

Council Report

Ward(s) affected: Clandon & Horsley

Report of Strategic Services Director

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Community Governance Review: Parish of West Horsley

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 15 December 2021, West 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 proposal to increase the maximum number of councillors to be elected to the West Horsley Parish Council from nine councillors to eleven 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 parish of West Horsley, 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 and Elections 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.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 Following a formal request from West 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 would be consistent with our mission and values within the new Corporate Plan to be a transparent Council that listens and responds quickly to the needs of our community, putting the interests of our community first, and working constructively with other councils.

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 via 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 15 December 2021, the Council received a formal request from West 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, an increase in the maximum number of councillors to be elected to the West Horsley Parish Council from nine councillors to eleven councillors.
- 4.3 The reasons cited by the parish council for making the request to increase the number of parish councillors, are as follows:
- To reduce the workload on individual councillors that has grown considerably over the past 24 months and is expected to continue.
 - To address the substantial increase in population as a result of windfall and major housing developments underway in the Village as a consequence of implementing GBC’s Local Plan.
 - To seek to improve diversity on the parish council.

Undertaking a Community Governance Review

- 4.4 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.
- 4.5 Suggested terms of reference for a CGR in this case are set out in **Appendix 2** for the Council’s consideration. In addition to the increase in the number of councillors to be elected to West Horsley Parish Council, the legislation also requires this Council to make recommendations on other related “electoral arrangements” for West Horsley 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.
- 4.6 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 West Horsley Parish Council, no further changes be made to the electoral arrangements in respect of that parish council described in (a) to (e) in paragraph 4.5 above. Currently, West Horsley parish is not divided into wards.
- 4.7 Following the consultation, and taking into account the representations received, the Council must consider the following questions in relation to whether West Horsley Parish Council 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 the 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 West Horsley Parish Council has stated in its request for a CGR (**Appendix 1**) that it *“believes that all other electoral arrangements relating to the parish of West Horsley are satisfactory and therefore does not request any other changes to be made under the Community Governance Review process.”*
- 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 West Horsley),
 - West Horsley 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.

4.10 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 both the Borough Council's website and West Horsley Parish Council's website
- Publicity for the CGR to be displayed in any parish magazine and on parish notice boards and in community venues within the parish
- Press releases
- Communication with local community groups

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

4.13 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 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 Act. These requirements are highlighted in section 4 of this report.

8. Human Resource Implications

8.1 The CGR will have to be conducted within existing staff resources in the Democratic Services team.

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, West Horsley Parish Council is asking the Council to use its section 82 power.

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 in July 2022.
- 10.2 If, following the CGR, the Council decides to make a Community Governance Reorganisation Order in respect of the proposals, 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: West Horsley Parish Council's written submission dated 15 December 2021 requesting a community governance review

Appendix 2: Proposed terms of reference of the community governance review of the West Horsley Parish Council

- Annex 1: A summary of the powers and duties of parish councils
- Annex 2: Map of the Parish of West Horsley (the area under review)