

COMMUNITY GOVERNANCE REVIEW – CREATION OF COMMUNITIES AND COMMUNITY COUNCILS IN EPSOM & EWELL

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Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – Terms of Reference Appendix 2 – Consultation Material Appendix 3 – Maps identifying proposed area boundaries Appendix 4 – Table setting out key data relevant to each proposed area boundary Appendix 5 – Consultation Strategy

Summary

This report sets out the necessary steps and timescale required to create one or more new parishes and Communities and Community Councils through a Community Governance Review (CGR), as mandated by the Local Government and Public Involvement in Health Act 2007. Key stages include:

- seeking approval to start a CGR by way of a Full council resolution,
- deciding on and publishing the Terms of Reference for the review,
- public consultation on the options in the Terms of Reference,
- analysis of feedback,
- publication of recommendations,
- consideration of recommendations by Full council,
- (if approved) the making of the Reorganisation Order, and
- scheduling elections.

If Full Council decide to start a CGR further to resolving the recommendation that follows, it is likely that the earliest any Reorganisation Order would come into effect would be on 1 April 2027, with elections held in May 2027.

Recommendations

The Council is asked to:

- (1) Agree that a Community Governance Review be undertaken for the Borough of Epsom & Ewell.**
- (2) Authorise the Chief Executive and Head of Legal, in consultation with the Leader of the Council and Chair of Standards and Constitution Committee, to approve the Consultation Questions & Terms of Reference once final typographical changes have been completed and to take all and any necessary action to progress the Community Governance Review.**

1 Reasons for Recommendation

- 1.1 Epsom & Ewell Borough Council ('EEBC') is one of the few District Councils within Surrey that is unparished; in light of Local Government Reorganisation (LGR), Full Council on 6 May 2025 adopted a Strategic Priority for 2025-27 to explore the creation of a Community Council.
- 1.2 This report seeks to formally start that process so that a public consultation may commence in July 2025. Any eventual decision to create civil parishes and parish councils within Epsom & Ewell will support the ambition of any eventual new unitary for the area to deliver double devolution alongside the LGR process.
- 1.3 The above recommendation invite Members to agree that
 - a Community Governance Review be undertaken;
 - approve the substance of the Terms of Reference as attached at Appendix 1, and
 - authorise the identified officer to have the necessary authority to approve the final wording of both the Consultation Questions & Terms of Reference to take account of any minor changes that may need to be made prior to the consultation commencing.

2 Background

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- 2.1 The process for creating a new parish and parish council is known as a Community Governance Review (CGR), and this is set out in the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). CGRs are reviews of the whole or part of a district/borough area to consider creating, merging, altering or abolishing parishes; creating or dissolving parish councils; and making or altering the electoral arrangements that should apply. This means making sure that those living in the area, and other interested groups, have a say in how their local communities are represented. Section 93 of the 2007 Act allows principal councils – such as this Council – to decide how to undertake a CGR, provided that it complies with certain duties in that Act including details set out relating to consultation, and the need to ensure any proposals reflect the identities and interests of the community in that area and are effective and convenient. The Council has to publish its recommendations but the manner in which the Council consults with its residents is not prescribed.
- 2.2 At its meeting on 6 May 2025, this Council adopted a Strategic Priority for 2025-27 to explore the creation of new parishes and a (or more than one) Community and Community Council. This report seeks to progress that Strategic Priority by inviting Members to consider formally starting the CGR process, in accordance with the provisions and requirements of the 2007 Act, which includes approving, with or without amendment, the Terms of Reference for the review for public consultation.

3 Key considerations

What is a Community Council?

- 3.1 A Community Council is a form of parish council which serves a Community (another name for a parish). A parish or Community should have its own sense of identity, with strong, clearly-defined boundaries tied to ground features. Parish and Community Councils are the same in terms of their powers and abilities (they can also be styled Neighbourhood or Village Councils).
- 3.2 A Town Council is a parish council that has resolved that the parish should have the status of a town (which means it elects a Town Mayor instead of a Chair). This is a decision that can only be taken by an existing parish council, so the option of creating a Town Council is not open to this Review.

What can a Community Council do?

- 3.3 The powers of Community Councils are designed to enable them to manage local issues and represent the interests of their communities effectively. Community Councils can play a role in local governance by providing various community services and facilities. The following are examples of services that may be provided by Community Councils but it is not limited to these functions alone:

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- 1 allotments,
 - 2 bus shelters,
 - 3 local crime prevention initiatives,
 - 4 street lighting,
 - 5 maintenance of roadside verges,
 - 6 community transport schemes,
 - 7 sport and recreation facilities, and
 - 8 tourism
- 3.4 Community Councils also have the authority to acquire, appropriate, and dispose of land. They can acquire land by agreement, compulsorily acquire land, appropriate land for different uses, and dispose of land, subject to certain conditions and procedures.

What is proposed for public consultation?

- 3.5 Further to discussions with the Leader of the Council and the Chairs of both Strategy and Resources & Standards and Constitution Committees, the following proposals have been identified as options to conduct a public consultation upon:
- 3.6 One or Two Community Councils that will represent the whole borough (adopting the current boundaries for district wards) which seeks to represent the East and West of the current borough, with four different boundaries for consideration by the public:

Option 1:

West – Ruxley, West Ewell, Court, Horton, Town, Stamford, Woodcote and Langley Vale

East – Cuddington, Ewell Court, Auriol, Stoneleigh, Ewell Village, Nonsuch, College

Option 2:

West – Court, Horton, Town, Stamford, Woodcote and Langley Vale, College

East – Cuddington, Ewell Court, Auriol, Ruxley, West Ewell, Stoneleigh, Ewell Village, Nonsuch

Option 3:

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West – Cuddington, Ruxley, Auriol, Ewell Court, West Ewell, Court, Horton

East – Stoneleigh, Nonsuch, Ewell Village, Town, College, Stamford, Woodcote and Langley Vale

Option 4:

All wards

- 3.7 Maps detailing the specific boundaries suggested for each of the above options are attached at Appendix 3 to this report.
- 3.8 Options 1 to 3 above propose two Community Councils, each of which will carry out the list of functions noted above at paragraphs 3.2 and 3.3. Option 4 proposes a single Community Council serving the whole of the borough.
- 3.9 It is further proposed that those Community Councils shall have assets transferred to them from this Council; with any proposed transfer of assets following an appropriate legal process and complying with any legal duties applicable to such decisions.
- 3.10 It is important to note and highlight the critical role of financial sustainability in the asset transfer process from the Borough Council to the new parish councils. It is essential that a thorough financial assessment to understand the implications of transferring assets, including ongoing maintenance costs, potential revenue generation and the impact on councils' budgets. By ensuring that these assets are transferred with a clear understanding of their financial responsibilities will ensure that new parish councils can manage these assets effectively and sustainably. This careful planning will therefore ensure that the new parish councils can thrive and serve their communities efficiently.

The CGR process

- 3.11 As noted above, the creation of a Community and its Community Council is governed by the 2007 Act. The CGR Process can commence in two distinct ways:
 - 1 Public Petition / Application from a designated neighbourhood forum, or
 - 2 Full Council decision
- 3.12 Further to the decision taken by Full Council on 6 May 2025, it is a Council Strategic Priority to promote CGR via a Full Council decision, which has necessitated this meeting.
- 3.13 The 2007 Act requires that once a CGR commences (by publication of the terms of reference):

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- 1 a public consultation process must take place,
- 2 recommendations must be published, and
- 3 the review must be concluded (by publication of the recommendations) within 12 months of its commencement, but only if it was initiated by a petition or application.

How long is required to carry out CGR?

3.14 Further to the decision taken by Full Council on 6 May 2025, an expedited timeline to progress a CGR has been proposed by the Leader of the Council and the Chairs of both Strategy and Resources & Standards and Constitution Committees.

3.15 An overview of the main steps is as follows:

- 1 Two all-member briefings were held on **28 May** and **25 June 2025**;
- 2 **17 June 2025** –Final Agenda for this Meeting was published;
- 3 **26 June 2025** – Meeting of Full Council.

Full Council will meet to resolve whether to start CGR or not & whether to approve or amend the proposed Terms of Reference. The Terms of Reference – as attached to this report as Appendix 1 – set out the extent and framework of the review. These must be approved by the Council and then published. Once published, the CGR can then formally start.

- 4 **July – September 2025** – Initial public consultation.

Following publication of the Terms of Reference, the Council undertakes a consultation. Residents in the affected areas, along with elected representatives at all levels, are invited to respond and give their views of community governance in the affected area. Whilst the Council will put forward its initial options (as set out above), this is an unrestricted consultation, which allows respondents to give their views on other options with reasons.

- 5 **October – November 2025** – Development of Proposed Recommendations.

Following the consultation, Officers will develop draft recommendations and present these to Full Council at its scheduled meeting on 9 December 2025 for approval. These will take the consultation responses into account, along with the statutory criteria, government guidance and best practice.

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6 **9 December 2025** – Meeting of Full Council.

Full Council will consider and decide whether to proceed or not to proceed with CGR. If it is decided to proceed, Full Council will consider whether to approve the draft recommendations for publication and further consultation.

7 **January 2026 – March 2026** – Public consultation on Proposed Final recommendations.

Once approved by Council, the Recommendations are published, and a second public consultation commences. This sets out the specific recommendations and invites responses to support or disagree with them. Respondents are invited to give additional evidence to support their views where relevant.

8 **April – May 2026** – Review of the response to the public consultation on Proposed Final recommendations and preparation for Full Council.

Reviewing responses to the second rounds of consultation into account, ready for a final extraordinary Full Council meeting.

9 **June 2026** – Meeting of Full Council and Reorganisation Order.

The Final Recommendations must be considered by Full Council, which lead to the making of a Reorganisation Order to put in place any changes necessary following the conclusion of the CGR process.

10 **June – December 2026** – Consequential Matters.

A Polling District and Polling Place review must be undertaken before any elections to any new Community Council is held.

11 **February 2027** – Budget Setting.

12 **May 2027** - Elections to the newly established Community Councils.

Public consultation:

How long should this last?

3.16 In line with GOV.UK guidance¹, the starting point is that the consultation periods should last at least 12 weeks.

¹ House of Commons Library – Government Consultations – February 2025 - [CBP-10190.pdf](#)

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3.17 The caselaw that lies behind the GOV.UK guidance is commonly known as the ‘Gunning principles’, established in the case of *R v The London Borough of Brent ex parte Gunning and others*. This case (as later upheld in another case before the Supreme Court) outlines the requirements for a fair public consultation. The principles are as follows:

- 1 *consultation must occur when proposals are still at a formative stage;*
- 2 *sufficient reasons must be provided for any proposal to allow for intelligent consideration and response;*
- 3 *adequate time must be given for consideration and response; and*
- 4 *the product of consultation must be conscientiously taken into account in finalising any statutory proposals*

3.18 Mindful of the Gunning principles, a full 12-week period is proposed for public consultation on both occasions.

Who must be consulted?

3.19 **Local residents** – usually by way of surveys, public meetings and inviting written submissions (see next section for more detail).

3.20 **Businesses & Local Organisations** – this includes chambers of commerce, voluntary groups and community associations.

3.21 **Existing parishes** – not applicable as this Borough is currently an unparished area.

3.22 **Neighbouring Councils** – as this is within the scope of LGR and borough boundaries are to be changed as of April 2027, this is particularly relevant (this includes Surrey County Council – to whom this Council has a statutory duty to inform and to supply its Terms of Reference to).

3.23 **Local politicians** – MP and County Councillors.

3.24 **Other stakeholders** – this will include schools, hospitals, religious institutions and any community group that may be impacted.

How will consultation take place?

3.25 Officers are working on a Communication Strategy which may include the use of:

- 1 Public Notices
- 2 Press releases
- 3 Public Meetings & Drop-in sessions

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- 4 Online & hard copy surveys
- 5 Inviting written submissions, and
- 6 Stakeholder workshops

What needs to happen after the close of the initial round of public consultation?

3.26 As noted above,

- 1 Analysis of feedback and creating draft recommendations;
- 2 Officers review all submission and feedback from consultation events – akin to work carried out after Reg 18 consultation on the emerging Local Plan;
- 3 Officers prepare draft recommendations with associated governance arrangements based upon the review of the public consultation, to include:
 1. *Boundary and ward arrangements*
 2. *Number of councillors required*
 3. *Budget implications (e.g. precept)*

3.27 The remaining steps to be followed are set out above earlier in this report.

How is CGR completed?

3.28 Should the outcome of the CGR be a decision to create one or more civil parishes to be represented by Community Councils, Officers will need to draft a Reorganisation Order and comply with the necessary statutory requirements.

3.29 Once drafted, a further Full Council decision is required to make the Order (this needs to be mindful of the timescales required to update the Register of Electors in advance of an election to reflect the new civil parish/s covered by the community council/s), which will usually come into effect on 1st April of the following calendar year, whereupon, efforts begin to arrange for the holding of elections to the new Community Councils for the next available annual election date (i.e. date set by statute each May)

3.30 Should a Reorganisation Order be made creating Community Councils, there will be a two-year moratorium from the date that any reorganisation order is made before any successor new unitary council may conduct a further CGR process that impacts upon those new Community Councils.

Other relevant considerations:

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3.31 Further to the recent Member briefing on this topic, two issues were raised by members that they sought further clarity upon:

- 1 The proposed creation of Neighbourhood Area Committees,
- 2 The impact of a Section 24 direction under the 2007 Act, and

3.31 There are other questions and issues which are likely to be of equal interest to the public as they are to members, such as the issue of a Community Council being a precepting authority, which we have sought to address via the creation of a CGR web page within the Council's website that shall be published in advance of this meeting, containing a number of relevant FAQs.

Neighbourhood Area Committees

3.32 It is noted that in the recent feedback provided by MHCLG on 3 June 2025 a preference for the establishment of Neighbourhood Area Committees was expressed. This is not said to be mandatory or required via statute or statutory guidance, nor does it exclude the possibility of creating new parish council.

3.33 The feedback also states: "Areas considering new town or parish councils should think carefully about how they might be funded, to avoid putting further pressure on local authority finances and/or new burdens on the taxpayer". This Council will need to consider the running cost (to be met by precept) that a new parish council or councils would be likely incur. It is noted, however, from commentary by the District Council Network on this subject that Neighbourhood Area Committees can also be very expensive to run and they are unable to raise a precept to cover their costs.

Section 24 direction under the 2007 Act

3.34 Members will be aware that the Secretary of State has the discretion to serve upon any council subject to the Local Government Reorganisation process, a direction which impacts upon the disposal of assets, contracts and reserves.

3.35 Should this Council be subject to a direction under s 24 prior to the making of a Reorganisation Order, this should not preclude this Council from deciding to create a Community Council/s but it is capable of applying to any proposed decision to transfer assets from this Council to a Community Council, in accordance with any statutory power of disposal. Further clarification on this issue will be provided once the required Structural Changes Order is enacted.

4 Risk Assessment

Legal or other duties

Equality Impact Assessment

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- 4.1 It is proposed to conduct an Equality Impact Assessment Screening Form after the close of the first round of public consultation. Should that determine that a full Equality Impact Assessment is required, that shall be presented with the report proposed to be brought back to Full Council at its scheduled meeting to be held on 9 December 2025.

Crime & Disorder

- 4.2 Not applicable.

Safeguarding

- 4.3 Not applicable.

Dependencies

- 4.4 Not applicable.

Other

- 4.5 Mindful of the work required to support LGR, seeking to run a parallel CGR process will be resource intensive (financial and officer capacity) with a risk that public consultation will throw up issues that may cause delay to the process and proposed timeline noted above.
- 4.6 It is imperative that should any Member suggests changes to the Terms of Reference or the above timeline, they should be mindful of:
- A decision to commence CGR is subject to the provisions of the 2007 Act; the Council must follow the process set out within the Act and any relevant guidance published to avoid risking reputational damage and/or legal challenge;
 - With reference to the LGR process, there is the risk as to the potential impact of a Section 24 direction under the 2007 Act – as such a Direction could impact upon the ability of this Council to make any decision following its service (i.e. any additional financial spend, who makes any eventual decision to make a Reorganisation Order, etc..)

5 Financial Implications

- 5.1 Costs for running CGRs are dependent upon the methods used to communicate and engage with residents and stakeholders and whether any consultancy is required to assist with process and ensure there is adequate capacity for this project.

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- 5.2 A budget of £300,000 has been allocated further to the decision taken by Full Council on 6 May 2025, to include the costs of undertaking the consultation and costs of engaging a consultant. Those costs are limited to the anticipated spend with the current financial year. Once the process has commenced (including the settlement of a consultation plan), final costs including spend in financial year 2026-27 can be determined and any further allocations of funding shall be sought at that appropriate time.
- 5.3 **Section 151 Officer's comments:** The £300,000 cost will be covered from the strategic priorities reserve but will be closely monitored as part of budget management process.
- 5.4 It is important to understand, as highlighted at paragraph 3.10, that financial viability and sustainability will be crucial when establishing new parish councils. Specifically, any asset transfer must be financially viable, with a comprehensive assessment of the full financial implications. It is essential that all stakeholders thoroughly understand these implications to ensure informed decision-making and the long-term success of the new parish councils.

6 Legal Implications

- 6.1 Section 82 of the Local Government and Public Involvement in Health Act 2007 gives this Council (being the 'principal council') the authority to undertake a CGR. This includes the power to undertake a Community Governance Review, to make recommendations as to whether or not a parish should be constituted and whether or not that parish should have a parish council, and to give effect to any recommendations made.
- 6.2 The Act requires the Council to take account of certain criteria when conducting a review, namely:
- 1 the identities and interests of the community in an area; and
 - 2 the effective and convenient governance of the area.
- 6.3 They are also advised to consider factors such as:
- 1 what impact proposed community governance arrangements might have on community cohesion; and
 - 2 whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.
- 6.4 As the legislation requires, the Council must consider a number of questions when deciding whether to recommend that a parish should be formed including:

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- 1 whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
 - 2 whether it is desirable that any area or areas of the parish should be separately represented on the Council i.e. warded
 - 3 If the principal council decides to recommend that a parish should be divided into wards, then (a) the size and boundaries of the wards, and (b) the number of councillors to be elected for each ward
- 6.5 Epsom and Ewell currently has Borough status, which means it is entitled to have a Mayor. In the absence of any parish councils within the Borough, that status is considered to be at risk. In order to preserve the historic property, privileges, rights and traditions presently enjoyed by the residents of the Borough, it may be necessary (depending on the outcome of the LGR) to establish Charter Trustees for the unparished parts of the borough with effect from 1 April 2027.
- 6.6 **Legal Officer's comments:** In order to create Parish Councils for the Borough of Epsom and Ewell, a Community Governance Review must take place, including consultation with the public and other stakeholders. The body of this report contains relevant legal considerations that members must have in mind when conducting the CGR.

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Effective Council
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** Not applicable.
- 7.4 **Sustainability Policy & Community Safety Implications:** Not applicable.
- 7.5 **Partnerships:** Not applicable.
- 7.6 **Local Government Reorganisation Implications:** In addition to the points made within the body of this report on the subject, The Statutory Guidance² for CGRs makes reference to the following, which is of limited relevance to LGR:

² "Guidance on community governance reviews", March 2010, issued by the Secretary of State and the Local Government Boundary Commission for England.

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7.7 *“...principal councils should avoid starting a community governance review if a review of district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Ideally, community governance reviews should be undertaken well in advance of such electoral reviews, so that the LGBCE in its review of local authority electoral arrangements can take into account any parish boundary changes that are made.”*

7.8 This guidance is directed at and must have regard to it but need not follow it if there is good reason for a departure. In consideration of a good reason to depart from the said Guidance, it is noted that the preceding paragraph (paragraph 28) of the Guidance refers to reviews of county or district electoral arrangement reviews arrangements by the Local Government Boundary Commission for England, ('LGBCE'), which may be affected by CGRs. The LGR is a different process. It should also be borne in mind that there is a limited window of opportunity for the Council to carry out a CGR before the LGR is concluded.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [EEBC Strategic Priorities 2025-2027, Full Council, 6 May 2025](#)

Other papers:

- Local Government and Public Involvement in Health Act 2007
- Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008
- Charter Trustees Order 2009
- “Guidance on community governance reviews”, March 2010, issued by the Secretary of State and the Local Government Boundary Commission for England.