

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Electoral Arrangements Committee 21 November 2011
AUTHOR/S: Executive Director – Corporate Services / Legal & Democratic Services Manager

COMMUNITY GOVERNANCE REVIEW – WILLINGHAM PARISH COUNCIL

Purpose

1. To consider a request from Willingham Parish Council to review the parish boundary between Willingham and Over to allow for a better reflection of the geographical location of particular properties which are closer to Willingham but are within the parish of Over.

Recommendations/Options

2. That Electoral Arrangements Committee considers whether to commence a community governance review or not, based on the proposal and response given by the two parish councils affected. No officer recommendation is given. The options to proceed are:
 - (a) To instigate a community governance review as requested by Willingham Parish Council outlining terms of reference for that review and to instruct officers to consult with interested parties based on the information based in this report.
 - (b) To decline to instigate a community governance review giving reasons for that decision.

Background

3.
 - (a) On 12 October 2011 a request was received from Willingham Parish Council, following a resolution at a meeting of the parish council on 5 October 2011, for the South Cambridgeshire District Council to review the parish boundary between Willingham and Over. A copy of the letter is attached as “**Appendix A**”. The main reason for the review being sought is that the Parish Council considers that there are a number of residents and business properties which adjoin the developed area of Willingham but who reside within Over parish, as the current boundary is a “few hundred metres from the main development of Willingham but several km from Over”. Willingham Parish Council believe that this means “the residents of Over can have a disproportionate impact on the governance of Willingham Parish Council and conversely some Over residents lack representation in areas that can significantly impact on their wellbeing.” The parish council is particularly concerned about Alwyn Caravan Site and Highgate Business Park. A map showing the current parish boundary is attached as **Appendix B**.
 - (b) The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provides for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to Parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing parishes. Section 93 of the 2007 Act allows principal councils to

decide how to undertake such a review, provided that they comply with the duties in the Act which apply to councils undertaking reviews. If, following a review, the Council decides that changes should be made to the electoral arrangements; they may make an Order giving effect to the changes.

(c) Section 93 also states that in reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a community governance review and seek sound and demonstrable evidence of such identities and linkage.

Considerations

4. The guidance states that when considering parish ward boundaries principal council should ensure they consider the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which will be broken by the fixing of any particular boundaries. A review offers an opportunity to put in place strong-clearly defined boundaries, tied to firm ground features, and remove anomalous parish boundaries.
5. The Principal Council is required to determine the terms of reference under which a community governance review is to be undertaken. The terms of reference must clearly specify the area under review and must be published. The guidance states that "Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services".

Consultations

6. The Council must consult all interested parties as part of a review and take into account any representations received. The review must be conducted having regard to the need to secure that community governance within the area reflects the identities and interests of the community, and the need to secure that community governance in that area is effective and convenient.
7. Under the 2007 Act a principal council is required to consult both those local government electors in the area under review, and others who appear to the principal council to have an interest in the review. Other bodies can include local businesses and local public and voluntary organizations. In areas for which there is both a district council and a county council the district council must notify the county council of their intention to undertake a review and the terms of reference.
8. Over Parish Council, the other parish which would be affected, was contacted by South Cambridgeshire District Council asking for a response to the proposal from Willingham and after discussing it at a Parish Council meeting the council responded saying that: "It was felt that there was in fact no need to amend these historic boundaries, as in the past when we have been contacted to consult on such matters as planning applications which we felt would affect Willingham Parish, we have noted this on our comments to the District Council requesting that Willingham Parish Council be consulted also. It is felt by Over Parish Council that this type of joint consultation would be the most appropriate way of addressing this matter to ensure that both affected Parishes are able to express their own opinions on how such matters would impact each village." It was also added that some Over councillors

had expressed disappointment that Willingham Parish Council had not consulted Over Parish Council on this issues before approaching the district council.

9. The Electoral Services Manager has been initially consulted about this proposal and responded that as the two parishes currently form one ward any changes would not affect District Council representation.

Considerations

10. The Committee will need to consider whether the parish council has given full and proper reasons in their request for a review or if further information is needed. The guidance states that “principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review”.
11. There will be an associated cost in conducting the review based on officer time in consulting interested parties before reporting back to this Committee with the consultation response. If a decision is made to commence a review it is proposed that officers will work with both the relevant Parish Councils in consulting interested parties in the parishes.

Implications

12. Financial	Cost of consultation exercise.
Legal	As stated in report.
Staffing	Staff time involved in consultation exercise and review.
Risk Management	None identified
Equality and Diversity	None identified
Equality Impact Assessment completed	Not necessary
Climate Change	None

Conclusions/Summary

13. Willingham Parish Council considers that a change of boundary is necessary and have given reasons for why such a change is necessary. The Committee may decide that a consultation period is necessary in order to establish local opinion on the issue or decline to instigate a review due to the comments from Over Parish Council.

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

The Local Government and Public Involvement in Health Act 2007

“Guidance on Community Governance Reviews” - guidance issued jointly by Electoral Commission and Communities and Local Government

Contact Officer: Fiona McMillan – Legal and Democratic Services Manager
Telephone: (01954) 713027