

ELMBRIDGE BOROUGH COUNCIL COMMUNITY GOVERNANCE REVIEW 2018 PROPOSED HERSHAM COMMUNITY COUNCIL TERMS OF REFERENCE

What is a Community Governance Review?

A Community Governance Review 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 “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.

The Borough 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
- is effective and convenient.

In doing so, the 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 government has emphasised that recommendations made in a Community Governance Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

A Community Governance Review is carefully considered by the Principal Authority in accordance with legislation and the Guidance on Community Governance Reviews issued previously by the Secretary of State for Communities and Local Government, as published in 2008.

A petition has been submitted to Elmbridge Borough Council, as Principal Authority. 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. The Council would need to validate the signatures and, provided the threshold is met, would then conduct a Community Governance Review within 12 months of the submission.

Why are we carrying out this Community Governance Review?

A submission has been made by Hershams Community Council Steering Group of a valid community governance petition signed by 731 local government electors within the proposed Hershams Community Council area, to create a ‘Hershams Community

Council', which has triggered a Community Governance Review. The proposed Hersham Community Council area specifically covers the following Wards/Polling Districts within the Borough of Elmbridge:

- the Ward of Hersham Village (Polling Districts MA, MB and MC);
- part of the Ward of Esher (Polling District AC);
- part of the Ward of Oatlands and Burwood Park (Polling District OD);
- part of the Ward of Weybridge St. George's Hill (Polling District PD); and
- part of the Ward of Cobham and Downside (Polling District HC).

Elmbridge Borough Council, as Principal Authority, is required under Section 83(2) of the Local Government and Public Involvement in Health Act 2007 to undertake a Community Governance Review to consider the petitioners' request, which is as follows:

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

A copy of the full petition is attached at **Annex 1** to this document.

The boundary for the proposed Hersham Community Council is as follows:

- to the north is the railway line;
- to the south and east is the River Mole;
- to the west is the south side of Queens Road from the railway line at Sir Richard's Bridge to the junction with Seven Hills Road not including the roundabout; and
- to the west is the whole of the east side of Seven Hills Road and the south side of Portsmouth Road to the Elmbridge Borough Boundary.

The proposed Hersham Community Council covers the following areas within the Borough of Elmbridge:

- the Ward of Hersham Village (Polling Districts MA, MB and MC);
- part of the Ward of Esher (Polling District AC);
- part of the Ward of Oatlands and Burwood Park (Polling District OD);
- part of the Ward of Weybridge St. George's Hill (Polling District PD); and
- part of the Ward of Cobham and Downside (Polling District HC).

It is also located within the Hersham Division of Surrey County Council and forms part of the Esher and Walton Parliamentary Constituency.

A map of the proposed Hersham Community Council area is attached as **Annex 2** to this document.

What do parish councils do?

By way of information, a summary of the general powers and duties of parish councils is attached as **Annex 3**. The list is intended as a summary of the main potential functions of parish councils. It is not intended to be a definitive list of such

functions. The Hershams Community Council Steering Group have indicated that there is no suggestion that a Hershams Community Council would generally take on roles which are currently more appropriately provided by the Borough and County Councils.

Electoral Arrangements

Ordinary Parish Elections are held once every 4 years, with all Councillors being elected at the same time. The standard Parish electoral cycle is for elections in 2015 and every 4 years after 2015. However, Parish elections may be held in other years so that they coincide with elections in associated district or London Borough Wards in order to share costs.

New or revised Parish electoral arrangements come into force at ordinary Parish elections. Alternatively, if new or revised Parish electoral arrangements are to be implemented in the third year of sitting Councillors' terms of office, provision can be made to alter the term of office of Councillors, enabling the Parish to co-ordinate with its normal year of election.

Council Size

Council size is the term used to describe the number of Councillors to be elected to the whole Council. The 1972 Act, as amended, specifies that each Parish Council must have at least 5 Councillors: there is no maximum number. In practice, there is a wide variation of Council size between Parish Councils. That variation appears to be influenced by population.

The National Association of Local Councils (NALC) published guidance in 1988 on the suggested number of Parish Councillors to be allocated depending on the size of the population being represented. NALC recommended that a Council of no more than the legal minimum requirement of five Members was inconveniently small and that it considers that the practical minimum should be seven. It considered that local council business does not usually require a large body of Councillors and business convenience makes it appropriate to suggest that the practical maximum could be 25. However, it is important to note that 'the conduct of Parish Council business does not usually require a large body of Councillors' is re-iterated by the Government.

Warding

Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.

There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, shopping centre or community facilities.

Accordingly, and in line with Claygate Parish Council, it is considered appropriate that the proposed Hershams Community Council would not be a Warded Parish.

The Present Structure of Parishes and their Electoral Arrangements

The Borough of Elmbridge currently has one Parish Council, namely Claygate Parish Council. Claygate Parish Council was established in 2000. The Parish boundary is coterminous with the Claygate Ward Boundary and has an electorate of 5,573 (as at 1 February 2018). Claygate Parish Council has ten Parish Councillors and the next Parish Council election is scheduled for 2 May 2019.

Claygate Parish Council's website details the following:

'What does a Parish Council bring to Claygate?

Dedicated local focus, without involvement of national political parties;

Funding via the precept for Claygate's exclusive benefit, plus access to other sources of funds, both public and private;

A forum for involving more residents in consulting and taking action to improve village quality of life;

An officially recognised focus for representing Claygate in discussions at Borough and County level and an effective local partner for the Borough and County Councils.

Claygate Parish Council's Core Mission:

The overall aim of Claygate Parish Council is: Constantly to strive to improve the quality of life for all those who live, and work, in Claygate, whilst preserving its unique character as a warm, caring and sustainable village community.'

Claygate Parish Council levy a precept of £48,860 on the Council Tax paid by the residents of the Parish which is £14.15 for a Band D property. In addition the Council pays the Parish £2,600 as a grant which compensates the Parish for the loss suffered as a result of the Localisation of Council Tax Benefits (a reduction in the billable number of Band D properties from the discounts given as 'Council Tax Benefits').

Electorate Forecast

The Council has used the Register of Electors as at 1 February 2018 in providing the relevant existing ward / polling district electorate figures. These are represented at **Annex 4** to this document. For the purpose of this Review, we are required to forecast the expected growth in the number of dwellings for the area covered by the proposed Hersham Community Council for the coming five years. The forecast amounts to 446 homes (this figure includes permissions, sites identified in the Land Availability Assessment and Local Plan allocations). However, this figure assumes that all of the homes expected to be delivered within the first 5 years of the Local Plan period (2019/20-2023/24) would be delivered 5 years from now which may not be the case. It should also be noted that 74 of these new homes are part of a development at Whiteley Village and thus are not strictly individual homes, as it is part of 30 residential care suites with communal and ancillary facilities and refurbishment and extension to Whiteley House to provide an extra 44 care home units. On the basis of all of the developments listed above coming forward (446 units), there would be an additional 1,066 people by 2023.

Consultation

The Council has drawn up this Terms of Reference document. This document lays out the aim of the Review, the legislation that guides it and some of the policies the Council considers important in the Review.

As part of the public consultation, the following individuals / groups will also be consulted:

- Members of Elmbridge Borough Council;
- Surrey County Council including Surrey County Councillor for the Hersham Division;
- Dominic Raab MP, Esher and Walton Constituency;
- Claygate Parish Council;
- Hersham Community Council Steering Group;
- Petitioners;
- The Local Government electors of the area of the proposed Hersham Community Council;
- Electoral Commission;
- Local Government Boundary Commission for England;
- Hersham Village Society and Hersham Residents' Association;
- Residents' Associations which have areas included within the proposed boundary, for example Esher Residents' Association, Weybridge Residents' Association etc.;
- Neighbourhood Watch Groups within the proposed boundary;
- Hersham Churches;
- Hersham Schools, staff and Parent Teacher Associations and sixth form pupils;
- Early Years Education providers and parents/carers;
- Sheltered Accommodation residents;
- WI Groups which meet within the proposed boundary;
- Hersham Market organisers and customers;
- Community Centre users;
- Local Businesses; and
- Whiteley Village residents and management.

The Council will take into account the representations that are received by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

Steps will be taken to notify consultees of the outcome of the Review via the Council's website and press releases.

What are we consulting on?

We are consulting the public and interested stakeholders on the request in the petition referred to above, which is

To establish a parish council to be called Hersham Community Council for the area defined overleaf.

Why has this request been made?

The Hersham Community Council Steering Group has submitted a petition for a proposed Hersham Community Council for the area defined overleaf.

For the purposes of this review, we are also required by law to make recommendations on other related “electoral arrangements” in respect of the proposed Hersham Community Council, as follows:

- (a) **the year in which ordinary elections of parish councillors are to be held;**
- (b) **the division (or not) of the parish into wards for the purpose of electing parish councillors;**
- (c) **the number and boundaries of any such wards;**
- (d) **the number of parish councillors to be elected for any such ward;**
- (e) **the name of any such ward.**

In relation to (a) above, Elmbridge Borough Council proposes that in respect of any future Hersham Community Council elections, these coincide with Borough Council elections and elections to other Parish Councils in the Borough.

In relation to (b) to (e) above, the introduction of ‘wards’ would mean that each parish councillor would be elected by voters living within a particular area (or ward) within the parish, and they would represent those voters on the parish council. The Borough Council proposes that, in the event of the outcome of this Community Governance Review confirming the creation of a Hersham Community Council, it would represent the area defined overleaf, namely the following areas within the Borough of Elmbridge:

- the Ward of Hersham Village (Polling Districts MA, MB and MC);
- part of the Ward of Esher (Polling District AC);
- part of the Ward of Oatlands and Burwood Park (Polling District OD);
- part of the Ward of Weybridge St. George’s Hill (Polling District PD); and
- part of the Ward of Cobham and Downside (Polling District HC).

We would therefore like to know what YOU think of the proposals:

- (a) *to establish a Hersham Community Council that the Hersham Community Council Steering Group have indicated they intend as an independent legally underpinned community council which is an effective local partner for Surrey County Council and Elmbridge Borough Council;*
- (b) *if a Hersham Community Council is established, to have a total of 12 Community Councillors be elected to represent it;*
- (c) *that the Hersham Community Council would receive funding by levying a “precept” on the Council Tax paid by the residents within the boundary of the Hersham Community Council;*
- (d) *to make no other changes to the electoral arrangements in respect of the remaining area covered by Elmbridge Borough Council.*

How to let us know your views

Let us know what you think of the proposals via the Council's website:
www.elmbridge.gov.uk/hershamconsult

Alternatively, you may send your representations by emailing electoral@elmbridge.gov.uk or, in writing to

Ms. B. Greenstein, Head of Democratic Services
Elmbridge Borough Council
Civic Centre
High Street
Esher
Surrey KT10 9SD

by no later than 5pm on Tuesday 23 October 2018

Please ensure that you state your name and address clearly on any representations submitted. Please note that any submissions received after 5.00 p.m. on 23 October 2018, or any representations submitted anonymously, will not be taken into account.

Please also note that the consultation stages of a Community Governance Review are public consultations. In the interests of openness and transparency, the Council will make available for public inspection full copies of all representations it takes into account as part of this review.

What happens next?

In arriving at its final recommendations, the Council will take account of the views of local people and any other person or body who appears to have an interest in the Review by judging them against the criteria set out in the Local Government and Public Involvement in Health Act 2007 and associated government guidance.

The Borough Council will take steps to notify consultees of the outcome of the review by publishing all decisions taken, together with reasons, on the Council's website; through general press releases, and by placing key documents on public deposit at Elmbridge Borough Council's Civic Centre, High Street, Esher, Surrey KT10 9SD.

If this review results in any change to the electoral arrangements for Elmbridge Borough Council, a Community Governance Reorganisation Order will be made to give effect to the change.

A timetable for the Community Governance Review

A Community Governance Review must, by law, be concluded within a 12-month period from the day on which the Borough Council receives a valid community governance petition and ending on the day on which the Council publishes its final recommendations. The agreed timetable for the Community Governance Review is set out below:

27 February 2018	Community governance petition submitted.
29 February 2018	Community governance petition validated.
18 July 2018	Terms of Reference and Timetable for Review to be approved by the Council.
28 August 2018	Council to publish Terms of Reference. Eight-week consultation period commences with local people and interested parties.
23 October 2018 at 5.00 p.m.	Closing date for consultation period.
24 October 2018	Period of consideration of submissions received starts. Final recommendations are prepared for Council meeting.
5 December 2018	Council to consider consultation responses and determine final recommendations.
10 December 2018	Final recommendations are published – concluding the Review and initiating any required actions.

The Petition

WHAT NEXT?

YOUR OPINION COUNTS

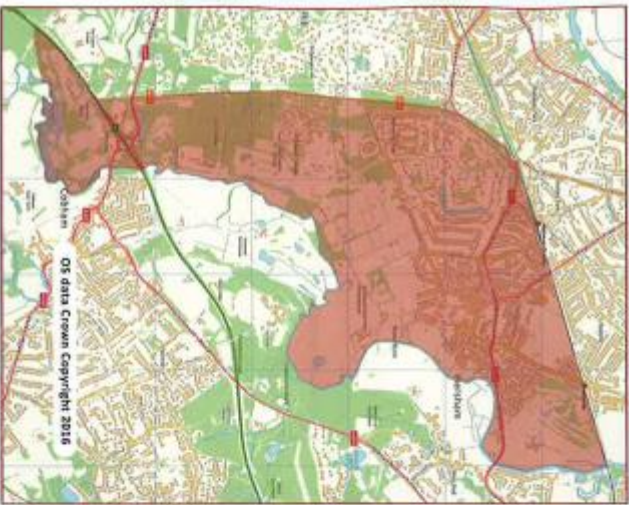
There has to be a petition detailing the proposed Hershams boundary presented to Elmbridge Borough Council. **THIS NEEDS YOUR SUPPORT**

A public meeting was held last September to launch the Hershams Community Council Initiative and a website has been created.

With the support of the majority of voting residents, Hershams Community Council will be up and running, ready to work for YOU. We need you!

Please take a moment to look at the proposed new boundary for Hershams. As you can see, it re-joins and realigns the whole community once more.

HERSHAMS WILL BE AN EVEN BETTER PLACE TO LIVE BY SECURING ITS FUTURE CONTINUING TO BE A CARING COMMUNITY THAT COMES TOGETHER AND GIVES BACK



Hershams Community Council proposal to restore the boundary



Could YOU be on the team to take Hershams forward? Now is the time to reflect on whether you would like to be part of something new for Hershams

© HCC 2017 VS

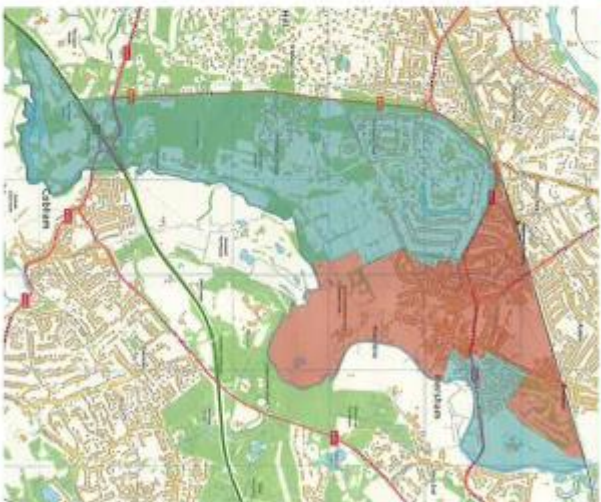


Hershams Community Council



A community council for Hershams
Voice Power Influence

Hershams is a village community with a long heritage and a strong identity; welcoming and friendly. However, it needs protection. In the recent changes to local ward boundaries, Hershams lost much of its traditional territory and with it, half its councillors in Elmbridge meaning we now have less representation. Something needs to happen otherwise we risk being side-lined.



www.hershams-community-council.org.uk

WITHOUT INFLUENCE OVER INVESTMENT INTO THE AREA, HERSHAMS IS LOST AS A COMMUNITY

How do you feel about the changes to Hershams? To find out more, check out the website.

Hershams has shrunk dramatically from its previous larger boundary to the smaller pink area highlighted here

The Petition

Right now, Hersham is served by 3 councillors; half the number it had previously. Now 9 other councillors also have a say in matters relating to Hersham.

Hersham USED TO BE represented by 6 councillors.



NOW

3 Esher Councillors — *also have a say*

3 Weybridge St George's Councillors — *also have a say*

3 Otlands and Burwood Park Councillors — *also have a say*

It stands to reason that a group championing Hersham, backed by recent legislation, will represent the community more effectively and have a louder voice



WHAT IS A COMMUNITY COUNCIL AND WHY CREATE ONE?
Community Councils don't just cement the community, they are also **LEGALLY RECOGNISED** as the level of government closest to the community. A Community Council has real powers and control over some budgetary matters and the authority to direct resources where they would best benefit their community.

It's important to note that the HCC is independent of national or local political parties



Its elected representatives will come from the community and local businesses. It has statutory authority and cannot be ignored. It's important to realise that from the outset, the Community Councilors are unpaid volunteers. The Community Councilors need to be committed to the area and able to listen and balance out views of local people and then take projects forward through local governance.

How will this be funded?

There will be a small extra cost involved and that needs to be made clear from the start. It will be taken through council tax payments.

A precedent has been set by Claygate who currently pay 30p a week through their council tax. The national average is closer to £1.

This may be an unsettling thought but the advantages for a small cost mean that Hersham will gain specific funding and see how the money is spent.

The new Community Council will:

Give substantial power back to the people of Hersham

Create a strong identity

Receive up to 25% of money collected from local planning charges (community infrastructure levy—CIL) and use this money for locally agreed projects to benefit the whole community

Have the authority and ability to apply for grants for specific local causes

Encourage and support new and existing groups—directly, efficiently, financially, openly and focused on Hersham

ASK YOURSELF

"Am I bothered that significant parts of Hersham North and South have been moved to other wards?"

"Would I pay a little extra to have more say locally and keep Hersham united?"

"Do I really understand what may be lost?"



Petition to Elmbridge Borough Council pursuant to section 80 of the Local Government and Public Involvement in Health Act 2007

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.

Address First Line only and house name if applicable		Full Name Please Print	Signature	Date signed
Post Code essential				

The Petition



**Help Hersham Village
keep its identity**

Please note, this is not a vote to establish a community council, but a petition for the proposal to be properly considered. A vote would come later in the process.

If you would like to be kept informed about progress, please send us an email.

Please return this petition to:
 Briktor
 19A, West Grove
 Hersham
 Surrey KT12 5PF

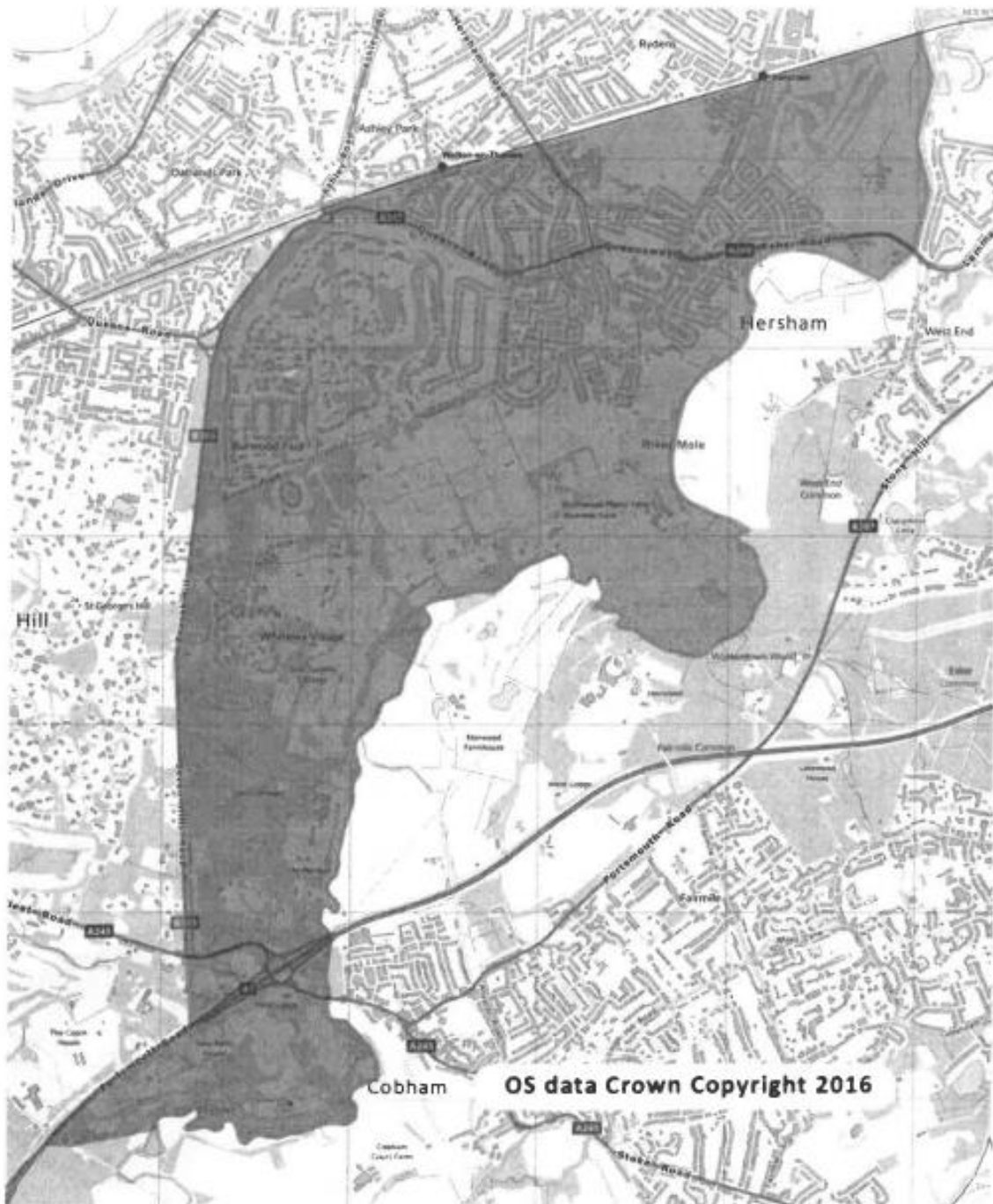
Or use the collection boxes at:
 Longmore Stores
 Chelsea Florists
 Castle Wildish Estate Agent

Or if you would like your form collected please:
 email: admin@hersham-community-council.org.uk
 or call: 01932-252045 and leave a message

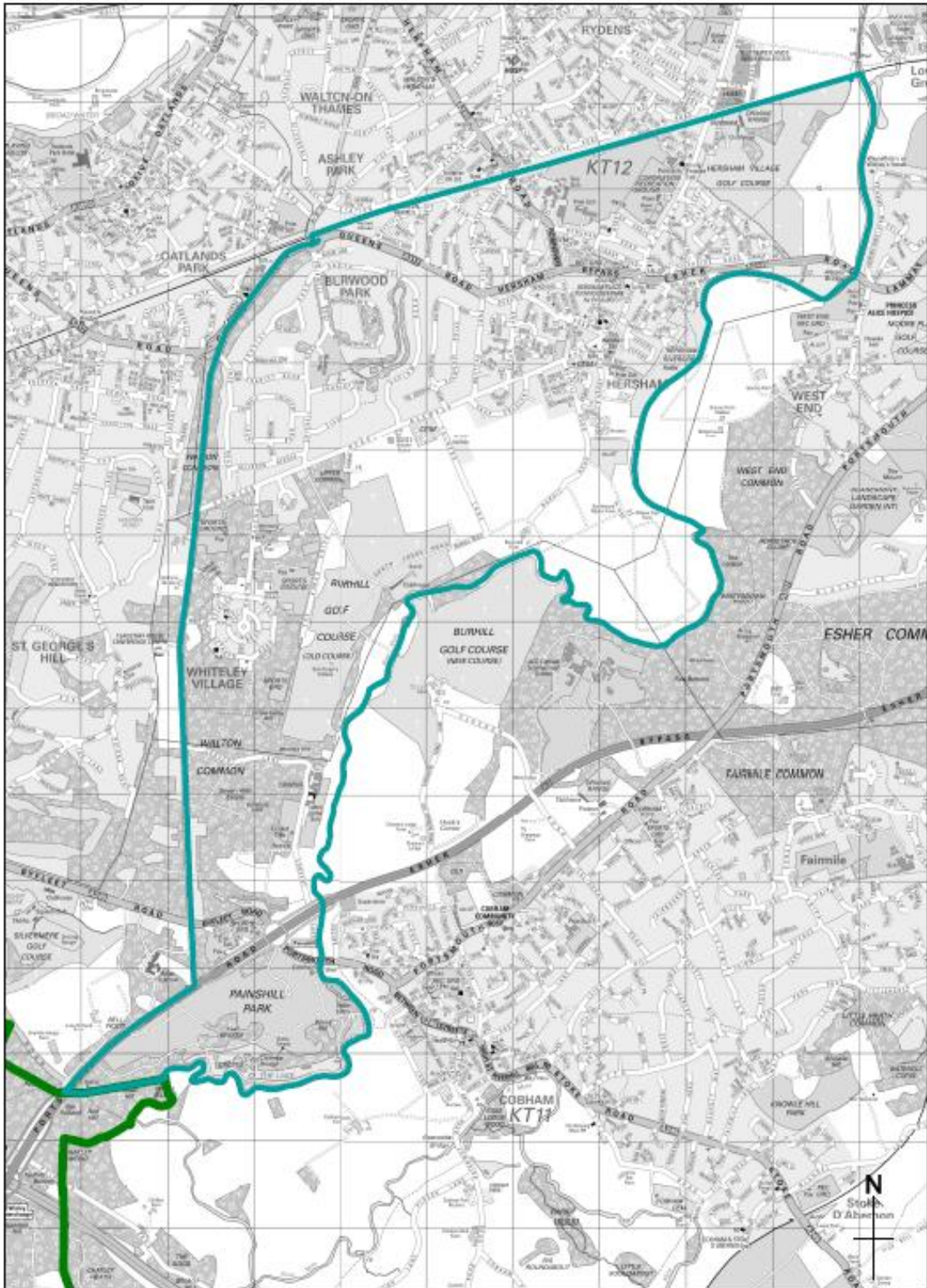
The Petition

The proposed boundary for the Hershams Community Council is as follows:

- to the north is the railway line;
- to the south and east is the River Mole;
- to the west is the south side of Queens Road from the railway line at Sir Richard's Bridge to the junction with Seven Hills Road not including the roundabout;
- to the west is the whole of the east side of Seven Hills Road and the south side of Portsmouth Road to the Elmbridge Borough Boundary.



Proposed Hersham Community Council Area



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Civic Centre, 15th Street, Basing, Surrey, KT10 8BD

General Powers and Duties of Parish Councils

The role played by parish councils varies considerably. Smaller parish councils have only limited resources and generally play a minor role, while some larger parish councils have a role similar to that of a small district council. Parish councils receive funding by levying a "precept" on the council tax paid by the residents of the parish.

The list below is intended as a summary of the main functions of parish councils. It is not intended to be a definitive list of such functions. Where a function is marked with an asterisk a parish council also has the power to give financial assistance to another person or body performing the same function.

Functions	Powers and Duties
Allotments	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied
Bus Shelters and roadside seats	Power to provide and maintain
Bye Laws	Power to make byelaws for public walks and pleasure grounds
Clocks*	Power to provide public clocks
Closed Churchyards	Powers (and sometimes duty) as to maintain
Commons Land and Common Pastures	Powers in relation to enclosure as to regulation and management and as to providing common pasture
Community Centres and Village Halls	<ul style="list-style-type: none"> • Power to provide and equip premises for use of clubs having athletic, social or educational objectives • Power to provide buildings for offices and for public meetings and assemblies
Conference facilities*	Power to provide and encourage the use of facilities
Crime Prevention*	Powers to spend money on various crime prevention measures
Drainage	Power to deal with ponds/ditches
Education	Right to appoint governors of primary schools
Entertainment and the Arts*	Provision of entertainment and support of the arts
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues
Flagpoles	Power to erect flagpoles in highways

Functions	Powers and Duties
Highways	<ul style="list-style-type: none"> • Power to repair and maintain footpaths and bridleways • Power to provide lighting of roads and public places • Power to provide parking places for vehicles, bicycles and motorcycles • Power to enter into an agreement as to dedication and widening • Power to provide traffic signs and other notices • Power to plant trees, etc., and to maintain roadside verges • Power to prosecute for unlawful ploughing of a footpath or bridleway • Power to contribute financially to traffic calming schemes
Investments	Power to participate in schemes of collective investment
Land	<ul style="list-style-type: none"> • Power to acquire land by agreement or compulsory purchase, • Power to appropriate land • Power to dispose of land • Power to accept gifts of land • Power to obtain particulars of persons interested in land
Litter bins	Power to provide litter bins including receptacles for dog faeces
Lotteries	Power to promote lotteries
Monuments and Memorials	Power to agree to maintain monuments and memorials
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves - English Nature can designate sites of specific scientific interest
Nuisances	Power to deal with offensive ditches, ponds and gutters
Open Spaces, Burial Grounds, Cemeteries and crematoria*	Power to acquire, maintain or contribute towards expenses
Parish Property and Records	<ul style="list-style-type: none"> • Powers to direct as to their custody • Power to collect, exhibit and purchase local records
Parks and pleasure grounds	Power to hire pleasure boats in parks and pleasure grounds
Parochial charities	<ul style="list-style-type: none"> • Power to appoint trustees of parochial charities • Duty to receive accounts of parochial charities
Planning	Right to be notified of and power to respond to planning applications

Functions	Powers and Duties
Postal and telecommunications facilities	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities
Public Conveniences	Power to provide public conveniences
Raising of Finances	Power to raise money through the parish precept
Recreation*	<ul style="list-style-type: none"> • Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them. • Power to provide gymnasiums, playing fields, holiday camps
Swimming pools, bathing places, baths and washhouses	Power to provide
Tourism*	Power to contribute to the encouragement of tourism
Town Status	Power to adopt town status
Transport*	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes
Village greens	Power to maintain, to make bylaws for and to prosecute for interference with village greens
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom.

Electorate statistics for the proposed Hershams Community Council Area
Eligible date 1 February 2018

Hershams Village Ward (complete)

Polling District MA, MB, MC = 6,111

Esher Ward (part)

Polling District AC = 1,479

Oatlands and Burwood Park (part)

Polling District OD = 1,299

Weybridge St. George's Hill (part)

Polling District PD = 676

Cobham and Downside Ward (part)

Polling District HC = 36

Total electorate for the proposed Hershams Community Council = 9,601