

## Community Governance Review

Portfolio:	Non-executive function
Ward(s) Affected:	Bagshot; Windlesham & Chobham

### **Purpose:**

Following receipt of a valid community governance petition, and in light of the decision deferred by the Council in February 2019, to consider the requirements for the Council to undertake a Community Governance Review of the Windlesham area of Windlesham Parish, in accordance with the Local Government and Public Involvement in Health Act 2007.

## **1. Background**

- 1.1. In 2016-17 the Local Government Boundary Commission for England (LGBCE) carried out an electoral review of Surrey Heath Borough and provided revised electoral arrangements for the borough, to be effective from May 2019. These arrangements included alterations to boundaries between Bagshot and Windlesham wards, with 550 households moving from Windlesham ward to Bagshot ward.
- 1.2. Schedule 2 of the Local Democracy, Economic Development and Construction Act 2009 requires that a parish ward must lie wholly within a single borough electoral ward. As a consequence of the borough review, the LGBCE provided revised arrangements for Windlesham parish. The revised boundaries for the parish reflect the revised borough boundaries, meaning that the electors in the north of Windlesham ward transferred from Windlesham parish ward to Bagshot parish ward
- 1.3. In conducting its reviews, the LGBCE must be mindful of electoral equality, meaning the number of voters represented by each councillor must be approximately the same across the borough, ideally within a variance of 10%.
- 1.4. A Community Governance Review (CGR) is undertaken by the principal council for the area (i.e. this Council) and is a review of the whole or part of the Borough to consider one or more of the following:
  - Creating, merging, altering or abolishing parishes;
  - The naming of parishes and the style (i.e. whether to call it a town council or village council etc.) of new parishes;
  - The electoral arrangements for parishes (including 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

- 1.5. The Local Government and Public Involvement in Health Act 2007, sets down the legal framework within which principal councils must undertake these reviews.
- 1.6. The Council has a duty to conduct a CGR in response to a valid community governance petition.
- 1.7. A CGR relates to parish arrangements only and will not change parliamentary, borough ward, or county division boundaries.

## **2. Current Position**

- 2.1. On 15 January 2019 the Chief Executive received a request from Windlesham Parish Council asking this Council to conduct a CGR with a view to reinstating an equal number of councillors representing each village. The Council, at its meeting on 27 February 2019, considered this request and agreed to defer its decision pending further legal advice (minute 65/C refers).
- 2.2. On 29 May 2019 the Council received a community governance petition signed by electors in the area proposed for review, namely Windlesham village. Following verification of the signatories against the electoral register, the Council confirmed that 619 electors had signed the petition, which was sufficient to trigger a CGR.
- 2.3. The petition requests that the Council conducts a CGR to “create separate and devolved Parish Council for Windlesham Village and residents only.”
- 2.4. The Council must publish Terms of Reference for a CGR. The Terms of Reference must include the request made by the petitioners, but may also include such other alternative proposals within the terms of reference as it deems appropriate for the purpose of consultation as part of the CGR.
- 2.5. It is now considered appropriate to include the Parish Council’s request alongside the action requested by the petitioners as part of this CGR.
- 2.6. An informal meeting was held between Council officers, representatives from Windlesham Parish Council, and the petitioners on 27 June 2019, where the Draft Terms of Reference, as set out at Annex C to this report, were reviewed.
- 2.7. A CGR must be completed within 12 months of the publication of the Terms of Reference. The draft timetable for the review is set out in the Draft Terms of Reference.

## **3. Draft Terms of Reference**

- 3.1. Terms of Reference for the CGR have been drafted and are attached at Annex C.
- 3.2. Four options have been included in the Draft Terms of Reference, as follows:

1. Option 1 - To create a new parish in Windlesham and create a new Parish Council covering the area.
  2. Option 2 - To re-instate an equal number of councillors representing each village within the Parish.
  3. Option 3 - To create a new parish ward for North Windlesham and amend the councillor representation in the parish wards to best reflect electoral equality in the parish.
  4. Option 4 - To make no change to the current arrangements.
- 3.3. The implications of each of the options are set out in greater detail in the Draft Terms of Reference.

#### **4. Consultation**

- 4.1. The consultation on changes to parish governance arrangements for Windlesham primarily affects the residents within Windlesham village; however, it is recognised that any changes could also have consequential effects for residents in the remainder of the current parish area. It is therefore considered appropriate to consult all households in the parish area, whilst being mindful of the relative effect any changes will have on the respondents when considering consultation responses.
- 4.2. Letters informing residents about the consultation will be sent to all households within the parish.

#### **5. Recommendations from the Community Governance Review**

- 5.1. Following an initial public consultation on the Terms of Reference, the Council will draw up and publish draft recommendations upon which a further period of public consultation will be undertaken. Following consultation on the draft recommendations, the Council will agree the final recommendations on the CGR.

##### Proposed new parishes

- 5.2. Under Section 87 of the 2007 Act, a CGR must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. A new parish is constituted in any one of a number of ways including:
- the aggregation of parts of parishes
  - the amalgamation of two or more parishes
  - the separation of part of a parish
- 5.3. If the CGR recommends that a new parish should be constituted, the Council must also make recommendations as to the following:
- name of the new parish.

- whether or not the new parish should have a parish council.
- whether or not the new parish should have one of the alternative styles

#### Electoral arrangements

- 5.4. The CGR must also make recommendations as to what electoral arrangements should apply to any new parish council and, where the CGR concludes that a parish should continue to have a parish council, recommendations as to what changes (if any) should be made to the electoral arrangements that apply to that council.
- 5.5. Electoral arrangements, in relation to a CGR, means all of the following:
- the year in which ordinary elections of councillors are to be 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.

#### Existing parishes under review

- 5.6. Under Section 88 of the 2007 Act, the CGR must also make the following recommendations in relation to each of the existing parishes under review:
- The CGR must make one of the following recommendations:
    - that the parish should not be abolished and that its area should not be altered;
    - that the area of the parish should be altered;
    - that the parish should be abolished.
  - Whether or not the name of the parish should be changed.
  - Whether or not the parish should continue to have a council.

### **6. Outcome of a Community Governance Review and Community Governance Reorganisation Orders**

- 6.1. As soon as practicable after the Council has decided to what extent it will give effect to the recommendations made in a CGR, the Council must—
- publish that decision and the reasons for making that decision; and
  - take such steps as the Council considers sufficient to ensure that persons who may be interested in the review are informed of that decision and those reasons.
- 6.2. Members should note that Section 86 of the Local Government & Public Involvement in Health Act 2007 requires the Council to consult the LGBCE if it

wishes to alter the electoral arrangements put in place by the LGBCE within a 5-year period of that order. The arrangements made by the LGBCE set out in paragraph 1.1 fall within this requirement. If the LGBCE declines to give consent, no local order may be made by this Council until the 5-year period has expired.

- 6.3. If, following a CGR, it is necessary to make a community governance reorganisation order to give effect to any changes, the Council must as soon as practicable after making the order, place a copy of the reorganisation order, and a detailed map showing the effects of the order on deposit at the Council offices for public inspection. The Council must also publicise that the order and map are available for public inspection and inform all of the following that the order has been made:
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) Surrey County Council.

- 6.4. A Community Governance Reorganisation Order may include any of the following provisions:

- (a) provision with respect to the transfer and management or custody of property (whether real or personal);
- (b) provision with respect to the transfer of functions, property, rights and liabilities;
- (c) provision with respect to electoral arrangements

## **7. Options**

- 7.1. The Council has no option but to conduct a CGR.
- 7.2. The Council has the option to agree the draft Terms of Reference, as set out at Annex C to this report, or make any amendments it considers appropriate.

## **8. Proposal**

- 8.1. It is proposed that the Council agrees to carry out a CGR and adopts the Draft Terms of Reference, as set out at Annex C to this report.

## **9. Legal Issues**

- 9.1. The Council must conduct a CGR in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Secretary of State under Section

100(4) of the 2007 Act<sup>1</sup>. Section 83(2) of the 2007 Act requires that where the Council receives a community governance petition, it must undertake a CGR that has Terms of Reference that allow for the petition to be considered.

9.2. The Council has sought Counsel's advice and has been advised that its approach to conducting this CGR is appropriate and lawful.

## **10. Resource Implications**

10.1. There will be costs arising from the consultation process, which are expected to be met within existing budgets.

## **11. Recommendation**

11.1. The Council is advised to RESOLVE that

- (i) a community governance review of the Windlesham area within the parish of Windlesham be conducted in accordance with the requirements of Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007;
- (ii) the Terms of Reference of the Community Governance Review including the proposed timetable, as set out in Annex C to this report, be approved and published;
- (iii) the Returning Officer be authorised to conduct the Community Governance Review on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard; and
- (iv) as a consequence of the item being subsumed by this review, the decision deferred by the Council at its meeting on 27 February 2019 be discontinued.

**Background Papers:** [Guidance on Community Governance Reviews – DCLG and Local Government Boundary Commission for England \(March 2010\)](#)

**Annexes** Annex A – request from the petitioners to conduct a CGR  
Annex B – request from Windlesham Parish Council to conduct a CGR  
Annex C – Draft Terms of Reference

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<sup>1</sup> "Guidance on Community Governance Reviews" – DCLG and Local Government Boundary Commission for England (March 2010)

