



Report To: Civic Affairs Committee

9 December 2016

Lead Officer: Sustainable Communities and Partnerships Manager

Community Governance Reviews: Draft Terms of Reference for a Community Governance Review of Willingham and Over parishes

Purpose

1. To consider terms of reference for undertaking a formal Community Governance Review of the parish boundary between Willingham and Over following the receipt by the Council of a valid petition.

Recommendations

2. The committee should consider the draft terms of reference (Appendix 1) pertaining to the Community Governance Review of the parish boundary between Willingham and Over; following which they should:
 - (a) agree, with or without amendments, the draft terms of reference (Appendix 1), and
 - (b) agree an indicative timetable for the review.

Background

3. 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.
4. 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.
5. 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.

6. 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”.

Considerations

7. Following a discussion at Civic Affairs Committee on 28 July 2016 draft terms of reference for a Community Governance Review of the parish boundary between Willingham and Over have been prepared and can be found at Appendix 1. The terms of reference set out the matters on which a Community Governance Review will focus.
8. The formal publication of terms of reference will begin the review and the review must be completed within twelve months. The Committee should agree a timeline for the Community Governance Review.
9. The valid petition which was received by the District Council included a map which proposed two alternative boundaries between Willingham and Over. This map will form the basis of the community consultation, which will ask
 - a) Should the boundary between Willingham and Over be changed? (Y/N)
 - b) Should the boundary change, which of the proposed alternative boundaries would be most appropriate? (A/B)
 - c) Additional comments

Consequential Amendments and District Electoral Review

10. The full electoral review of the district’s warding arrangements is scheduled to commence shortly, with implementation of new district ward boundaries at all out elections in May 2018. Any Community Governance Reviews started alongside the review will be separate, and will not be completed in time to be included within the review.
11. The Committee will also be aware that the Council only has the power to amend parish boundaries. District ward boundaries will not automatically be affected by changes made by Community Governance Reviews. Should district ward boundaries need to be changed after a Community Governance Review the Council would have to apply to the LGBCE to make any consequential amendments.

Options

12. In order to commence the Community Governance Review of the boundary between Willingham and Over parishes, the Committee should:
 - (a) agree, with or without amendments, the draft terms of reference (Appendix A), and
 - (b) agree an indicative timetable for the review.

Implications

13. 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

14. The cost of a wide-ranging consultation of all residents and businesses of both Willingham and Over parishes.

Legal

15. The draft 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 by the Secretary of State for Communities and Local Government, published in April 2008, which reflects Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972, 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.)

Staffing

16. It will be possible to carry out a Community Governance Review of the parish boundary between Willingham and Over within existing resources if it is scheduled to start not before January 2016.

Effect on Strategic Aims

17. 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.

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