

Windlesham Community Governance Review – Round Two Consultation Responses and Next Steps

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

Purpose of Report

To provide the Council with feedback from the second round of consultation in connection with the Community Governance Review for the area currently covered by Windlesham Parish Council and make recommendations on the next steps.

1. Legislative Background

- 1.1 In accordance with the Local Government and Public Involvement and Health Act 2007 ('the 2007 Act'), Surrey Heath Borough Council as the 'principal council' has powers to determine parish boundaries and parish electoral arrangements. The way in which the legislation enables principal councils to make such changes is by conducting a community governance review.
- 1.2 Chapter 3 of Part 4 of the 2007 Act devolved the power to make decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. Subsequently, from 13th February 2008, district councils, unitary county councils and London borough councils were given responsibility for undertaking community governance reviews and have been given the power to decide whether to give effect to recommendations made as a result of any such reviews.
- 1.3 This report follows on from previous decisions made by the Council at its meetings on 26th February 2020 and 22nd July 2020 and sets out feedback from the second round of consultation in respect of a community governance review (CGR) for the area currently covered by Windlesham Parish Council (the villages of Bagshot, Lightwater and Windlesham). The report also provides further guidance on the statutory community governance review process in order to assist the Council in determining a way forward in relation to the future electoral arrangements for Windlesham Parish Council (WPC).
- 1.4 Whilst consultation findings should inform the Council's final decision, the Council needs to be mindful of its primary duty to secure that community governance within the area under review:
 - i. Reflects the identities and interests of the community in that area, and
 - ii. Is effective and convenient¹.

¹ Local Government & Public Involvement in Health Act 2007 93(4)

2. Consultation

Background to Consultation

- 2.1 In 2019, the Council received a petition requesting a CGR and seeking the establishment of a standalone parish council for Windlesham village only in the Windlesham parish area. An initial consultation took place across the Windlesham parish area in October/November 2019 and the consultation's findings were considered by the Council at its meeting on 26th February 2020. It was subsequently agreed that a consultative group would be established to develop a recommended way forward which would then be subject to a public consultation.
- 2.2 A Consultative Group made up of affected Borough and County ward councillors, Windlesham Parish Council, petitioners' representatives, local community groups and council officers met on 18th March 2020. During the meeting it was recognised that the petition to trigger a CGR had been the result of dissatisfaction amongst residents of Windlesham village over what was perceived to be a disconnect between the Parish Council and local residents. Something that, in the petitioners' view, had been compounded by the Local Government Boundary Commission for England's (LGBCE) 2016 review of the Borough and Parish Council boundaries which resulted in the redrawing of WPC's wards and what in the petitioners' view was a reduction in representation at parish level for Windlesham residents.
- 2.3 At the meeting, representatives from WPC acknowledged the concerns of the petitioners; however, it was stressed that parish councillors had always considered themselves to have been elected to serve all residents of the parish area and not just those living in the ward that they were elected to represent and that decisions were made on the basis that each of the three villages were considered to be equal partners in the Parish. It was also the Parish Council's contention that the villages' representation would be stronger if they remained as a single entity and that the Parish Council's size meant that it could leverage certain economies of scale that would not be possible if it was broken up.
- 2.4 As a result of the consultative group's discussions the following compromise position was proposed:
- The parish council's ward boundaries should be redrawn to give each village its own specific councillors and
 - The Parish Council would review its internal governance processes to provide ward councillors with greater say over the decisions that affected the village they represented.
- 2.5 The Consultative Group agreed that this would provide a suitable compromise and that the CGR should be progressed on this basis. However, due to the Covid-19 pandemic and its associated government restrictions, phase two of the consultation process was paused at the end of March for three months.

2.6 As Covid-19 restrictions eased, a decision was taken to bring the CGR to a conclusion and on 22nd July 2020 the Council agreed that a second round of consultation would take place seeking the view of the residents of the Windlesham Parish Council area on the following proposals:

- i. A new parish ward co-terminus to the current KC polling district is created and named Windlesham (North) ward of Windlesham Parish Council
- ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council
- iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council
- iv. Windlesham Parish Council be renamed to better reflect its geographical boundaries.

2.7 A consultation leaflet, setting out the background to the CGR and the Council's reasoning for the proposals, was developed and this was sent to every household (7,462 households) in the parish area. The leaflet was also published on the Council's website and the consultation was promoted through the Council's social media channels.

2.8 In addition, the Council's Marketing and Communications Team:

- Updated the Windlesham CGR webpage
- Added the CGR to the Consultations 2020/21 webpage and the Top Tasks section of the homepage (for duration of the consultation)
- Uploaded a press release to the News section of the Council's website and issued the release to key media contacts and Councillors.
- Shared the link to the press release on the Council's social media channels, Facebook and Twitter, and continued to share information publicising the consultation on social media throughout the consultation period. Including sharing these posts into the relevant Bagshot, Lightwater and Windlesham community groups on Facebook.
- Updated the Council's Borough Boards in Bagshot, Lightwater and Windlesham with information about the consultation.
- Provided Windlesham Parish Council's Clerk with posters publicising the CGR for its noticeboards in the three villages.

2.9 The consultation ran for a five week period between 4th August 2020 and 8th September 2020.

Consultation Responses

2.10 By the end of the consultation process a total of 109 responses had been received from residents across the parish area. The breakdown of responses by village area is set out below:

Village Area	Responses Received	Electorate*	Population response rate
Bagshot	18	4,611	0.39%

Lightwater	27	5,466	0.49%
Windlesham	64	3,528	1.81%
Total	109	13,605	0.80%

*Electorate based on Electoral Register figures as at 1st March 2020

- 2.11 It should be noted that a notable number of responses received included narratives in their responses with a broad theme emerging which related to either concerns over the level of resources that were being expended on a matter that was of little interest to the wider parish community or that the changes were disproportionate.

Structural Changes

- 2.12 The majority of respondents (76 of the 109 respondents) expressed their support of the proposal to redraw the boundaries of the Bagshot Ward of Windlesham Parish Council to create two new wards (Bagshot Ward of Windlesham Parish Council and Windlesham (North) Ward of Windlesham Parish Council) and to rename the Windlesham Ward of Windlesham Parish Council to Windlesham (South) Ward of Windlesham Parish Council. The Lightwater Ward would remain unchanged under the proposals. A map showing the proposed parish ward boundaries can be found at Annex A
- 2.13 A breakdown of the responses by village can be seen in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	5	8	5
Lightwater	12	14	1
Windlesham	59	4	1
Total	76	26	7

Councillor Numbers

- 2.14 Approximately three quarters of those responding (76 of the 109 respondents) expressed support for proposals to amend the number of councillors so that the newly created Bagshot ward would have 6 councillors and the newly created Windlesham (North) ward would be represented by 2 councillors. The number of Councillors for the unchanged Lightwater ward and the unchanged but renamed Windlesham (South) wards would remain at 7 and 3 councillors respectively.
- 2.15 A breakdown of the responses by village area is set out in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	6	9	3
Lightwater	12	14	1
Windlesham	58	5	1
Total	76	28	5

Change of Parish Name

- 2.16 Views on changing the name of Windlesham Parish Council were more mixed with a number of respondents considering a name change to be an unnecessary waste of resources. A breakdown of the responses by village area is set out in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	7	9	2
Lightwater	14	13	1
Windlesham	41	12	11
Total	62	34	13

- 2.17 A number of alternative names were suggested by residents with many referencing local natural phenomena which were common to all three village area for example the Windle Brook and a list of these are set out in Annex B.

3 Next Steps

Ward Boundary Changes and Councillor Numbers

- 3.1 Notwithstanding, the low response rate, the proposals to redraw the ward boundaries of the Parish Council and review and alter the number of councillors representing each of the newly created wards were ones that the Consultative Group considered to be an appropriate compromise between retaining the status-quo and separating WPC. Furthermore, the Parish Council itself has indicated that the structural changes would provide a workable compromise solution to a situation which was making decision making at parish level difficult and enable more local decision making to take place. It is therefore recommended that this proposal is pursued.
- 3.2 Council is reminded that the current electoral arrangements for WPC were put in place by the Local Government Boundary Commission for England (LGBCE) during their 2016 review of the Borough Council's ward boundaries. Legislation protects electoral arrangements that have been put in place by either the Secretary of State, the Electoral Commission or the LGBCE for a period of five years from the date that a reorganisation order is made. If at any point within this five year period a principal authority wishes to change these arrangements then the consent of the LGBCE is required. The electoral arrangements for WPC fall within this five year window and consequently these changes would require the consent of the LGBCE
- 3.3 It is therefore recommended that the Council seeks the LGBCE's consent for the following proposals:
- i. A new parish ward co-terminus to the current KC polling district is created and named Windlesham (North) ward of Windlesham Parish Council
 - ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council

- iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council.
- iv. The number of councillors for the revised warding of Windlesham Parish Council be set at:

<u>Ward</u>	<u>Number of Councillors</u>
Bagshot	6
Lightwater*	7
Windlesham (North)	2
Windlesham (South)	3
Total	18
*No changes are being proposed for the Lightwater ward	

A map illustrating the proposed Parish Council ward boundaries set out above is attached to this report as Annex A.

Timing of Implementation of New Electoral Arrangements

- 3.4 If the consent of the LGBCE for these changes is obtained it is intended that the alterations would come into effect at the Parish Council's next scheduled elections which are due to take place in May 2023.
- 3.5 Although CGR guidance does allow for changes to be implemented outside the normal parish council election timetable early elections would, depending on the length of time before the normal expiration of a councillor's term of office require either:
 - i. In the event that there was more than 1 year to go until the next scheduled elections, those parish councillors sitting in the affected wards agreeing to have their electoral term of office shortened. A standalone election would then need to be held for vacancies for a term of office fixed to run until the next round of normal elections; or
 - ii. If there was one year or less to run until the next scheduled elections, those parish councillors sitting in the affected wards agreeing to have their electoral term of office shortened. A standalone election would then need to be held for the subsequent vacancies on the basis of a five year term of office to take the newly elected parish councillors' terms of office to the next normal election cycle.
- 3.6 When deciding when new electoral arrangements should be implemented, the Council should be mindful of the LGBCE's published advice which makes it clear that the LGBCE gives priority to the electoral reviews that they have

scheduled and resources available to devote to considering requests for, and making related, Alteration Orders (The legal documents which effect any changes) are limited.

- 3.7 In previous years, which have not been impacted by the constraints of the Covid-19 pandemic, the LGBCE has made it clear that unless they receive requests for alterations to be made to electoral arrangements before 1st October they cannot guarantee that any subsequent Alteration Orders would be made in time for the requested changes to be implemented in elections in the subsequent May. It should therefore be assumed that there is no guarantee that any alterations would be consented to in time for them to coincide with the County Council and Police and Crime Commissioner elections scheduled for May 2021.
- 3.8 Furthermore, when making its decision the Council should be mindful of the views of local residents who in responding to the consultation questioned the level of resources that was being put into something that was, in their view, of relevance to only a very small minority of the local community particularly in the current economic climate. Consequently any decisions should be proportionate.

Parish Council Name Change

- 3.9 At the current time, it is not felt that there is sufficient public support to justify pursuing proposals to change the name of Windlesham Parish Council.
- 3.10 It should be noted that Community Governance Reviews are not the only mechanism by which the name of a parish council can be altered. Section 75 of the Local Government Act 1972 gives a Borough Council the statutory authority to change the name of a parish or town council at any time through the laying down of a Statutory Order.
- 3.11 It is therefore proposed that the list of alternative names suggested be passed to the Clerk of WPC for the Parish Council to consider in its own time. If at a future point, WPC felt that a name change was appropriate the Borough Council would work with the Parish Council to take these changes forward.

4 Alternative Options

- 4.1 The Council has the option to:
- i. Agree the proposals as set out at paragraphs 3.3 and 3.11
 - ii. Agree the proposals set out in paragraphs 3.3 and 3.11, but with amendments.
 - iii. To make no changes to the electoral arrangements of Windlesham Parish Council.

5 Resource Implications

- 5.1 There are no specific resource implications arising from the proposals set out at paragraph 3.3 above which cannot currently be met from within existing resources.
- 5.2 Notwithstanding paragraph 5.1 above, it should be noted for transparency that in addition to the officer time expended on, but not limited to, developing consultation documents, publicity material and collating the consultation responses received the Windlesham Community Governance review has incurred the following expenditure which was not part of the Council's agreed budgets:
- Round One consultation postage costs – £3,500
 - Round Two consultation postage costs – £3,500
 - Legal Advice - £2,900
 - Subtotal to date - £9,900
- 5.3 It is expected that a further £3,500 would be expended writing to all residents in the Windlesham Parish Council area to inform them of any boundary changes.
- 5.4 Whilst the guidance advising community governance reviews allows for changes to be implemented outside the normal parish council election timetable, if a decision was taken to implement any new electoral arrangements earlier than 2023 then it should be noted that pursuing either of the options outlined at paragraph 3.5 would incur an additional expense for Windlesham Parish Council which the Parish Council would not have currently budgeted for. There would also be resource implications for the Borough Council in respect of officer time administering any standalone elections.

6 Recommendations

- 6.1 The Council is advised to RESOLVE that, subject to the agreement of the Local Government Boundary Commission for England, the following changes be made to the electoral arrangements of Windlesham Parish Council:
- i. A new parish ward co-terminus to the current KC polling district be created and named Windlesham (North) ward of Windlesham Parish Council;
 - ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council;
 - iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council; and
 - iv. The number of councillors for the revised warding of Windlesham Parish Council be set at:

<u>Ward</u>	<u>Number of Councillors</u>
Bagshot	6

Lightwater*	7
Windlesham (North)	2
Windlesham (South)	3
Total	18

*No changes are being proposed for the Lightwater ward

Annexes:	Annex A: Map of proposed new parish ward boundaries
	Annex B: List of suggested alternative names for Windlesham Parish Council
Background Papers:	Local Government and Public Involvement in Health Act 2007 Report to Council 26 th February 2020 Report to Council 22 nd July 2020
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