

Council Report

Ward(s) affected: Clandon & Horsley and Effingham

Report of Director of Finance

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Community Governance Review – Parishes of East Horsley and Effingham

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 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

The legal framework within which principal councils must undertake these reviews is set out in the Local Government and Public Involvement in Health Act 2007 (as amended).

On 16 April 2019, East Horsley Parish Council submitted a written request (see **Appendix 1** to this report) for the Council to conduct a CGR, with the suggested terms of reference including the following proposals:

Proposal 1

Subject to Proposal 2 below, to alter the existing boundary between the parishes of East Horsley and Effingham in the area close to Effingham Common, as set out in Map A3 of Appendix A to the parish council's submission.

Proposal 2

To recommend to the Local Government Boundary Commission for England ("LGBCE") that it approves the change of the existing boundary between the Clandon and Horsley

ward and the Effingham ward of the Borough Council so that it is coterminous with the change to the parish boundary referred to in Proposal 1 above.

Proposal 3

To increase the maximum number of councillors to be elected to the parish council of East Horsley from nine councillors to twelve councillors.

The Council has power under section 82 of the 2007 Act to undertake CGRs at any time.

Recommendation to Council:

The Council is asked to consider first whether it wishes to exercise its power under Section 82 of the 2007 Act and conduct a CGR of the parishes of East Horsley and Effingham, in accordance with the requirements of 2007 Act, and associated government guidance as described in this report.

If the Council is minded to conduct a CGR, councillors are asked to consider the following recommendations:

- (1) That the terms of reference in respect of the community governance review including the proposed timetable, as set out in **Appendix 2** to this report, be approved and published.
- (2) That the Democratic Services Manager 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.

Reason for Recommendation:

To address the community governance request received in respect of this matter with a view to ensuring 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 a formal request from East Horsley Parish Council, this report sets out the requirements and procedure should the Council agree to undertake a community governance review 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 review 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 include 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 consequential changes to ward or division boundaries.

4. Community Governance Review Request

- 4.1 On 16 April 2019, the Council received a formal request from East Horsley Parish Council for a CGR. A copy of the parish council’s written submission is attached as **Appendix 1** to this report.
- 4.2 In summary, the parish council is seeking to secure, by way of a CGR, the following:

Proposal 1

Subject to Proposal 2 below, to alter the existing boundary between the parishes of East Horsley and Effingham in the area close to Effingham Common, as set out in Map A3 of Appendix A to the parish council’s submission (see **Appendix 1**).

Proposal 2

To recommend to the Local Government Boundary Commission for England (“LGBCE”) that it approves the change of the existing boundary between the Clandon and Horsley ward and the Effingham ward of the Borough Council so that it is coterminous with the change to the parish boundary referred to in Proposal 1 above.

NB. Proposal 1 would not be implemented unless LGBCE approves the associated coterminous alteration to the borough ward boundary.

Proposal 3

To increase the maximum number of councillors to be elected to the parish council of East Horsley from nine councillors to twelve councillors.

- 4.3 The reasons cited by the parish council for making the request to:
- (a) alter the parish boundary are as follows:
 - to remove anomalies where the settlement has outgrown its historic boundaries and to establish new clearly-defined boundaries tied to firm ground features; and
 - to support the identity and interests of the local community.
 - (b) increase the number of parish councillors, are as follows:
 - to reduce the workload on individual councillors; and
 - to seek to improve diversity on the parish council.

Undertaking a Community Governance Review

- 4.3 If the Council is minded to agree to conduct a CGR, the procedure requires the Council:
- (a) to agree the terms of reference for the review including specifying the area under 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 Suggested terms of reference for a CGR in this case are set out in **Appendix 2** for the Council's consideration. Although the formal request has been submitted by East Horsley Parish Council, the area under review is specified as being both the parishes of East Horsley and Effingham as the proposed alteration of the parish boundary clearly affects both parishes. In addition to the alteration of the parish boundary and an increase in the number of councillors to be elected to East Horsley Parish Council, the legislation also requires this Council to make recommendations on other related "electoral arrangements" for East Horsley Parish Council and Effingham 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 the terms of reference should propose, at this stage, that other than the increase in the number of parish councillors to be elected to East Horsley Parish Council, no changes be made to the electoral arrangements of either parish council described in (a) to (e) in paragraph 4.4 above. Currently, East Horsley parish is not divided into wards, but Effingham parish is.

- 4.6 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 councils should, or should not, be or continue to 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.
- 4.7 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 parishes of East Horsley and Effingham),
 - East Horsley Parish Council and Effingham Parish Council
 - 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.
- 4.9 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.
- 4.10 It is anticipated that the consultation on the terms of reference of this CGR will involve:
- Writing to the 55 households directly affected by the proposed alteration of the parish boundary in the vicinity of Effingham Common
 - Publication of the terms of reference on the Borough Council's website and both parish councils' websites

- Publicity for the CGR to be displayed in any parish magazine and on parish notice boards and in community venues within both parishes
- Press releases
- Communication with local community groups

4.11 A suggested timetable for the conduct of the CGR is included within the draft terms of reference (see **Appendix 2**).

4.12 The Council is required to complete a CGR within a period of 12 months from the date it publishes the terms of reference.

5. Equality and Diversity Implications

5.1 The process to be followed in conducting the CGR is laid down in statute and guidance issued by the Government. 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 costs to the Council will be in respect of printing and postage costs (estimated at £85) to cover a consultation letter to the 55 households which would be affected by the proposed boundary change, and officer time in conducting the CGR, which will be met from within existing budgets.

7. Legal Implications

7.1 The Council has power under Section 82 of the Local Government and Public Involvement in Health Act 2007 to conduct CGRs. A CGR must be conducted 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. These requirements are highlighted in section 4 of this report.

8. Human Resource Implications

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

9. Options

9.1 There are two situations when the Council must conduct a CGR. The first is when a valid community governance petition has been submitted and the second is when the requestor is a Neighbourhood Forum. Otherwise, the Council may conduct a CGR at its discretion. In this case, East Horsley Parish Council is asking the Council to use its section 82 power.

¹ ["Guidance on Community Governance Reviews" – DCLG and Local Government Boundary Commission for England \(March 2010\)](#)

10. Conclusion

- 10.1 This report is the first step towards carrying out a CGR. Should the Council agree to carry out a CGR, the terms of reference in Appendix 2 will be published and a six-week period of public consultation will take place. It is anticipated that a formal report on the outcome of the consultation will be submitted to full Council on 3 December 2019.
- 10.2 If, following the CGR, the Council decides to make a Community Governance Reorganisation Order in respect of the proposals, the alteration to the parish boundary would be dependent on the LGBCE agreeing to a coterminous change to the ward boundary between Clandon & Horsley and Effingham wards. Any increase in the number of parish councillors approved as part of this CGR would take effect from the next scheduled parish elections in May 2023.

11. Background Papers

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

12. Appendices

- Appendix 1: East Horsley Parish Council’s written submission dated 16 April 2019 requesting a community governance review
- Appendix 2: Proposed terms of reference of the community governance review of the parishes of East Horsley and Effingham
- Annex 1: A summary of the powers and duties of parish councils
 - Annex 2: Map of the Parishes of East Horsley and Effingham with proposed boundary alteration