concerned the name of a new parish. This is dealt with later in the report.
17. Milton Parish Council and Impington Parish Council agree with the proposal. The Chairman of Girton Parish Council has expressed his agreement with the proposal.
18. Members may wish to consider whether in light of the responses they wish to re-visit the recommendation on the creation of a new parish for Arbury. The City Council is clearly concerned about community cohesion, and the impact of not including Kings Meadows, were the city/district boundary to be moved to include Arbury Park and Kings Meadows within the City. However, the issue of parishes moving into the City boundary will be universal should there be a review of the city/district boundary because all of the affected communities are parished. The Committee must have regard to the CLG Guidance referred to above in considering the different communities. Many of those calling for a parish for Arbury alone are residents of Arbury. There have been no representations from the residents of Kings Meadows estate as far as the Principal Solicitor is aware.

Name and style of any new parish

19. Section 4 of the Guidance deals with Parish names and alternative styles for parishes. Paragraphs 107 and 110 state:
20. "The 'name' of a parish refers to the geographical name of the area concerned, whereas its status or 'style' allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish. The status or style of the parish will

be reflected in the name of any council of the parish, the parish meeting, any parish trustees, and the chairman or vice-chairman of the parish meeting or of any parish council. So, for example, the council of a parish which uses the style 'village' will be known as the 'village council' and its councillors as the 'village councillors', etc."

21. "Where the review relates to a new parish, it is for the principal council, in the first instance, to make recommendations as to the geographical name of the new parish, and as to whether or not it should have one of the alternative styles. So far as existing parishes under review by principal councils are concerned, the review must make recommendations as to whether the geographical name of the parish should be changed, but it may not make any recommendations for the parish about alternative style. It will be for the parish council or parish meeting to resolve whether the parish should have one of the alternative styles."
22. The previous reports to this Committee have not addressed this issue. The Committee will need to consider this point should it decide to make a recommendation to Council on a reorganisation order. The Committee may wish to note the Arbury Residents Group consultation on the name and style of a parish for Arbury Park. They have suggested the name 'Orchard Park Community Council'.

Electoral Arrangements

23. Electoral Arrangements for any new parish will need to be considered under the following headings: the year in which ordinary elections of parish councillors are to be held; council size – the number of councillors to be elected to the council; and parish warding – whether the parish should be divided into wards for the purpose of electing councillors. Consideration will also have to be given to any changes to the electoral arrangements for Impington Parish Council and Milton Parish Council should a new parish council for Arbury Park as proposed be recommended to Council. Whilst the Council can confirm the creation of a new parish and the electoral arrangements for the new parish, the Council will need to make recommendations to the Electoral Commission on any consequential changes that may be required to electoral areas of the Council. The Council is required to consult on the electoral arrangements. Further guidance is being sought from the Electoral Commission and CLG and this will be reported to Members at the Committee meeting.
24. The Guidance indicates that for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should ordinarily take effect on the 1 April following the date on which it is made. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, where a new parish is to be created, if the next elections to the ward or division are not scheduled to take place for some time, the principal council is able to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to the parish council to be held in an earlier year, with councillors serving a shortened first term to allow the parish council's electoral cycle to return to that of the district ward. If the Committee were minded to recommend that a new parish for Arbury Park be created then discussions on electoral arrangements will be held with Impington Parish Council.
25. The following extracts in quotes are taken directly from the Guidance in relation to aspects of electoral arrangements:

"In considering the issue of council size, the (Electoral) Commission is of the view that each area should be considered on its own merits, having regard to its

population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government." Based on current practice within the district should a new parish be created then its final numbers of Councillors would be between 9 and 11.

26. "There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity. Again, principal councils should consider each case on its merits having regard to information and evidence generated during the review." If the committee were to propose a new parish for the Arbury Park area it is not thought that warding of an area of that size would be necessary.

23.	Financial	None
	Legal	None
	Staffing	None
	Risk Management	None
	Equal Opportunities	None

Effect on Annual Priorities and Corporate Objectives

24.	Working in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future	The consultation involved in the parish/community governance review process shows partnership working to manage growth for the benefit of local residents in the affected areas.
	Deliver high quality services that represent best value and are accessible to all our community	The review acknowledges the need to meet the changing requirements of our communities.
	Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work	The review takes account of providing best local governance arrangements for residents.

Recommendations

- 25.
- i) That, having regard to the legislation, the Guidance and all of the representations received in response to the notice given on the proposal that a new parish be created for Arbury Park that the Committee consider making a final recommendation to Council asking Council to make a reorganisation order creating a new parish at Arbury Park and a Parish Council and amending the parish boundaries of Impington Parish and Milton Parish, by reference to a plan of the proposed changes;

- ii) If the Committee so resolve they should also indicate to Council whether they wish to recommend a name and style for the new parish;
- iii) That the Committee consider, if appropriate, what electoral arrangements will apply to that Parish Council and the requirement for any amended electoral arrangements for Impington Parish Council and Milton Parish Council, which will form the basis for consultation and subsequent consideration by Council.

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

The October and February reports to the Electoral Arrangements Committee
Local Government and Public Involvement in Health Act 2007
Local Government and Public Involvement in Health Act 2007 (Commencement No.3, Transitional and Savings Provisions and Commencement No.2(Amendment)) Order 2008
Local Government and Rating Act 1997
Environment Circular 11/97
CLG/Electoral Commission 'Guidance on community governance reviews' April 2008
The Local Government (Parishes and Parish Councils) (England) Regulations 2008
The Local Government Finance (New Parishes) (England) Regulations 2008
Representations from interested parties

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