

COMMUNITY GOVERNANCE REVIEW – BURROUGH GREEN/WESTLEY WATERLESS PARISH BOUNDARY

Committee: Council

Date: 14th July 2022

Author: Adrian Scaites-Stokes, Democratic Services Officer

[X34]

1.0 ISSUE

1.1 To consider a change to the parish boundary between the parishes of Burrough Green and Westley Waterless via a Community Governance Review.

2.0 RECOMMENDATION(S)

2.1 That the results of the Stage 1 Community Governance Review consultation (as paragraph 3.4 of this report) be noted.

2.2 That the Stage 2 Community Governance Review consultation take place on the recommendation to change the parish boundary between the parishes of Burrough Green and Westley Waterless, as set out in the Terms of Reference, as Appendix 2.

2.2 That the final recommendations on the Community Governance Review be brought back to Council at its 20th October 2022 meeting.

3.0 BACKGROUND/OPTIONS

3.1 The Local Government and Public Involvement in Health Act 2007 devolved the powers to make recommendations to principal councils with regard to community governance within their areas. East Cambridgeshire District Council, therefore, has responsibility for undertaking Community Governance Reviews within its district to encourage ‘community empowerment’ at a local level. These Reviews cover a number of issues and include changing parish boundaries.

3.2 An application was received from Westley Waterless Village Meeting in February 2022, see Appendix 1, requesting a Community Governance Review of the parish boundary between Westley Waterless and Burrough Green.

3.3 As the petition was deemed acceptable, preparations were made to conduct a Community Governance Review with two consultation stages. Stage 1 involved consulting interested parties, see Appendix 3, with the Terms of Reference for the Review which included preliminary proposals for the boundary changes, see Appendix 2.

3.4 The Stage 1 consultation lasted three months and resulted in 14 responses. 3 were in favour of the proposals, 1 was neutral and 10 did not offer an opinion. There were no objections to the proposed boundary change.

3.5 The Stage 2 consultation would set out the recommendations made by this Council and would last for two months, with the intention to run it from 16th July through to 23rd September. A report is then intended to be brought back to the Council at its meeting on 20th October for final consideration of the resultant Community Governance Order.

3.6 The Council has a number of options when considering the Stage 2 consultation:

- Reject the recommendations – in this case the Review would cease and no boundary changes would take place.
- Amend the recommendations – this could be to exclude or include different properties and amend the proposed boundary changes accordingly, and these amendments would be included in the Stage 2 consultation.
- Approve the Stage 2 consultation with no changes.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Following the end of the Stage 1, it is apparent that the consultees were content with the proposed parish boundary changes, as no objections or suggested amendments were received. Neither Burrough Green Parish Council nor Westley Waterless Parish Meeting provided any response, so it would appear that they would not be disconcerted with the proposed changes.

4.2 The responses in favour of the changes came from local residents in some of the houses that would be affected by the changes.

4.3 Therefore, with no objections and some support for the proposals, it is recommended to proceed to the Stage 2 consultation on the proposed boundary changes.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/CARBON IMPACT ASSESSMENT

5.1 There are no financial implications for the District Council, as all costs are met within budget.

5.2 Equality Impact Assessment (EIA) not required at this stage but will be included with the final report.

5.3 Carbon Impact Assessment (CIA) not required at this stage but will be included with the final report.

6.0 APPENDICES

6.1 Appendix 1 - Copy of the letter from Westley Waterless Village Meeting

6.2 Appendix 2 - Copy of the Terms of Reference

6.3 Appendix 3 - List of Consultees

Background Documents

None

Location

Room 211
The Grange
Ely

Contact Officer

Adrian Scaites-Stokes, Democratic
Services Officer (Policy & Systems)
(01353) 616456 E-mail:
adrian.scaites-
stokes@eastcambs.gov.uk

Westley Waterless Village Meeting

westleywaterlessparish@gmail.com

Tel 07799 431211

09 Feb, 22

Dear Fellow Villagers

Ref: Electoral village boundary change

BY HAND & EMAIL

As discussed at our recent village meeting (minutes available upon request), a "village precept charge" is shown as a line item on all our council tax bills. This line item shows the local parish to which your money is paid and is calculated by the local parish where each house is registered, to cover local expenses agreed by that local parish.

Most of us are registered in Westley Waterless Parish (WW), however due to an anomalous village boundary line, some houses in WW or nearby are registered in Burrough Green Parish (BG). I understand most, if not all, of the BG registered residences located in WW pay a village precept that is calculated and collected by BG parish to fund BG village expenses.

Additionally, those houses located in WW and registered in BG must vote in BG (instead of WW) and some voters find such journeys difficult, especially elderly voters or those without a car. I understand BG registered residents vote for Woodditton councillors and WW registered residents vote for Bottisham councillors.

Last year, from the council tax bills presented to me, those houses located in WW and registered in BG paid a village precept around four times more (per house) than their immediate neighbours registered in WW. In addition, those houses registered in BG and located in WW have no formal input on the amount of village precept collected by WW or what those WW precept funds are spent on in the village where their house is located.

For these reasons, many villagers feel the current boundary is unfair, inconvenient, and divisive. They have made their feelings clear to me and requested I pursue a change in the village boundary to allow those houses located in WW (and registered in BG) to be registered in WW Parish going forward.

I have therefore requested East Cambridgeshire District Council (ECDC) Electoral Services, in conjunction with the Local Government Boundary Commission, commence a Community Governance Review (CGR) to examine moving the boundary between Westley Waterless and Burrough Green to better reflect the house locations in WW.

They are working now on the terms of reference (TOR) and a suggested timetable of the events and hope to take their proposal and recommendations to full council in May. I understand there will be a consultation process with ECDC giving time for comment,

however please be aware that all comments will be made public. If you have not yet commented to me directly and would like to do so, I would welcome your thoughts.

If the boundary is changed as proposed, all WW residents on the list attached and currently registered in BG, will then pay their village precept (via their council tax) to WW instead of BG. Those residents will also have a say in the amount of that precept and how it is spent in their village each year. They will also be able vote in all future elections in WW village hall.

I attach a list of the residences that I understand are situated in WW, yet registered in BG. It is proposed these houses will be brought into WW from BG. If you know of any errors or omissions in this list, kindly let me know so the appropriate changes can be made in the review documents.

In addition to any formal contact you may have from ECDC, I will update the village on the application progress in due course via our email circular and place a note on the village notice board. If you are not on our WW village email list or Whatsapp group and would like to be, kindly let me know using my contact details above. Additionally, if you are not on email or Whatsapp and wish to receive hardcopy updates by hand, please let me know. One last thing. Please do come to our Westley Waterless Platinum Jubilee lunch at the Village Hall on 05 June. Details will be in the Village Voice and www.westlevwaterless.com
Kind regards

Jim Paltridge,
Chair
Westley Waterless Meeting

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW 2022

TERMS OF REFERENCE

A review of parishes under the Local Government and Public Involvement in Health Act 2007

INTRODUCTION

Aims of the review

East Cambridgeshire District Council has resolved to undertake a Community Governance Review (CRG) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the following parish matters;

| Parish | Matter to be considered |
|-------------------|---|
| Westley Waterless | To move the boundary between Westley Waterless and Burrough Green so that those electors living in Westley Waterless all fall within the Westley Waterless Parish |

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, 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 Electoral Commission in April 2008. Also the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

This Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference (TOR).

What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of elections; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

Why undertake a Community Governance Review?

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Government guidance further states that it is good practice to conduct a (full) CG at least every 10-15 years and keep the area under review in the interim. The most recent similar review of the district resulted in the:-

- The District of East Cambridgeshire (Electoral Changes) Order 2018

Specifically, this CGR will consider:

- The boundary between Westley Waterless and Burrough Green

Who will undertake the CGR?

As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area. The Council will approve the final recommendations before a Community Governance Order is made.

CONSULTATION

How the Council proposes to conduct consultations during the Review?

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local government electors for the area under review.
- Consulting any other person or body (including a local authority), which appears to the District Council to have an interest in the review.
- Notifying and consulting the county council.
- Taking into account any representations received in connection with the review.

Information relating to the CGR will be available on the Council’s website and key documents will be on deposit at the District Council’s offices at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE.

When taking account of written representations the District Council is bound to have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area; and
- Is effective and convenient.

The District Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them. The District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the Review.

A timetable for the CGR

A CGR must, by statute, be concluded within a twelve-month period from the day on which the CGR starts. A CGR starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes the recommendations made in the CGR.

The following is the review timetable:

| Action | Timetable | Outline of Action |
|--|--|--|
| Terms of Reference (TOR) are published | Start Date 7 th March 2022 | District Council publishes TOR and notifies stakeholders, clearly defining extent of CGR |
| Introductory stage – submissions are invited | Three month period 7 th March 2022 | District Council invites proposals from stakeholders on future arrangements under TOR |
| Draft proposals are prepared | By 14 th July 2022 | Draft proposals to be considered by Full Council |
| Draft proposals are published | By 16 th July 2022 | District Council publishes Draft proposals and notifies stakeholders |
| Consultation | Two month period ending 23 rd September 2022 | Consultation with stakeholders |
| Final Proposals are prepared | By 10 th October 2022 | Results of consultation considered and Final Proposals prepared |
| Final Recommendations published | By 10 th October 2022 | Submissions considered and final recommendations produced |

| | | |
|---|-------------------------------|--|
| Final Recommendations are published and decision by Council | 20 th October 2022 | The Council meet to consider Final Recommendations and decide on the extent to which the Council will give effect to them. |
| Order made | Thereafter | Council publishes the reorganisation Order and requests the Electoral Commission to approve any consequential changes. |

ELECTORATE FORECASTS

In considering the electoral arrangements of the parish(s) stated within these Terms of Reference the District Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

The District Council has used the Register of Electors 2022 published on 1 December 2021 to provide existing local government figures. Electorate forecasts will be prepared using all available information.

THE PRESENT STRUCTURE OF WESTLEY WATERLESS/BURROUGH GREEN PARISH(S) AND THEIR ELECTORAL ARRANGEMENTS

Present Structure of parish governance in the area to be reviewed:

| Parish | Current electorate | Forecast electorate |
|-------------------|---------------------------|----------------------------|
| Westley Waterless | 119 | 160 |
| Burrough Green | 318 | 279 |

Parishes

The Council wishes to ensure that electors should be able to identify clearly with the parish in which they are resident. It considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representatives and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this Review.

The Council is anxious to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.

The Council notes the Government's Guidance that community cohesion should be taken into account in this Review.

The Council also notes the Government's strongly stated Guidance that it "expects to see a trend in creation, rather than abolition, of parishes" and that "the abolition of parishes should not be undertaken unless clearly justified". The Council also notes that the Government also considers that, where existing parishes are abolished, "It would be undesirable to see the area becoming unparished with no community governance arrangements in place".

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward;
- The name of any such ward.

1.1 Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter (ie 2011, 2015, 2019, etc). However, the Government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared.

If the Review finds that it is appropriate to create new posts for parish councillors then these will come in to effect at the next ordinary day of election i.e. May 2023.

1.2 A council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish.

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of governance;
- Where the number of electors is 150 or fewer – a parish council is not created.

What considerations cover the number of parish councillors?

The Government has advised, and this Council concurs that "it is an important demographic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the

elections of councillors”. Likewise, the Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. However, in dealing with a request the following guidelines, which are based on recommendations from the National Association of Local Councils, will be followed.

1.3 Number of Parish Councillors Guidelines

| Electors | Councillors | Electors | Councillors |
|-----------------|--------------------|-----------------|--------------------|
| Up to 900 | 7 | 10,400 | 17 |
| 1,400 | 8 | 11,900 | 18 |
| 2,000 | 9 | 13,500 | 19 |
| 2,700 | 10 | 15,200 | 20 |
| 3,500 | 11 | 17,000 | 21 |
| 4,400 | 12 | 18,900 | 22 |
| 5,400 | 13 | 20,900 | 23 |
| 6,500 | 14 | 23,000 | 24 |
| 7,700 | 15 | 45,000 | 25 |
| 9,000 | 16 | | |

The Government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,” and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the Review starts.

1.4 Parish Warding

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider the following:

Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; Whether it is desirable that any area or areas of the parish should be separately represented on the council.

The Government’s guidance is that “the warding of parishes in largely rural areas that are based predominately on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish”.

The Council will be mindful of all this guidance, noting further that“ each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review.”

The Council notes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical and social differences within a parish; one parish but comprising different parts.

The Council recognises that ward elections should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. They should not be wasteful of a parish’s resources.

1.5 District Warding and County Division Boundaries

It is not envisaged that the issues which are the subject of this Review will require any alterations to the boundaries of District Wards but may affect the boundaries of the County Divisions.

The Electoral Commission is responsible for deciding whether boundary changes of this nature should be made and will require that the Council has consulted on any such recommendations. If the need for changes becomes apparent during the course of this review the Council will endeavour to incorporate them within the consultation at the earliest opportunity.

1.6 REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reason for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council’s Offices, website and Community Offices.

In accordance with the Guidance issued by the Government the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council’s office at The Grange, Nutholt Lane, Ely, Cambs. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

It is proposed that the Order will take effect for financial and administrative purposes on 1st December 2022.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council, which will be on 5 May 2023.

CONSEQUENTIAL MATTERS

1.7 General Principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order.

These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

1.8 How to contact us

Should you wish to submit a written representation regarding this review please address to:

Electoral Services
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Alternatively your submission may be emailed to: elections@eastcambs.gov.uk

Should you require any further information or need clarification on the review process, please contact: Adrian Scaites-Stokes at the office above or Adrian.scaitesstokes@eastcambs.gov.uk or by telephone on 01353 616456

1.9 Publication of Terms of Reference

These Terms of Reference will be published on the District Council web site <http://www.eastcambs.gov.uk> and will be available for inspection at the offices at The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE

Notices advertising this Community Governance Review and the availability of the Terms of Reference will also be posted within each Parish.

1.10 Date of Publication

7th March 2022

List of Consultees

Affected local electors
Burrough Green Parish Council
Westley Waterless Parish Meeting
Local District and County Councillors
The Member of Parliament for that Constituency
Political Parties – Conservative, Green, Labour and Liberal Democrat
The Boundary Commission
The Home Office
The Secretary of State, Department of Levelling Up, Housing & Communities
Ordnance Survey
Office for National Statistics
The Education Authority
Local Land Charges
East Cambridgeshire District Council – various departments
Cambridgeshire County Council
East Cambs Access Group
National Autistic Society
Age Concern
Citizens Advice
Anglia Revenues Partnership
Local Campaigners for the Protection of Rural Ely
The Voluntary Sector
East Cambridgeshire District Council Consultees