

Report Title:	Community Governance Review – Windsor Town Council
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Rayner, Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor.
Meeting and Date:	Full Council – 28 July 2020
Responsible Officer(s):	Duncan Sharkey, Managing Director / Karen Shepherd, Head of Governance
Wards affected:	Clewer & Dedworth East, Clewer East, Eton & Castle, Old Windsor.

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REPORT SUMMARY

Residents in Windsor have expressed their wish for the Council to create a new town council for Windsor. In order to examine this issue, the Council would need to undertake a Community Governance Review, which is a clearly defined process. To commence the review Council must adopt a Terms of Reference for the review. Publication of the Terms of Reference marks the beginning of the review.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and:

- i) Approves the Terms of Reference document set out as Appendix A which will formally commence the community governance review process considering the formation of a new town council for Windsor.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Approve the Terms of Reference for the Windsor town council review This is the recommended option	The Terms of Reference set out how the review will be conducted, its scope and the timeline for completion and will focus solely on the issue of whether a new town council for Windsor should be created.
Modify the Terms of Reference to allow additional areas of parish governance to be examined under	A community governance review can cover multiple areas if it was deemed necessary to review the creation, expansion or abolition of parish governance arrangements for

Option	Comments
<p>the scope of community governance.</p> <p>Not recommended.</p>	<p>other areas in RBWM's administrative area.</p>
<p>Do not approve the Terms of Reference and do not undertake a community governance review.</p> <p>Not recommended.</p>	<p>This option would only be appropriate if the Council does not wish to undertake a review of any parish governance arrangements as it deems the existing structure as adequate.</p>

- 2.1 It is recommended that a community governance review be undertaken as there has been significant interest expressed by residents in Windsor in relation to the creation of a new town council. An [e-petition](#) by Windsor residents was opened to collect signatures in September 2019. A petition achieving 7.5% of the electorate's support for the proposal would require the Council to undertake a review.
- 2.2 The e-petition closed to new signatories in February 2020 but has yet to be formally submitted to the council. The e-petition collected 36% of the required number of signatures to reach the 7.5% threshold. Whilst far from the threshold to require the Council to undertake a review, the number of electors signing the petition demonstrates an appetite for a review to take place. It is also anticipated that when the petition is formally submitted to the council, the e-petition will be supported by a number of hard copy signatures.
- 2.3 The Council can undertake a review of the parish governance arrangements in its local area at any time and has a duty to ensure effective and convenient governance arrangements are in place. The last community governance review took place in 2015 and related to the expansion of Bray Parish Council. The Council should be carrying out periodic reviews. Central government advice is that full-scale community governance reviews should be carried out at least once every fifteen years.
- 2.4 Responsibility for composing the Draft Recommendations and Final Recommendations will be delegated to a cross-party, member-led Community Governance Review Working Group (CGRWG). The Group will comprise 5 elected members (3 Conservative, 1 Liberal Democrat and 1 Local Independent) and will meet periodically as required to consider the representations received at the end of each stage of consultation. The Working Group will decide upon the content of the Draft and Final Recommendations put forward to Full Council in July 2021 for consideration. The Working Group will be supported by officers from across the organisation

3. KEY IMPLICATIONS

- 3.1 Adoption of the Terms of Reference will ensure that the Council can proceed with undertaking the community governance review for Windsor. The Terms of Reference outline how the review will be conducted and what is covered in the scope of the review, calling for the views of the public about the proposals which

will feed into the Council's decision-making process. The Council cannot ascertain the level of support for the formation of a new council or investigate the possible options without engagement from the electorate and gathering their views on how a new level of governance for Windsor could take shape. Publication of the Terms of Reference is a mandatory part of a community governance review.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of Terms of Reference in July 2020	CGR cannot proceed	CGR proceeds and concludes in July 2021	N/A	N/A	28 July 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There are no direct financial consequences arising from the decision to carry out a community governance review. There may be modest expenses incurred in running the review in respect of carrying out a public engagement strategy to raise awareness and to encourage local engagement, but these would be contained within existing budgets. The scale of the consultation and approach to be adopted will be determined by the Community Governance Review Working Group (CGRWG) during the summer of 2020.
- 4.2 It should be noted that if the outcome of the review is in favour of creating a new town council for Windsor, there will be financial implications arising from this decision which will concern the setting of a parish precept for the new council as well as impacts on the special expenses precept for currently non-parished areas within RBWM. These details will be set out in the Draft and Final Recommendation reports for the community governance review, if applicable, which will be published during the later stages of the review.

5. LEGAL IMPLICATIONS

- 5.1 To facilitate the process to review and amend existing community governance arrangements in accordance with the Council's powers under the Local Government and Public Involvement in Health Act 2007.

6. RISK MANAGEMENT

- 6.1 The potential risks are set out as below:

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
A community governance review is not	Medium	The Terms of Reference document setting out the scope of the review is	Low

Risks	Uncontrolled risk	Controls	Controlled risk
conducted in accordance with the statutory framework		published in accordance with legal requirements.	

7. POTENTIAL IMPACTS

- 7.1 Equalities. An EQIA screening has been undertaken; a full EQIA is not considered to be required.
- 7.2 Climate change/sustainability. None identified.
- 7.3 Data Protection/GDPR. None identified.

8. CONSULTATION

- 8.1 The Community Governance Review Working Group will be involved in all stages of the review. The Terms of Reference set out the proposals for public consultation.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The implementation stages are set out in table 4. (A full timetable for the review is set out in Section 4 of the Terms of Reference.)

Table 4: Implementation timetable

Date	Details
28 July 2020	Full Council considers the Terms of Reference, and if approved, the review commences on this date.
28 July 2020 – 28 October 2020	Public consultation on the Terms of Reference.
July 2020 – October 2020	Meetings of the Community Governance Review Working Group (CGRWG)
26 January 2021	Publication of the Draft Recommendations
26 January 2021 – 27 April 2021	Public consultation on the Draft Recommendations
January 2021 – April 2021	Meetings of the Community Governance Review Working Group (CGRWG)
July 2021 (full Council date tbc)	Publication of the Final Recommendations following approval by full Council

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A - Community Governance Review – Windsor Town Council – Terms of Reference

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- [Guidance on community governance reviews](#), published by the Local Government Boundary Commission for England and the Department for Communities and Local Government

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Rayner	Lead Member for Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor	14/7/20	14/7/20
Cllr Johnson	Leader of the Council	14/7/20	14/7/20
Russell O'Keefe	Director of Place	14/7/20	
Adele Taylor	Director of Resources/S151 Officer	6/7/20	13/7/20
Kevin McDaniel	Director of Children's Services	14/7/20	
Hilary Hall	Director Adults, Commissioning and Health	14/7/20	15/7/20
Andrew Vallance	Head of Finance	6/7/20	15/7/20
Elaine Browne	Head of Law	14/7/20	15/7/20
Nikki Craig	Head of HR, Corporate Projects and IT	14/7/20	16/7/20
Louisa Dean	Communications	14/7/20	
David Scott	Returning Officer/Electoral Registration Officer	1/7/20	1/7/20

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Council decision	No	No
Report Author: Suzanne Martin, Electoral & Information Governance Services Manager, 01628 682935.		

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

COMMUNITY GOVERNANCE REVIEW WINDSOR TOWN COUNCIL

TERMS OF REFERENCE

THESE TERMS OF REFERENCE HAVE BEEN PUBLISHED BY THE ROYAL BOROUGH ON:

28 July 2020

REPRESENTATIONS AND COMMENTS ON THESE TERMS OF REFERENCE SHOULD BE MADE BY:

28 October 2020

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1. Introduction

- 1.1 The Royal Borough of Windsor and Maidenhead is carrying out a community governance review pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007.
- 1.2 The Royal Borough is required to have regard to the "[Guidance on Community Governance Reviews](#)" issued by the Secretary of State for Communities and Local Government published in 2008. In addition to this guidance, the Royal Borough will be mindful of the provisions set out in the Local Government Act 1972, the Local Government (Parishes and Parish Councils)(England) Regulations 2008 and the Local Government Finance (New Parishes) Regulations 2008 which regulate consequential matters arising from the review.
- 1.3 The Local Government and Public Involvement in Health Act 2007 transferred the powers for conducting community governance reviews to principal councils, which had previously been shared with the Electoral Commission's Boundary Committee for England under the Local Government Act 1997. The Royal Borough of Windsor and Maidenhead is statutorily responsible for carrying out the review.
- 1.4 A community governance review is the process used to consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. Community governance reviews can address the following:
 - Altering the boundaries of existing boundaries
 - Changing the names of existing parishes
 - Creating or abolishing parish councils
 - The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
 - The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)
 - The "style" of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish).

2. Background

- 2.1 At a meeting of Full Council on 28 July 2020, the Council approved these Terms of Reference. The review area will be limited to the currently unparished parts of Windsor located in and around the town centre and this specified area will form the scope of the review. The unparished parts of Windsor comprise twelve polling districts spanning the wards of Clewer & Dedworth East, Clewer & Dedworth West, Clewer East, Eton & Castle and

Old Windsor. A map outlining the review area is supplied in Appendix 1, marking the polling districts across the five affected wards in Windsor.

- 2.2 The intention to consider the formation of a new town council for Windsor has arisen from interest raised by members of the local community. An [e-petition](#) calling for the local authority to undertake a community governance review was started in September 2019, led by a group of local residents. In order for the petition to be successful, 7.5% of the local government electorate for the review area (the unparished parts of Windsor) needed to support the proposal, which equalled 1,661 electors. As at February 2020, when the e-petition closed, the number of valid signatories on the open petition was 606 (36% of the required amount). To date, the e-petition has not been formally submitted to the council. However, it is anticipated that when the petition is formally submitted to the council, the e-petition will be supported by a number of hard copy signatures.
- 2.3 However, having approved these terms of reference at its meeting on 28 July 2020, the council has taken the view to commence a community governance review of its own accord removing the requirement to do so had a valid petition been received. The council has committed to undertake the review as it recognises that the possible formation of a new town council is a relevant and topical subject amongst the local community.

3. Existing Parish Governance Arrangements

- 3.1 The Royal Borough believes that parish councils play an important role in terms of community empowerment at a local level. Parish governance should continue to be robust and representative to meet the challenges that lie before it.
- 3.2 There are fifteen parishes (fourteen parish councils and one parish meeting) that operate within the Royal Borough's administrative area. Seven parishes are warded. Elections to the parish councils take place once every four years at the same time as elections to the principal council. The most recent changes to parish governance took effect in May 2019 where minor, consequential changes were made to the parishes of Bray and Sunninghill and Ascot by the Local Government Boundary Commission for England as a result of the borough-wide electoral review which took place in 2018/2019. The electoral boundaries for the internal wards of these two parishes were adjusted and the number of seats to each ward redistributed across each parish. Details of the current governance arrangements for each parish can be viewed in Appendix 2.
- 3.3 Unlike an electoral review which examines the electoral arrangements for a principal council, there is no provision in legislation that stipulates that each parish councillor should represent, as far as possible, the same number of

electors. That said, the Royal Borough is committed to ensuring equitability amongst the parishes and its internal wards as far as possible, to ensure effective and convenient local government and that electors across the parished areas are treated fairly. Any recommendations made by the review which results in the formation of a new town council for Windsor must adhere to the legal minimum number of parish councillors for any parish council, which is five. There is no legal maximum number of parish councillors.

- 3.4 Parish councils set their own precept on an annual basis and therefore have the power to spend a significant amount of council tax-payer money. A breakdown of the precepts for each parish for 2019/2020 and 2020/2021 is shown in Appendix 3. A new town council would be able to set its own precept and allocate this funding to projects within its defined area.

4. Windsor Town Council Options

- 4.1 The outcome of the review may find that the preferred option would be to bring about no change to the existing parish governance arrangements and that no new parish council should be formed. However, if it is deemed preferable to create a new parish council, this may comprise all or only part of the review area identified in Appendix 1.
- 4.2 If it were seen as desirable to create a new parish council covering all or part of the original area outlined in Appendix 1, there are further, numerous options for how its composition could take shape. One option would be to create a new, unwarded parish council covering the area identified as forming a new parish. Option 1 in the table below illustrates this option and is based on the assumption that the parish area will comprise all of the twelve polling districts across the proposed review area in Appendix 1.
- 4.3 An alternative option would be to divide the new parish council area into wards in a similar way in which the seven, currently warded, parishes in the borough are structured. Each ward of the parish would then elect councillors to represent each respective part. There are numerous options for the creation of internal parish wards which could be drawn to reflect local community ties. As the twelve polling districts in the review area span five of the Borough's wards, an option could be to create a parish ward for each respective Borough ward. This suggestion is illustrated as option two in the table below and is based on the assumption that the whole of the current review area forms a new parish council.

Table 1: Two potential Windsor town council options

Option 1 – Unwarded town council		Option 2 – Warded town council		
Polling districts	Electorate (June 2020)	Polling districts	Electorate (June 2020)	Ward
WCDE1	2217	WCDE1	5449	

WCDE2	2307	WCDE2		Ward 1 – Clewer & Dedworth East
WCDE3	925	WCDE3		
WCDW1	2396	WCDW1	4580	Ward 2 – Clewer & Dedworth West
WCDW3	2184	WCDW3		
WCE1	1960	WCE1	5159	Ward 3 – Clewer East
WCE2	2240	WCE2		
WCE3	959	WCE3		
WEC1	3319	WEC1	5591	Ward 4 – Eton & Castle
WEC2	2272	WEC2		
WOW3	89	WOW3	1714	Ward 5 – Old Windsor
WOW4	1625	WOW4		

- 4.4 Views on all options as to how the new town council could be formed as part of the first stage of consultation are welcomed. Contact details for all submissions are shown in Table 3 below.

5 Review Process

- 5.1 The review will be conducted in a number of stages and will conclude within twelve months of publication of the Terms of Reference (i.e. by 27 July 2021). Two phases of public consultation will be undertaken to gather public opinion on the proposals which will inform the council's decision-making process.
- 5.2 The first consultation will run for three-months (from August-October 2020) and will ask for proposals and comments on the formation of a new town council for Windsor as outlined in the Terms of Reference. The comments received during the consultation will help to help formulate the Draft Recommendations. The Draft Recommendations will be the subject of a second, three-month public consultation (from January-April 2021), and representations received during this period will be considered to inform the Final Recommendations.
- 5.3 Responsibility for composing the Draft Recommendations and Final Recommendations will be delegated to a cross-party, member-led Community Governance Review Working Group (CGRWG). The Group will comprise 5 elected members (3 Conservative, 1 Liberal Democrat and 1 Local Independent) and will meet periodically as required to consider the

representations received at the end of each stage of consultation. The Working Group will decide upon the content of the Draft and Final Recommendations put forward to Full Council in July 2021 for consideration. The Working Group will be supported by officers from across the organisation.

5.4 Should the outcome of the review be to support the creation of a new Windsor town council as outlined in the Final Recommendations, a Community Reorganisation Order will be made. The new town council will come into force in May 2023 when the next scheduled parish elections are due to take place.

5.5 The timetable for the review is outlined in Table 2 below:

Table 2 – Timetable for the review

Stage	Activity	Date	Duration
Stage 1	Publication of the Terms of Reference	28 July 2020	-
	Consultation 1 on Terms of Reference	28 July 2020 – 28 October 2020	3 months
	Initial meeting(s) of the CGRWG	July/August 2020	As required
	CGRWG consideration of representations received	28 October 2020 – 26 January 2021	3 months
Stage 2	Publication of the Draft Recommendations	26 January 2021	-
	Consultation 2 on Draft Recommendation	26 January 2021 – 27 April 2021	3 months
	CGRWG consideration of representations received	27 April 2021 – 27 June 2021	3 months
Conclusion	Publication of the Final Recommendations	July 2021	-
	Reorganisation Order made (<i>if applicable</i>)	By December 2021	-
	Elections to Windsor Town Council (<i>if applicable</i>)	4 May 2023	-

6 Consultation

6.4 The Royal Borough is required to consult with local government electors living in the review area as well as any other individuals and organisations (including existing parish councils) who appear to have an interest in the review.

6.5 All representations received during each phase of consultation will be published on the Community Governance Review pages of the council

website, as well as the minutes of the meetings of the CGRWG. Community governance reviews should be conducted transparently so that the local people and other local stakeholders who may have expressed an interest are made aware of the outcome of the decisions and the reasons behind these decisions.

- 6.6 In order to raise awareness about the review and to maximise public engagement, the review will be publicised on the RBWM website and social media platforms. The CGRWG will devise a public engagement strategy and identify stakeholders and community groups who operate within the review area so that the council can consult with these organisations directly. Elected members serving in the wards which fall under the review area will be expected to support the review by engaging with residents directly and raising awareness of the proposals as they develop.
- 6.7 Representations made during each stage of consultation should be submitted to Electoral Services by letter or email. Contact details are shown in Table 3 below.

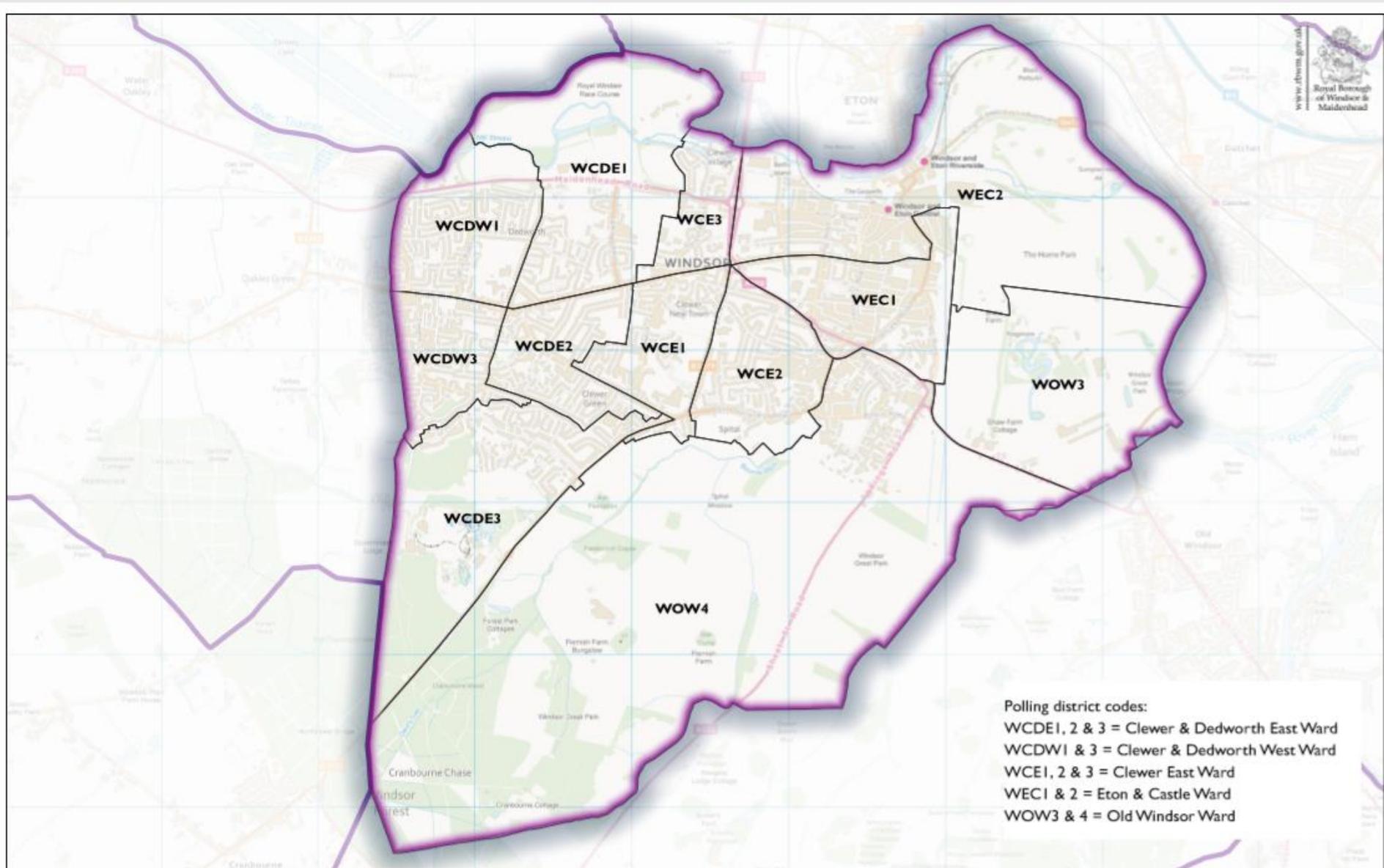
Table 3: Submission of consultation comments

Postal address	Electoral Services Royal Borough of Windsor and Maidenhead Town Hall St Ives Road Maidenhead SL6 1RF
Email address	Electoral.Registration@rbwm.gov.uk

- 6.8 Details of officer contacts involved in the management of the review are shown in Table 4 below.

Table 4: Officer contact details

Name	Contact details
Suzanne Martin Electoral & Information Governance Services Manager	Suzanne.Martin@rbwm.gov.uk 01628 682935
Karen Shepherd Head of Governance	Karen.Shepherd@rbwm.gov.uk 01628 796529



Polling district codes:
 WCDE1, 2 & 3 = Clewer & Dedworth East Ward
 WCDWI & 3 = Clewer & Dedworth West Ward
 WCE1, 2 & 3 = Clewer East Ward
 WEC1 & 2 = Eton & Castle Ward
 WOW3 & 4 = Old Windsor Ward

Appendix 2 – Parish Governance Arrangements as at June 2020

Parish	Ward	Seats	Candidates at 2019 elections	Unfilled vacancies
Bisham		6	5	0
		6	5	
Bray	Bray	5	5	1
	Dedworth	2	2	
	Fisheries	1	1	
	Holyport	6	3	
	Oakley Green & Fifield	1	2	
		15	13	
Cookham	Cookham	2	2	0
	Cookham Rise	9	14	
	Cookham West	4	6	
		15	22	
Cox Green	Cox Green East	6	3	5
	Cox Green North	5	1	
	Cox Green South	4	3	
		15	7	
Datchet		15	8	0
Eton	Eton	7	9	0
	Eton Wick	7	6	
		14	15	
Horton		9	6	2
Hurley	Hurley North	4	3	0
	Hurley South	6	5	
		10	8	
Old Windsor		13	10	1
Shottesbrooke	N/A	N/A	N/A	N/A
Sunningdale		10	8	1
Sunninghill & Ascot	Ascot	6	6	1
	Cheapside	1	2	
	Sunninghill & South Ascot	9	10	
		16	18	
Waltham St Lawrence		7	7	0
White Waltham	Littlewick Green	2	1	0
	White Waltham & Paley Street	3	3	
	Woodlands Park	3	3	
		8	7	
Wraysbury		11	10	0

Appendix 3 – Parish Council Precepts

Parish	2019/20	2020/21	2020/21 Band D
	Precept (£)	Precept (£)	Charge (£)
Shottesbrooke	Nil	Nil	Nil
Sunninghill & Ascot	171,507	201,690	31.00
Waltham St Lawrence	24,500	24,500	36.07
Hurley	35,124	38,351	38.11
Bray	156,796	171,460	38.97
Wraysbury	81,700	84,800	39.65
Cookham	91,975	123,973	41.86
Bisham	25,702	31,139	42.07
Cox Green	146,909	150,341	49.33
Eton	78,168	94,647	52.02
Sunningdale	184,214	192,379	55.51
Datchet	142,818	142,818	63.70
Old Windsor	153,500	160,500	66.78
Horton	25,430	33,556	72.67
White Waltham	128,605	126,687	99.74