

# **WAVERLEY BOROUGH COUNCIL**

## **COUNCIL**

**14 DECEMBER 2021**

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**Title:**

**Community Governance Review of Towns and Parishes  
in the Waverley Borough Council area**

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**Portfolio Holder:** Cllr Paul Follows, Leader of the Council

**Head of Service:** Robin Taylor, Head of Policy & Governance

**Key decision:** Yes

**Access:** Public

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### **1. Purpose and summary**

- 1.1 A community governance review looks at the governance arrangements of the towns and parishes in the area under review, and seeks to ensure that these are reflective of the identities and interests of the community in that area.
- 1.2 The Guidance on Community Governance Reviews (2010) recommends that a principal council should undertake a review of its area every 10-15 years. It is some time since Waverley last carried out a Review of the area as a whole, and requests have been received recently from Farnham and Godalming Town Councils to reduce the size of their respective councils. The publication of the Terms of Reference for the Community Governance Review would provide the opportunity for these and any other such requests to be submitted and considered ahead of the May 2023 Town and Parish elections.

### **2. Recommendation**

That the Executive recommends to Full Council that the proposed Terms of Reference for a Community Governance Review of all Towns and Parishes in the Waverley Borough Council area be adopted.

### **3. Reason for the recommendation**

To ensure that community governance arrangements within the area under review are reflective of the identities and interests of the community in that area.

### **4. Background**

- 4.1 A Community Governance Review is a legal process whereby the Council looks at the governance arrangements of parishes in the area under review – in this case the whole of Waverley Borough Council area. The Council will consult with those living in the area, and other interested parties, on the most suitable ways of ways of representing the people in the area identified in the review.

- 4.2 Section 93 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) allows principal councils to decide how to undertake a Review, provided that it complies with certain duties in that Act, including details set out relating to consultation, the need to ensure any proposals reflect the identities and interests of the community in that area, and is effective and convenient. The Council has to publish its recommendations but the manner in which the Council consults with its residents is not prescribed.
- 4.3 A Review can consider one or more of the following options:
- creating, merging, altering or abolishing parishes;
  - the naming of parishes and the style of new parishes and the creation of town councils;
  - the electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding);
  - grouping parishes under a common parish council or de-grouping parishes;
  - other types of local arrangements, including parish meetings.

### **Why is the Council undertaking a Review?**

- 4.4 The Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government published in 2010 recommends that a principal council should undertake a review of its area every 10-15 years. The council conducted a Community Governance Review in 2013 in response to receipt of a petition seeking the creation of a parish council covering the Rowledge community within the Farnham Town Council area. For most areas of the Council, a Review has not been undertaken for some time.
- 4.5 As a result of the consultation on the new warding arrangements for Waverley Borough Council and Farnham, Godalming, and Haslemere Town Councils in connection with the LGBCE’s electoral review of Waverley Borough, the Council has received formal requests from Farnham Town Council and Godalming Town Council that the council carry out a community governance review with the intention of reducing the size of those Town Councils. Officers are also aware that other parish councils may wish to review the size of their councils. The publication of the Terms of Reference for the Community Governance Review would provide the opportunity for such requests to be submitted and considered ahead of the May 2023 Town and Parish elections.

### **Terms of Reference**

- 4.6 The Council is required to agree Terms of Reference for the Review (attached at Annexe 1), that set out the scope of the Review, and also a timetable for carrying out the Review, including dates for public consultation. The Review must be completed within 12 months of the publication of the Terms of Reference. Any changes to governance arrangements of the parishes will take effect at the next scheduled parish elections in May 2023. Given the lead-in time for the May 2023 elections, the aim would be to complete the review by 1 October 2022, in order to submit requests to the LGBCE for any consequential changes to electoral arrangements (eg warding arrangements) for town or parish councils. The

timetable set out in the Terms of Reference sets out dates for 2 periods of public consultation.

## **Implementation**

- 4.7 The publication of the Terms of Reference by Full Council will commence the Review which must be concluded within 12 months. If Full Council chooses to accept the final recommendations of the Review, concluded after public consultation, it will be necessary to prepare a Reorganisation Order and publish this together with the reasons for the changes, making maps available for public inspection. There are also various bodies that must be notified of the changes including the Local Government Boundary Commission for England. Any changes to governance arrangements of the parishes will take effect at the next scheduled parish elections in May 2023.
- 4.8 It is important to note that if, as part of a Community Governance Review, the council proposes to alter the electoral arrangements for a town or parish whose existing arrangements were put in place within the previous five years, the consent of the Local Government Boundary Commission for England is required. This will be applicable to Waverley given the current Boundary Review being undertaken by the Boundary Commission.
- 4.9 The Boundary Commission is due to publish its final recommendations on the Boundary Review on 1 March 2022. The proposed timetable for the Community Governance Review allows time for initial recommendations for the Community Governance Review to be considered in the light of the Boundary Commission's recommendations before progressing to the second consultation stage.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 A Community Governance Review supports the strategic priority of local, open, participative government.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

The community governance review will be carried out within existing budget and staff resources.

### **6.2 Risk management**

If the council proposes to alter the electoral arrangements for a town or parish whose existing arrangements were put in place within the previous five years, the consent of the Local Government Boundary Commission for England is required. The council must write to the Boundary Commission detailing its proposal and requesting consent. The Boundary Commission will consider the request and will seek to ensure that the proposals do not conflict with the original recommendations of the boundary review, and that they are fair and reasonable. If the Boundary Commission consents to the changes it will inform the council which can then implement the proposed changes by local order. If the Boundary Commission declines to give consent, no local order may be made until the five-year period has expired.

### **6.3 Legal**

In undertaking the Review, the Council will comply with the requirements of Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) and the relevant parts of the Local Government Act 1972, and have regard to Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

### **6.4 Equality, diversity and inclusion**

Waverley must ensure that all those entitled to participate in the consultation process can do so. A consideration for the Council when conducting a Review is the impact on community cohesion.

### **6.5 Climate emergency declaration**

There are no climate emergency impacts.

## **7. Consultation and engagement**

7.1 There will be a full communications plan including social media, website, press releases and direct mail to certain stakeholders including parish councils. The Terms of Reference provide for two consultation periods.

## **8. Other options considered**

8.1 The council may decide not to approve the Terms of Reference for a Community Governance Review. However, in the event that a valid petition is received that accords with the provisions of the 2007 Act, the council must carry out a Community Governance Review in response.

## **9. Governance journey**

9.1 The Executive is asked to make a recommendation to Full Council.

### **Annexes:**

Annexe 1 – Terms of Reference for Community Governance Review of Town and Parish Councils in the Waverley Borough Council area

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### **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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## Community Governance Review

### Town and Parish Councils in Waverley Borough Council area

### Local Government and Public Involvement in Health Act 2007

## Terms of Reference

Published on XXXXXXX 2021 (date to be added on date published)

### 1. Introduction

#### **What is a community governance review?**

A community governance review is a review of the whole or part of the Council's area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election, council size (the number of councillors to be elected to council), and parish warding); and,
- Grouping parishes under a common parish council or de-grouping parishes

A community governance review is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.
- The Council is required to ensure that community governance within the area under review will:
  - be reflective of the identities and interests of the community in that area; and
  - be effective and convenient.

If the Council is satisfied that the recommendation of a community governance review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area, and is effective and convenient, the Council makes a community governance order.

#### **Why is the Council carrying out this community governance review?**

The Council is required to keep its area under review – every 10-15 years. The Council has received two requests from Towns for a review, and it was deemed appropriate to undertake a review of the whole principal council area, rather than dealing with review requests piecemeal.

#### **Scope of the Review**

The review will consider any community governance review requests received following publication of the Terms of Reference.

## **2. Consultation**

### **How does the Council propose to conduct consultations during the Review?**

Before making any recommendations or publishing final proposals, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Council to have an interest in the review.

The Council will therefore:

- publish a notice and these terms of reference on the Council's website and arrange for copies to be available for public inspection at the Council Offices during normal office hours;
- send a copy of the notice and these terms of reference to Surrey County Council;
- send a copy of the notice and these terms of reference to all Town and Parish Clerks;
- seek to arrange for the notice to be published on Parish Council websites and notice boards; and
- send a copy of the notice and these terms of reference to all local Members of Parliament.

Before making any recommendations the Council will take account of any representations received. The Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the community governance review are informed of the recommendations and the reasons behind them. The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review

## **3. Timetable for the community governance review**

The Council has to complete a community governance review within twelve months from the day on which the Council publishes the terms of reference. A community governance review is concluded on the day on which the Council publishes the recommendations made by the community governance review.

### **Timetable**

Report to Full Council	14 December 2021	Council approves the principle of the community governance review and its terms of reference.
Publish Terms of Reference	21 December 2021  The CGR must be completed within 12 months of the date of	Publish terms of reference and notify stakeholders of the commencement of the review.

	publication.	
Prepare draft consultation document and invite initial submissions	17 January 2022 – 25 February 2022 (6 weeks)	Initial submissions invited: Surrey County Council, Town and Parish Councils, Members of Parliament, Local groups and interested parties such as local businesses, local residents' associations, local public and voluntary organisations such as schools or health bodies. Publish proposals on Waverley Borough Council website.
Consider submissions	28 February 2022 – 11 April 2022	Consider any submissions/representations and prepare report of draft recommendations for Full Council on 26 April 2022.
Publish draft recommendations	3 May 2022 – 10 June 2022 (6 weeks)	Publish draft recommendations for further consultation with: All local government electors Surrey County Council All town and parish councils Members of Parliament Local groups and interested parties  Publish draft recommendations on Waverley Borough Council website.
Make final recommendations	19 July 2022 Full Council meeting	Consider any further submissions/representations and prepare final recommendations for report to Full Council.
Publish final recommendations	August 2022	Publish final recommendations and make Order.