



# Windlesham Parish Council

Sarah Walker  
Clerk to the Council  
Tel: 01276 471675  
Email: [sarah.walker@windleshampc.gov.uk](mailto:sarah.walker@windleshampc.gov.uk)  
Website: [www.windleshampc.gov.uk](http://www.windleshampc.gov.uk)

The Council Offices  
The Avenue  
Lightwater  
Surrey  
GU18 5RG

Rachel Whillis  
Democratic Services  
Surrey Heath Borough Council  
Surrey Heath House  
Knoll Road  
Camberley  
GU15 3HD

22<sup>nd</sup> October 2019

Dear Rachel,

## **Community Governance Review: Windlesham Parish Consultation response of Windlesham Parish Council**

Surrey Heath Borough Council (“SHBC”) has resolved to undertake a Community Governance Review (“the Review”) of the Windlesham Area in accordance with Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the Act”). This is the response of Windlesham Parish Council (“WPC”) to the Review’s Terms of Reference published on 5 August 2019.

At the Full Council meeting held on 24<sup>th</sup> September 2019, the Council considered the Terms of Reference and voted to support option 2, as the Council’s preferred option. As you are aware, this option is in line with the request made by the Council to Surrey Heath in January of this year.

Windlesham Parish Council is the parish council for the villages of Windlesham, Bagshot and Lightwater. It is a parish council of exceptionally longstanding, having been one of the first to be established under the Local Government Act 1894 which transferred local government functions from the Church of England. It is one of the largest parish councils in England with a population of over 17,000 people. Its area comprises about one-fifth of the Borough of Surrey Heath. Windlesham Parish is warded and comprises three wards, one for each village. 18 parish councillors serve on the Council. Following an electoral review of SHBC by the Local Government Boundary Commission for England (“LGBCE”) between 2016 and 2017, the electoral arrangements for WPC were significantly altered. Before the review, each ward was represented

by six councillors. Following the review, and the enactment of the Surrey Heath (Electoral Changes) Order 2017, the membership of WPC comprises as follows:

Windlesham Parish Ward	3 councillors
Bagshot Parish Ward	8 councillors
Lightwater Parish Ward	7 councillors

WPC feels very strongly that the outcome of the electoral review of Surrey Heath has wronged residents in Windlesham Parish, specifically those in Windlesham village. The outcome has led to residents in the settlement area of the Snows Ride estate in Windlesham becoming part of Bagshot ward. This has split the community of Windlesham village and goes against one of the fundamental principles of the Boundary Commission of not splitting communities.

### The Terms of Reference

The Terms of Reference, published on 5 August 2019, propose four options for this Review:

- (a) **Option 1:** the creation of a new parish in Windlesham and the creation of a new Parish Council for that area (proposed by the Petitioners);
- (b) **Option 2:** changes to WPC's electoral arrangements such that each village is represented by six councillors (proposed by WPC);
- (c) **Option 3:** the creation of a new parish ward for North Windlesham and changes to WPC's electoral arrangements "*to best reflect electoral equality in the parish*";
- (d) **Option 4:** no change.

As previously stated, WPC support option 2 as the preferred option. Whilst WPC recognises the effort of the petition group and their wish to create a standalone Council for Windlesham village only, it questions if it is truly in the best interests of the 13,500 electorate that WPC currently represents. The verified petition figures equate to just 4.6% of the whole electorate of the Parish or 17.7% of the solely Windlesham electorate. Feedback received by some Councillors from residents in Windlesham during this review period, has stated that there is a very vocal and belligerent minority group who are trying to drive this change through and that it is not representative of many of the residents of Windlesham. I would emphasise that this is the response of the elected representatives of Windlesham Parish as a whole.

### The statutory criteria for the Review

In carrying out this Review, SHBC must have regard to the need to secure that community governance within Windlesham parish (comprising Windlesham, Bagshot and Lightwater villages):

- (a) reflects the identities and interests of the community in that area; and
- (b) is effective and convenient.<sup>1</sup>

In making alterations to the warding arrangements of WPC, SHBC should have regard to the following factors:

- (a) the number of local government electors for the parish;
- (b) any change in the number, or distribution, of the local government electors which is likely to occur in the period of 5 years beginning with the day when the review starts;
- (c) the desirability of fixing boundaries which are, and will remain, easily identifiable;
- (d) any local ties which will be broken by the fixing of any particular boundaries.<sup>2</sup>

Unlike an electoral review of a district council, there is no statutory obligation in a community governance review to achieve “electoral equality”.<sup>3</sup>

That is not to say that electoral equality is an irrelevant consideration in this Review. Paragraph 166 of the [Guidance on community governance reviews](#), jointly issued by the Department for Communities and Local Government and the LGBCE, acknowledges it as an important democratic principle but one which must be balanced together with “*other legitimate competing factors*”. Paragraph 166 advises against “*significant differences in levels of representation between different parish wards*” but paragraph 167 acknowledges “*that there are no specific guidelines for what might constitute significant differences in levels of representation; each case will need to be considered on its merits.*” Paragraph 167 also warns that “*imbalances expressed in percentage terms may be misleading*” owing to the significantly smaller electorate sizes (compared with district council wards).

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<sup>1</sup> section 93(4) of the Act.

<sup>2</sup> sections 95(4) and (5) of the Act.

<sup>3</sup> Defined by the LGBCE in their [Electoral Reviews: Technical Guidance](#) as “*Every vote has the same weight: each councillor represents a similar number of electors or in a council in which not all wards have the same number of councillors, an appropriate multiple.*” See para 7.6 of that document.

## The case for Option 2

In short, the proposal under Option 2 is to restore the balance of representation between the three villages which comprise WPC that existed prior to the LGBCE's electoral review of SHBC between 2016 and 2017. The proposal would result in six councillors representing each village, with Windlesham village being divided into a north and south ward with two and four councillors respectively. This was an arrangement which served WPC and its electorate very well for a number of years but was overridden by the LGBCE as a consequence of the electoral review, despite the unequivocal opposition of WPC.

### *The shortcomings of the electoral review*

The electoral review of SHBC resulted in the number of district councillors being reduced from 40 to 35. This entailed significant redrawing of ward boundaries in the north east of the district. The new Bagshot ward comprises the village of Bagshot but also incorporates an area – to the east of the A322 and Windlesham Golf Club, bounded to the north by London Road and to the south by Snows Ride – which is more readily identifiable as the northern extent of Windlesham village. It is effectively this area that is proposed under Option 2 as comprising the new Windlesham North parish ward.

As a result of the new district ward boundaries, the LGBCE made consequential revisions to WPC's electoral arrangements, with the result that the newly extended Bagshot parish ward was allocated eight members, Lightwater parish ward seven members and Windlesham parish ward three members. Again, this proposal was strongly resisted by WPC which pointed out, in a consultation response dated 20 March 2017, that:

*“Whilst Councillors are elected to represent their ward, the Parish Council work as a unified body for the good of the whole Parish area – Bagshot, Lightwater and Windlesham combined and as such it makes sense to have equal numbers of Councillors representing each village.”*

The LGBCE gave no reasons for making these revisions to the composition of members of WPC. In the absence of any express reasons, WPC infers that the revisions were made in order to achieve optimum electoral variance<sup>4</sup> because the variance for each of the three parish wards is

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<sup>4</sup> **Defined** by the LGBCE as “How far the number of electors per councillor in a ward or ward varies in percentage terms from the average”.

within 10%<sup>5</sup> of the average electoral ratio.<sup>6</sup> This is despite the LGBCE's own technical guidance (para 7.6) acknowledging that there is no statutory duty to achieve or even optimise electoral variance when determining parish ward boundaries.

It is worth repeating that while electoral equality is an important factor in this Review, it is not the overall objective and carries no greater weight than the other relevant considerations which will be addressed in the following paragraphs.

Furthermore, SHBC had within their power to conduct a community governance review of Windlesham Parish area, immediately following the final recommendations of the LGBCE review. Surrey Heath were fully aware and acknowledged the opposition from WPC to the revised electoral arrangements for the parish and at that point could have carried out a community governance review in time for the May 2019 elections which could have ensured there was no change to WPC's previous electoral arrangements.<sup>7</sup>

#### *Identity and interests of the area*

The first statutory criterion which this Review should seek to secure is that community governance in Windlesham, Bagshot and Lightwater should reflect the identities and interests of the community in that area. WPC believes that Option 2 best reflects the identities and interests of the community in this area.

Firstly, it preserves the identity of a parish council of exceptional longstanding: notwithstanding its name, WPC has always comprised the three villages. Over more than a century, the three villages have co-existed and co-operated under the aegis of a single parish council. This is a powerful factor making up the identity of this area. In contrast, Option 1 would break the historic connection between Windlesham and its neighbours.<sup>8</sup> . There is natural affinity between the three villages. They not only share a Parish Council but also a Clinical Commissioning Group and Windlesham residents have easy road links in to Lightwater and Bagshot, both of which provide a 'local' shopping hub for Windlesham village residents. There has been no obvious recent change in the circumstances of Windlesham village which would justify such a significant break with tradition.

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<sup>5</sup> See Appendix 1.

<sup>6</sup> Defined by the LGBCE in its [Electoral Reviews: Technical Guidance](#) as “the number of electors for an area divided by the number of elected representatives”

<sup>7</sup> para 7.3 of the LGBCE's *Electoral Reviews: Technical Guidance*

<sup>8</sup> See para 125 of the *Guidance on community governance reviews*: “It is desirable that any changes do not upset historic traditions but do reflect changes that have happened over time, such as population shift or additional development, which may have led to a different community identity.”

The Parish Council has always, without question, worked to serve the residents across the three villages equally. Services provided across the Parish area include burial services, provision of summer planting and hanging baskets, Christmas trees, provision and maintenance of 5 separate play areas, greenspace maintenance and the financial support of a wide range of local groups through our grant scheme.

Secondly, allocating an equal number of councillors to each village does no more than reinstate an arrangement which had served WPC well for many decades. Prior to the electoral review, there had never been any serious complaint about or challenge to the balance of councillors between the villages. Reinstating equal numbers of councillors symbolises the historic relationship of equals between the three villages and is a more straightforward arrangement for the electorate to understand. The implications of Option 2 for electoral equality are addressed under the “effectiveness and convenience” criterion.

Thirdly it would remove the anomalous ward boundary which incorporates the north of Windlesham village into Bagshot ward which was the result of the LGBCE electoral review. The opportunity for removing anomalous ward boundaries is a factor specifically highlighted by the *Guidance on community governance reviews*.<sup>9</sup> The current arrangement breaks the obvious ties between the north and south of Windlesham; Option 2 would restore them by creating “Windlesham North” and “Windlesham South” wards. The current arrangement makes little sense on the ground: there is a significant “no man’s land”<sup>10</sup> comprising the A322 and Windlesham Golf Club which obviously separates Bagshot from north Windlesham. The services in this area include both “Windlesham Golf Club” and “Windlesham Village Infant School” which strongly suggest a closer identification with Windlesham than Bagshot – yet are currently located in Bagshot village ward.

Finally, breaking up WPC may result in residents across the area experiencing a reduced quality of services, for instance, Windlesham residents may not be able to use allotments owned by Bagshot and Lightwater Village Council or services may cost more to provide, as economies of scale will be lost.

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<sup>9</sup> para 85 of the *Guidance on community governance reviews*.

<sup>10</sup> see para 83 of the *Guidance on community governance reviews*: “As far as boundaries between parishes are concerned, these should reflect the ‘no-man’s land’ between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.”

### *Effectiveness and convenience*

The second statutory criterion which this Review should seek to secure is that community governance in Windlesham, Bagshot and Lightwater should be effective and convenient. WPC believes that Option 2 is the most effective and convenient arrangement for this area.

Firstly, there is substantial doubt as to the viability of a parish council limited to Windlesham village, as proposed under Option 1. Viability is an essential aspect of effective and convenient community governance.<sup>11</sup> WPC is concerned that Option 1 would result in a reduction of services compared to those currently provided by WPC and may create the need for additional *funding through an increase in the precept*. *Residents currently benefit from a remarkably low level of precept for such a large parish council. It is one of the larger precepting Parish Councils in the country but consistently ranks in the top 20 of the lowest precepting councils, with the precept for 2018/19 set at £37.76, against a national average of £108.95. The Council provides good value for money and has substantial purchasing power; it achieves economies of scale through streamlined administration and the cost of statutory processes, such as audit and accounts, are minimised.*

WPC has carried out a financial assessment of Option 1 which is appended as Appendix 2. The assessment shows a significant shortfall of approximately £40k per annum between the proposed new Windlesham Parish Council's anticipated income and expenditure.

What is not at all clear is how a proposed new Windlesham village council would be any more effective or convenient than the current Council. There is no indication from the petitioners as to what would be done differently nor has there been complaint that the current Council is lacking in its provision for Windlesham village. There seems to be a perception that with reduced representation on the current Council, Windlesham ward is detrimentally impacted. This is categorically not the case. All Councillors, regardless of which village they represent, debate fairly and equally all issues that arise – whether they affect individual villages or the whole Parish area. The idea that issues regarding Windlesham village will be “voted down” simply because of numbers of Councillors is not true, as evidenced in the minutes of Council meetings.

Secondly, the petitioners advocating for Option 1 do not appear to have accounted for the implications of their proposal for the governance of Bagshot and Lightwater villages. WPC is not aware of any significant degree of support among electors in either Bagshot or Lightwater for this proposal. The petitioners have indicated that they want a smaller, more local group of Parish Councillors representing all of the village of Windlesham. However, the warding arrangements

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<sup>11</sup> See paras 77-81 of the *Guidance on community governance reviews*.

required will still mean the village would be split into two wards - Windlesham North and Windlesham South.

Thirdly, Option 2 would not result in a *significant* difference in levels of representation between the three villages. As the shortcomings of the LGBCE electoral review demonstrate, community identity should not be compromised for the sake of strict electoral equality in this Review. While Option 3 purports to result in better electoral equality compared with Option 2, in reality the differences between the two are relatively modest. In this regard, WPC reiterates the warning given in para 167 of the *Guidance on community governance reviews* that, given the small electorate sizes, imbalances expressed in percentage terms can be misleading. Under Option 2, the differences in absolute terms are small.

Finally, Option 3 would result in Lightwater having more councillors than the other two villages, which undermines the principle of a relationship of equals which has prevailed in WPC for a very long time. This is important because the *Guidance on community governance* makes clear that electoral equality is merely one factor which must be balanced against "*other legitimate competing factors*".

#### Conclusion

For these reasons, WPC strongly believes that **Option 2** is the best outcome for this Review. We urge SHBC to adopt the proposals under Option 2 as its preferred option for the future governance of Windlesham Parish, because we firmly believe that it strikes the fairest balance between community identity and interests on the one hand and effective and convenient local government administration on the other.

Yours sincerely,



Sarah Walker  
Clerk to the Council

