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 Local Government and Public Involvement in Health Act 2007 (as amended), sets down the legal framework within which principal councils must undertake these reviews.

A CGR can be undertaken at any time if desired by the principal council, but the Council must undertake a CGR if it receives a valid Community Governance Petition. For the purposes of a CGR, a petition is valid if it has been signed by the requisite number of registered local government electors. This number is determined under legislation and is dependent upon the number of local government electors registered within the boundary of the area under review. If the petition area has more than 2,500 electors, the signatures of 7.5% of those electors would need to be obtained in order for the petition to be valid.

On 27 February 2018, the Borough Council received such a petition from the Hersham Community Council Steering Committee to create a Hersham Community Council. The petition was signed by 731 local government electors within the proposed Hersham Community Council area. The petition has since been validated.

The petition states:

“We the undersigned local government electors in the area shown shaded on the map overleaf call on Elmbridge Borough Council to establish a Parish Council to be called ‘Hersham Community Council’ for the area defined overleaf.”
As we have received a valid Community Governance Petition, the Council must conduct a CGR, which must be completed within a twelve-month period beginning with the date on which the petition was received. The Review must include the “electoral arrangements” for the proposed Hersham Community Council as set out in legislation and described in this report, along with a set period for consultation with the local electorate and any other interested parties.

This report asks the Council to approve the proposed Terms of Reference and proposed timetable for the Review (see Appendix 1).

Recommendation: that in order to address the Community Governance Petition received and 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:

(a) a Community Governance Review be conducted in accordance with the requirements of Part 4 of the Local Government and Public Involvement in Health Act 2007, as described in this report;

(b) the proposed Terms of Reference in respect of the Community Governance Review including the proposed timetable, as set out in Appendix 1 to this report, be approved and published; and

(c) the Head of Democratic Services be authorised to conduct the Community Governance Review and to take all necessary action to comply with the Council's statutory obligations in that regard.

Report:

1. Purpose of Report

1.1 Following receipt of a valid Community Governance Petition, this report sets out the requirements for the Council to undertake a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007 and Government Guidance.

2. Background

2.1 The Local Government and Public Involvement in Health Act 2007 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 from the Department for Communities and Local Government 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).
2.2 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.

2.3 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.

3. Community Governance Petition

3.1 On 27 February 2018, the Council received a Community Governance Petition signed by 731 local government electors of the area proposed for review – the proposed Hersham Community Council. Following verification of the signatories against the Electoral Register, the Council confirmed the petition as valid which was sufficient to trigger a CGR.

3.2 The petition concerns the electoral arrangements of the proposed Community (Parish) Council and states:

“We the undersigned local government electors in the area shown shaded on the map overleaf call on Elmbridge Borough Council to establish a Parish Council to be called ‘Hersham Community Council’ for the area defined overleaf.”

3.3 The Council must include in its agreed Terms of Reference for the CGR the request made by the petitioners. The full petition (with names removed) is reproduced as part of the Terms of Reference.

4. Undertaking a Community Governance Review

4.1 The suggested Terms of Reference of the CGR is set out in Appendix 1. The procedure for a CGR requires the Council:

(a) to agree the Terms of Reference for the Review;
(b) publish the Terms of Reference and undertake a consultation;
(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.

4.2 The Terms of Reference relate only to the electoral arrangements for a
proposed Hersham Community Council. In addition to the number of councillors to be elected to the Community Council, the legislation also requires the Council to make recommendations on other related “electoral arrangements” 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; and  
(e) the name of any such ward.

4.3 It is suggested that the Terms of Reference should propose at this stage that, in relation to (a) in paragraph 4.2 above, any Community Council election coincide with Borough Council elections and elections to other parish councils in the Borough, namely Claygate Parish Council.

4.4 In relation to (b) to (e) in paragraph 4.2 above, it is suggested at this stage that the proposed Hersham Community Council would be unwarded. Having regard to population and arrangements for Claygate Parish Council, it is suggested that the proposed Hersham Community Council has 12 councillors.

4.5 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 proposed Hersham Community Council area); and
- any other person or body which appears to have an interest in the review.

(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; and
- take into account any representations received in connection with the review.
4.6 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.

4.7 It is anticipated that the consultation on the CGR will involve:

- Publication of the Terms of Reference on the Borough Council’s website;
- Publicity for the CGR to be displayed on notice boards and in community venues within the proposed Community Council area;
- Press releases; and
- Consultation with the groups/individuals listed in the draft Terms of Reference.

4.8 A suggested timetable for the conduct of the CGR is included within the draft Terms of Reference (see Appendix 1). The Council is required to complete a CGR within a period of 12 months beginning with the date of receipt of the petition.

5. Conclusion

5.1 This report is the first step towards carrying out a CGR in response to the petition. Once the Council has agreed the proposed Terms of Reference for the CGR, they will be published and public consultation of 8 weeks will take place. It is anticipated that a formal report on the outcome of the consultation will be submitted to the Meeting of the Council on 5 December 2018.

Financial implications:
It is envisaged that the only cost to the Council will be in officer time in conducting the CGR, which will be met from within existing budgets.

Environmental/Sustainability Implications:
None for the purposes of this report.

Legal implications:
The Council must conduct a CGR in accordance with the requirements set out in 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. 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.

Equality Implications:
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.

**Risk Implications:**
None for the purposes of this report.

**Community Safety Implications:**
None for the purposes of this report.

**Principal Consultees:**
Chief Executive, Head of Legal Services, Head of Finance and Planning Policy & Strategic Manager.

**Background papers:**
None

**Enclosures/Appendices:**
Appendix 1: Proposed Terms of Reference of the Community Governance Review
- Annex 1: The Petition (with signatures removed)
- Annex 2: A map of proposed Hersham Community Council Area
- Annex 3: General Powers and Duties of Parish Councils
- Annex 4: Electorate statistics for the proposed Hersham Community Council Area

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