

Council Report

Ward(s) affected: Clandon and Horsley

Report of the Director of Finance

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Community Governance Reviews: East & West Clandon Parish Councils

Executive Summary

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 a parish and the style of a new parish (i.e. whether to call it a town council or village council etc.);
- The electoral arrangements for a parish (including the number of councillors to be elected to the parish council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes

Legislation requires the Council to undertake a CGR when a valid community governance petition has been received; however, the Council may exercise its discretion and undertake a CGR at any time. The Local Government and Public Involvement in Health Act 2007 (as amended), sets out the legal framework for undertaking CGRs.

The Borough Council has received two separate requests from two parish councils to undertake a review in order to increase the number of elected parish councillors.

East Clandon Parish Council has requested the Borough Council to undertake a CGR in order to increase the number of elected parish councillors from 5 to 6 for the reasons set out below:

- (a) to help with capacity in terms of demands;
- (b) to maintain a quorum for meetings; and
- (c) for succession planning purposes as it has several long standing councillors.

West Clandon Parish Council has also requested the Borough Council to undertake a CGR in order to increase the number of elected parish councillors from 6 to 8 for the

reasons set out below:

- (a) This would better enable the Parish Council to cover the range of responsibilities taken on by councillors.
- (b) It would make it easier to achieve a quorum - this is sometimes an issue given the extensive community, business and professional interests of West Clandon residents.
- (c) It would also enable the Parish Council to be more inclusive in drawing representation from more sections of the West Clandon community.

The Lead Councillor for Infrastructure and Governance and the local ward councillors all support the proposed CGRs.

Recommendation:

- (1) That community governance reviews of both East and West Clandon parishes be conducted in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, as described in this report.
- (2) That the terms of reference in respect of those community governance reviews including the proposed timetables, as set out in **Appendix 1 and 2** to this report, be approved and published.
- (3) That the Democratic Services Manager be authorised to conduct the community governance reviews on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard.

Reason for Recommendation:

To ensure that community governance within the area under review is:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

1. Purpose of Report

- 1.1 Following separate requests from both East Clandon Parish Council and West Clandon Parish Council, this report sets out the formal requirements should Council agree to undertake Community Governance Reviews of both parishes in accordance with the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) and associated government guidance.

2. Strategic Priorities

- 2.1 To undertake the reviews will be consistent with our desire to be open and accountable to our residents, to deliver improvements and enable change across the borough.

3. Background

- 3.1 The 2007 Act amended the responsibility for parish area reviews from what is now the Local Government Boundary Commission for England (LGBCE) to principal councils, subject to adherence to regulations and directions issued by

the former Department for Communities and Local Government (DCLG) and the Electoral Commission. Principal councils in this context are specifically district councils in England. The process for considering a change is now termed a Community Governance Review (CGR).

- 3.2 A CGR is a review of one or more areas of the borough to look at one or more of the following:
- Creating, merging, altering or abolishing parishes;
 - The naming of a parish and the style of a new parish (i.e. whether to call it a “village”, “community” or “neighbourhood” with the council similarly named as a “village council”, “community council” or “neighbourhood council”);
 - The electoral arrangements for parishes (including 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
- 3.3 A CGR may not change parliamentary, borough ward or county division boundaries, although it might lead to recommendations to the LGBCE to make changes to ward or division boundaries.

4. Community Governance Review Request

- 4.1 On 17 May 2018, the Council received a request from East Clandon Parish Council for a CGR to increase the number of parish councillors from 5 to 6 for the reasons set out below:
- (a) to help with capacity in terms of demands;
 - (b) to maintain a quorum for meetings; and
 - (c) for succession planning purposes as it has several long standing councillors.
- 4.2 On 14 June 2018, the Council also received a request from West Clandon Parish Council for a CGR to increase the number of parish councillors from 6 to 8 for the reasons set out below:
- (a) This would better enable the Parish Council to cover the range of responsibilities taken on by councillors.
 - (b) It would make it easier to achieve a quorum - this is sometimes an issue given the extensive community, business and professional interests of West Clandon residents.
 - (c) It would also enable the Parish Council to be more inclusive in drawing representation from more sections of the West Clandon community.

Undertaking a Community Governance Review

- 4.3 The suggested terms of reference of the CGRs in respect of East Clandon Parish and West Clandon Parish are set out in **Appendices 1 and 2**. The procedure for a CGR requires the Council:
- (a) to agree the terms of reference for the review
 - (b) to then publish and consult on the terms of reference with the local electorate and those with an interest

- (c) taking into account representations received, to agree final recommendations and, if required, to make a community governance reorganisation order to give effect to agreed changes.
- 4.4 The terms of reference relate only to the electoral arrangements for East Clandon Parish Council and West Clandon Parish Council respectively. In addition to the number of councillors to be elected to each parish council, which is the subject of both parish councils' requests, the legislation also requires the Council to make recommendations on other related "electoral arrangements" for East Clandon Parish Council and West Clandon Parish Council, as follows:
- (a) the year in which ordinary elections of councillors are to be held;
 - (b) the division (or not) of the parish into wards for the purpose of electing councillors;
 - (c) the number and boundaries of any such wards;
 - (d) the number of councillors to be elected for any such ward;
 - (e) the name of any such ward.
- 4.5 It is suggested that both terms of reference should propose at this stage that, in relation to (a) in paragraph 4.4 above, no change be made to the year of ordinary elections, as they currently coincide with borough council elections and elections to other parish councils in the borough.
- 4.6 In relation to (b) to (e) in paragraph 4.4 above, it is suggested at this stage that, irrespective of the outcome of the CGR, both East Clandon Parish Council and West Clandon Parish Council should continue to be unwarded, i.e. that no changes be made. Both parish councils support this proposal.
- 4.7 Following the consultation, and taking into account the representations received, the Council must consider the following questions in relation to whether one or both parish council's should, or should not, be divided into wards for the purpose of electing parish councillors:
- (a) whether the number, or distribution, of the local government electors for each parish would make a single election of councillors impracticable or inconvenient; and
 - (b) whether it is desirable that any area or areas of each parish should be separately represented on the parish councils.
- 4.8 If the Council decides in its final recommendations that both parish councils should continue to be unwarded, it must have regard to the following factors when considering the number of councillors to be elected for each parish:
- (a) the number of local government electors for each parish; and
 - (b) any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.
- 4.9 Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR, provided that they comply with a number of duties prescribed in the Act, as follows:

(i) Before undertaking a CGR, the Council must notify Surrey County Council that a CGR is to be undertaken and its terms of reference.

(ii) In conducting a CGR, the Council must consult with the following:

- the local government electors in the area under review (i.e. the parish of East Clandon and, separately the parish of West Clandon),
- East Clandon Parish Council and West Clandon Parish Council respectively
- any other person or body which appears to have an interest in the review (e.g. local businesses, local residents' associations, amenity groups, local public and voluntary organisations - such as schools or health bodies)

(iii) When undertaking a CGR, the Council must also:

- have regard to the need to secure that community governance in the area under review:
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- take into account any representations received in connection with the review.

4.10 A CGR must also take into account a number of influential factors including:

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

4.11 It is anticipated that the consultation on the terms of reference of this CGR will involve:

- Publication of the terms of reference on the Borough Council's website and both parish councils websites respectively
- Publicity for the CGR to be displayed in any parish magazine and on parish notice boards and in community venues within the parishes
- Press releases
- Communication with local community groups

4.12 A suggested timetable for the conduct of the CGR's is included within the draft terms of reference (see **Appendices 1 and 2**).

4.13 The Council is required to complete a CGR within a period of 12 months.

5. Equality and Diversity Implications

5.1 The process for the review is laid down in statute and guidance issued by the Government will be followed. Every attempt will be made to engage electors and interested parties in the CGR through the consultation process that will be led by officers.

6. Financial Implications

- 6.1 It is envisaged that the only cost to the Council will be in officer time in conducting the CGRs, which will be met from within existing budgets.

7. Legal Implications

- 7.1 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 (as amended) and guidance issued by the Secretary of State under Section 100(4) of the 2007 Act¹.

8. Human Resource Implications

- 8.1 Officers in Democratic Services will conduct the CGRs within existing staff resources.

9. Conclusion

- 9.1 This report is the first step towards carrying out CGRs for East Clandon parish and West Clandon parishes in response to their requests. Should the Council agree the terms of reference for the CGRs, they will be published and an eight-week period of public consultation will take place in each parish. It is anticipated that a formal report on the outcome of both consultations will be submitted to full Council on 4 December 2018.
- 9.2 If, following the reviews, the Council decides to make a Community Governance Reorganisation Order in respect of each proposal to increase the number of parish councillors, the changes would take effect from the next scheduled parish elections on 2 May 2019.

10. Background Papers

“Guidance on Community Governance Reviews” – DCLG and Local Government Boundary Commission for England (March 2010)

11. Appendices

- Appendix 1: Proposed terms of reference of the community governance review of East Clandon parish
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 - Annex 2: A summary of the powers and duties of parish councils
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¹ [“Guidance on Community Governance Reviews” – DCLG and Local Government Boundary Commission for England \(March 2010\)](#)