

Report Title:	Community Governance Review – Windsor Town Council – Draft Recommendations
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Shelim, Chairman of the Community Governance Review Working Group
Meeting and Date:	Extraordinary Full Council – 2 March 2021
Responsible Officer(s):	Emma Duncan, Deputy Director of Law and Strategy and Monitoring Officer/ Karen Shepherd, Head of Governance
Wards affected:	Clewer & Dedworth East, Clewer & Dedworth West, Clewer East, Eton & Castle, Old Windsor

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REPORT SUMMARY

In July 2020 full Council approved the Terms of Reference to formally commence a Community Governance Review (CGR) to consider the formation of a town council for Windsor

A first round of consultation was held between July and October 2020 to determine the appetite for a town council in the area. Following analysis of the consultation responses, the cross-party CGR Member Working Group has drafted a set of recommendations for the formation of a Windsor Town Council for consultation, which are recommended to full Council.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That full Council notes the report and considers the recommendation of the Community Governance Review Working Group to:

- i) Approve for consultation the draft recommendations for the formation of a new town council for Windsor as detailed in Appendix A.

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

Options

Table 1: Options arising from this report

Option	Comments
Approve the draft recommendations for consultation	Consultation on the draft recommendations is the next step in the formal CGR process;
This is the recommended option	approval will allow the consultation to take place to meet the timetable for the review

Option	Comments
Modify the draft recommendations for consultation	The draft recommendations have been developed by a cross-party Member Working Group taking into account the responses to the first consultation and therefore amendments are not recommended.
Do not approve the draft recommendations for consultation.	This option would only be appropriate if the Council wishes to terminate the community governance review process. It should be noted that the Council has a duty to complete the remaining stages of the review and conclude the process within twelve months of publishing the Terms of Reference, even where it deems the existing governance arrangements for Windsor to be sufficient.

- 2.1 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
- 2.2 The CGR Working Group established to manage the CGR process comprises 5 elected members: Councillors Shelim (Chairman), Cannon (Vice Chairman) Davies, Hilton and Knowles. Supported by officers from across the council, the CGR Working Group has held ten meetings, initially to plan the first round of consultation, then to consider the consultation results and draft recommendations for a second round of consultation.

3. KEY IMPLICATIONS

- 3.1 The draft recommendations as detailed in Appendix A propose that the council is minded to consider the creation of a Windsor Town Council on the basis that the electorate and any other stakeholders remain supportive of the proposal in light of the additional detail provided regarding the potential financial impact and the possible transfer of powers and assets to a new town council. As the next step in the CGR process, a formal consultation is required to ascertain the level of support for a Town Council established under the electoral arrangements detailed in Appendix A.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consultation on draft recommendations	Consultation does not take place	Consultation takes place	N/A	N/A	March-June 2021

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The only direct financial consequences arising from the decision to carry out a second round of consultation as part of the community governance review is the cost (c. £1750) to send a consultation leaflet to all residential properties in the review area. There may be other modest expenses incurred in undertaking the consultation 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.
- 4.2 It should be noted that if the outcome of the review is in favour of creating a 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. Further details are included in Appendix A.

5. LEGAL IMPLICATIONS

- 5.1 The Council has the power to facilitate a process to review and amend existing community governance arrangements under the Local Government and Public Involvement in Health Act 2007.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
A community governance review is not conducted in accordance with the statutory framework	Medium	An appropriate consultation is undertaken on the draft recommendations.	Low

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. The contact details of individuals responding to the consultation will be processed in accordance with GDPR.

8. CONSULTATION

- 8.1 The Community Governance Review Working Group has been involved in managing all stages of the review. [Responses to the first round of consultation](#)

were considered by the Working Group at its meetings between October 2020 – February 2021.

- 8.2 All interested parties will have an opportunity to provide feedback on the draft recommendations as part of the second round of consultation.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
2 March 2021	Consideration of the Draft Recommendations
2 March – 2 June 2021	Public consultation on the Draft Recommendations Further meetings of the CGR Working Group as required, including consideration of consultation responses and drafting of final recommendations.
July 2021 (full Council date tbc)	Consideration of the Final Recommendations by full Council
	<i>If Final Recommendations include approval of the creation of a Windsor Town Council:</i>
December 2021	Reorganisation Order made
4 May 2023	Elections to Windsor Town Council

10. APPENDICES

- 10.1 This report is supported by one appendix:

- Appendix A – Community Governance Review – Windsor Town Council – Draft Recommendations

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by four background documents:

- [Guidance on community governance reviews](#), published by the Local Government Boundary Commission for England and the Department for Communities and Local Government
- The [Terms of Reference](#) of the CGR
- [Responses](#) to the first round of the consultation
- [Minutes](#) of the CGR Working Group meetings

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllrs Shelim, Cannon, Davies, Hilton and Knowles	Members of the Community Governance Review WG	11/2/21	14/2/21

Duncan Sharkey	Managing Director	2/2/21	3/2/21
Adele Taylor	Director of Resources/S151 Officer	2/2/21	9/2/21
Kevin McDaniel	Director of Children's Services	2/2/21	3/2/21
Hilary Hall	Director Adults, Commissioning and Health	2/2/21	3/2/21
Andrew Vallance	Head of Finance	2/2/21	9/2/21
Elaine Browne	Head of Law	2/2/21	9/2/21
Nikki Craig	Head of HR, Corporate Projects and IT	2/2/21	5/2/21
David Scott	Returning Officer/Electoral Registration Officer	2/2/21	9/2/21
Chris Joyce	Head of Infrastructure, Sustainability and Economic Growth	2/2/21	5/2/21

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council decision	No	No

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

COMMUNITY GOVERNANCE REVIEW WINDSOR TOWN COUNCIL

DRAFT RECOMMENDATIONS

**THESE DRAFT RECOMMENDATIONS HAVE BEEN PUBLISHED BY THE
ROYAL BOROUGH ON:**

Date tbc once approved

**REPRESENTATIONS AND COMMENTS ON THESE RECOMMENDATIONS
SHOULD BE MADE BY:**

Date tbc once approved

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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 the Terms of Reference for the review. The review area is limited to the currently unparished parts of Windsor located in and around the town centre and this specified area forms 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.

- 2.2 The intention to consider the formation of a new town council for Windsor had 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.
- 2.3 However, having approved the terms of reference at its meeting on 28 July 2020, the council took 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 committed to undertake the review as it recognised 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 & 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.
- 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 current parish for 2019/2020 and 2020/2021 is shown in Appendix 2. A new town council would be able to set its own precept and allocate this funding to projects within its defined area.

4 Revised Timetable

- 4.1 Further to publication of the terms of reference in July 2020, the original timetable for the review has been slightly revised. The draft recommendations are therefore being published in March 2021, but this has no impact on the amount of time available for the second round of consultation.
- 4.2 The revised timetable for the review is set out below in Table 1:

Table 1: - 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 - October 2020	As required
	CGRWG consideration of representations received and meetings of the CGRWG	29 October 2020 – February 2021	4 months
Stage 2	Publication of the Draft Recommendations	2 March 2021	-
	Consultation 2 on Draft Recommendations	2 March 2021 – 2 June 2021	3 months
	CGRWG consideration of representations received	2 March 2021 – 30 June 2021	4 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	-

5 Stage 1 – Consultation on Terms of Reference

- 5.1 The cross-party Member-led Community Governance Review Working Group (CGRWG) appointed for the purposes of formulating the review's Draft and Final Recommendations met ten times between August 2020 and February 2021. The Members of the Working Group are Councillors Shamsul Shelim (Chairman), David Cannon (Vice-Chairman), Neil Knowles, Karen Davies and John Story (replaced by David Hilton in December 2020.) Minutes of the meetings are available to view on the CGR [webpage](#).
- 5.2 The public consultation on the terms of reference ran from July to October 2020. The aim of the first consultation was to gauge how much public support there was for a new town council amongst people living in the review area and whether a new layer of governance would be the best way to deliver effective and convenient local government to residents. Any new governance arrangements would need to reflect the communities and identities of the people it was established to represent.
- 5.3 Section 93(3) of the Local Government and Public Involvement in Health Act requires the principal council to consult with local residents and any other third parties who might have an interest in proceedings. The primary task of the Working Group during the first stage of the review was to establish a comprehensive consultation database of stakeholders who could be consulted directly to make them aware of the process and how they could contribute their views during the consultation. With the assistance of the wider Member cohort and the relevant internal council departments, the Working Group approved a consultation stakeholder database comprising the following groups;
- Windsor primary and secondary schools across the local authority area – 30
 - Parish councils - 14 (and 1 parish meeting)
 - Local organisations / community groups / businesses / political groups – 250

- 5.4 The targeted consultation activity took place over August, September and October, where stakeholders were sent two emails from Electoral Services inviting them to take part in the consultation and pinpointing them to the webpages where the consultation resources could be accessed. As part of the wider communications strategy for raising awareness about the review amongst the electorate, references to the review and consultations were highlighted in residents' newsletters and other corporate communications including social media channels.
- 5.5 To provide clarity on what areas of discussion consultees were requested to comment on as part of the first consultation, the following questions were formulated:
- *What is the appetite for creating a new town council for Windsor? Is a parish council needed or desired?*
 - *Is there a sense of community identity in the review area and should this community be represented by its own parish council?*
 - *How could a new parish council take shape?*
 - *Should a new parish council be warded to reflect the communities that exist in the review area? If so, how should these boundaries be drawn?*
- 5.6 69 responses were received during the consultation period, broken down into the following categories:
- Four representations from existing parish councils
 - Six responses from local organisations.
 - Three responses from political parties
 - Three responses from Borough councillors.
 - Fifty-three individual responses from residents.
- 5.7 The consultation responses were published on the [community governance review webpages](#) in November 2020, with all personal information of consultees redacted.
- 5.8 Respondents to the consultation expressed a range of views about whether a new town council for Windsor would be a favourable outcome. The majority of responses expressed support for the principle of creating a new town council, and that if it came into place, the area under review should be divided into electoral divisions, known as wards. There was an emphasis among consultees that the area of west Windsor should not be separated from central Windsor and that one town council, as opposed to multiple parish councils, would be preferable. The boundaries for wards within the town council area should not be drawn to simply match the current Borough ward boundaries; there was a strong sentiment that the ward boundaries which came into effect in 2019 following the Local Government Boundary Commission's review did not effectively reflect community identities in some areas. An example would be the separation of the area known as the Boltons, located in central

Windsor, but belonging to the Old Windsor borough ward. It was felt that a fresh approach to drawing internal wards for the purposes of establishing a new parish governance tier was needed to correct the anomalies of the borough-wide electoral review.

- 5.9 It should be noted that a small number of responses questioned the benefits a new town council and an extra layer of government would bring. Some cited concerns that a new town council would simply add extra bureaucracy and costs for residents.

6. Draft Recommendations of the Working Group

- 6.1 When formulating the draft recommendations, the Working Group considered the representations received during the first consultation. The group took the decision that it was minded to support the formation of a Windsor Town Council on the basis that the electorate and any other stakeholders remained supportive of its formation once further information had been supplied about potential costs and the impact its creation would have on the local community.
- 6.2 The Working Group has considered Section 93 of the Local Government and Public Involvement in Health Act 2007 and its duty to ensure that community governance within the area under review will be:
- Reflective of the identities and interests of the community in the area and be
 - Effective and convenient.
- 6.3 The Working Group has also taken into account a number of influential factors, including:
- The impact of community governance arrangements on community cohesion and
 - The size, population and boundaries of a local community or parish.
- 6.4 In publishing its draft recommendations, the council is taking the approach of putting forward draft electoral arrangements (how the town council could be structured, e.g. number of councillors, year of first elections and warding patterns) and which powers and assets the principal council could potentially transfer to the new town council, if it were to come into being. Information regarding an illustrative precept, the powers that a town council could potentially execute and what this would mean for residents both financially and practically when receiving local services is set out as part of the draft recommendations. This information will help residents and other stakeholders to give an informed view as to whether they support the principle of a new town council as part of the second consultation process. A definitive list of powers and assets to be transferred to a new town council would be drawn up

following the review process, should the outcome of the review be that a new town council is created.

Electoral Arrangements

- 6.5 The Working Group carefully considered the views of residents and other stakeholders provided during the first consultation in relation to what electoral arrangements could best support a well-functioning town council. The group propose that one town council should be formed covering the whole of the review area and that it should be warded.
- 6.6 The group considered how many councillors should be appointed to represent the 20,500 electors resident in the review area. In order to make this decision, the group considered how parish representation worked for the Royal Borough's existing parishes and guidance issued by the National Association of Local Councils (NALC) and Aston Business School about recommended levels of representation.
- 6.7 Guidance issued by Aston Business School and NALC recommends the following levels of parish representation:

Table 2 – Aston Business School (1992)

Electors	Councillors
<500	5 – 8
501 – 2,500	6 – 12
2,501 – 10,000	9 – 16
10,0001 – 20,000	13 – 27
>20,000	12 - 32

- 6.8 Similar comparisons can be made with guidance previously issued by NALC:

Table 3 – NALC (1988)

Electors	Councillors
900	7
1400	8
2000	9
2700	10
3500	11
4400	12
5400	13
6500	14
7700	15
9000	16
10400	17
11900	18
13500	19

15200	20
17000	21
18900	22
20900	23
23000	24
Over 23000	25

- 6.9 Representation across the Royal Borough's existing parishes is varied. Horton Parish Council represents the smallest electorate (857 electors at 1 December 2020) and Sunninghill & Ascot represents the largest number of electors (9050 at 1 December 2020). Half of the parishes are warded and half of them are not. The number of councillors sitting on each parish council is also varied and depends on the demography of the area. Where parishes are warded, there is no common pattern as to the distribution of seats. Broadly speaking, they should be distributed fairly according to the size of the electorate per ward. Sunninghill & Ascot has the highest number of parish councillors with 16 available seats and is divided into three wards. The average number of electors per parish councillor across all parishes is 313.
- 6.10 In order to determine an appropriate number of councillors for the review area, the Working Group considered the ward boundaries that would need to be drawn. The twelve polling districts in the review area are the smallest building blocks for creating wards. A ward at parish level could comprise more than one polling district or a single polling district but a boundary line cannot divide an existing polling district. It is not possible for part of a polling district to belong to one electoral division and another part of the same polling district to a different division. A polling district and polling places review would be required in this instance, to reshape the boundary of the polling district, if this was desired.
- 6.11 The Working Group propose wards for the town council that would be based on the current polling district divisions. Most of the current polling districts range in size between 1800 and 2500 electors. The principle that each single polling district would form its own ward and would be represented by two councillors was applied. It is proposed to amalgamate three of the smallest polling districts to form one ward and to assign three councillors to this ward. Another polling district is kept as a single ward but assigned only one councillor. **The final outcome is the proposal that ten wards be created returning a total of 21 councillors.**
- 6.12 The review area comprises circa 20,500 local government electors and 15,000 residential properties. Table 4 below shows the distribution of seats, proposed ward boundaries and ward names. A map showing the proposed ward boundaries can be found in Appendix 1.

Table 4: Warding Pattern

WARD	POLLING DISTRICT CODE	PARISH WARD NAME	LOCAL ELECTORS (DEC 20)	LOCAL ELECTORS (DEC 25)	COUNCIL LORS	ELECTORS PER COUNCILLOR
CLEWER & DEDWORTH EAST	WCDE1	DEDWORTH MANOR	2,005	2,037	2	1003
	WCDE2	CLEWER HILL	2,150	2,184	2	1075
CLEWER & DEDWORTH WEST	WCDW1	DEDWORTH RIVERSIDE	2,257	2,293	2	1129
	WCDW3	DEDWORTH GREEN	2,044	2,077	2	1022
CLEWER EAST	WCE1	CLEWER NEW TOWN	1,805	1,834	2	903
	WCE2	SPITAL	2,056	2,089	2	1028
	WCE3	CLEWER VILLAGE	892	906	1	892
ETON & CASTLE	WEC1	TRINITY	2,881	2,927	3	960
	WEC2	CASTLE	2,047	2,080	2	1024
OLD WINDSOR & CLEWER & DEDWORTH EAST (PARTIAL)	WOW3	BOLTONS & ST LEONARD'S HILL	86	87	3	818
	WOW4		1,497	1,521		
	WCDE3		873	887		
			20,593	20,922	21	

- 6.13 The pattern proposed by the Working Group provides consistent representation across all ten polling districts, with an average of 904 electors per councillor. Whilst it is noted that the average number of electors per councillor is considerably higher than the average number of 313 electors per councillor for the Royal Borough's existing parishes, it should be borne in mind that no existing parish is of the same demographic or size of the proposed town council for Windsor. The area of the proposed Windsor town council is more than double the size of Sunninghill & Ascot Parish Council, the largest parish, and is more urban in nature.
- 6.14 The Working Group has considered when the first elections to the new town council should take place. A number of consultation participants had expressed a preference for the elections to take place as soon as possible and earlier than May 2023, the date which had been referenced in the review's Term of Reference. An alternative date of May 2021 had been suggested. It would not be possible to hold the first elections in May 2021 for logistical reasons as the review process would not conclude until the summer of 2021.

- 6.15 The Working Group considered whether elections in May 2022 would be a viable option but concluded that elections in May 2023 would be more appropriate. Section 98(6) of the Local Government and Public Involvement in Health Act 2007 allows principal councils to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 and the election rules in a reorganisation order so that the first election to a parish or town council is held in an earlier year. This might result in councillors serving either a shortened or lengthened first term, allowing the parish or town council's electoral cycle to then return to its regular cycle.
- 6.16 It is the proposal of the Working Group to recommend that the first set of elections should take place in May 2023, the next scheduled date for the combined parish and borough elections. The cost of delivering an election to a parish of the size of Windsor is estimated to be in the region of nearly £20,000. A number of costs associated with the delivery of the parish elections in 2023 will be shared, where possible, with the Borough, whereas standalone elections in 2022 would need to be met solely by the new town council. **It is proposed that the first elections to a new Windsor town council take place on 4 May 2023.**

Consequential Matters

Finance

- 6.17 Parish and town councils rely on income from a number of limited sources to finance their affairs. If a new town council were created for Windsor, the town council would be entitled to receive a portion of the Community Infrastructure Levy (CIL) currently collected by the Royal Borough for planning developments in the review area. The Royal Borough has collected £1.7 million in CIL in the unparished part of Windsor since September 2016. As the area is currently unparished, the Royal Borough retains 15% of the neighbourhood portion as a neighbourhood plan has not been adopted for the area. The amount of neighbourhood CIL that has been collected since 2016 is circa £250,000. If a neighbourhood plan is adopted, then the portion which can be retained increases to 25%. Any new town council would receive the future neighbourhood portion instead of the Royal Borough and would receive this on a six-monthly cycle dependent on when CIL monies from developments are received.
- 6.18 The local planning authority determines how Section 106 monies is to be spent. Parish and town councils are consulted as part of the process of determining the allocation of Section 106 monies when the Royal Borough negotiates funding with developers.

- 6.19 Residents who are represented by a parish or town council pay a percentage of their council tax bill to the parish for the delivery of services. The precept is the main source of income for parish councils. This amount is known as the precept. Residents are not able to opt out of paying the precept.
- 6.20 In unparished areas residents pay an additional precept for various services that would otherwise be provided by a parish council but are provided by the Royal Borough. Residents in the review area currently pay £34.31 (Band D equivalent) as their precept. This amount is included in the Royal Borough's Special Area Expenses (SAE) account. The amount of the SAE which can be apportioned to the currently unparished area of Windsor is £469,000. The services funded by the SAE account include allotments (1%), street and footway lighting (25%), and recreation grounds and open spaces (74%). If a new town council were established, the Borough would no longer receive funding of £469,000 currently collected through the SAE. However, it would continue to be responsible for, and incur the costs of, the services currently provided by the SAE.
- 6.21 If a new town council were established, the amount that residents would be required to pay could be considerably more than the current £34.31 paid to the Royal Borough. As parish councils do not receive money from central government as principal councils do, they are reliant on income raised through the precept. The precept for a new town council would not only reflect the delivery of services but would also need to reflect the running costs of the town council; overheads which are currently covered by the borough council. These costs are likely to include office accommodation costs (rates, rents, overheads), and administration (employment of a town clerk and other staff, HR and IT requirements).
- 6.22 The current precepted amounts for comparable parish (town) councils in Berkshire are set out in Table 5 for comparative purposes:

Table 5 – Parish (Town) council precepts in Berkshire

Parish	Precept (Band D equivalent)
Wokingham	£57
Sandhurst	£75
Earley	£81
Newbury	£86
Bracknell	£88
Woodley	£112

- 6.23 If the outcome of the review is that a new town council should be formed, the Royal Borough would be required to set the parish precept for the first year of the parish's existence, as at this point no town councillors would have been elected. **Whilst it is not possible to set an exact, prospective precept at this stage, it is anticipated that the precept could be similar to those in**

Table 5 but would be dependent on the scope of services included within its remit. This could mean that residents in the review area would be paying a greater amount than they currently pay, potentially even double.

- 6.24 The average precept of the fourteen parish councils within the Royal Borough is £51.96. The lowest is set at £31 and the highest at £99.74. (See Appendix 2 for further details)
- 6.25 The new town council would set its own precept in the subsequent years. It is important to note that parish councils are not currently subject to the capping rules that principal councils must adhere to; this means that potentially the precept could increase in later years.

Powers and Assets

- 6.26 Parish councils are potentially able to take on a wide range of powers that relate to local matters including looking after community buildings, maintaining allotments, play areas and open spaces and street lighting, as a few examples. The Royal Borough's existing parishes deliver a range of services which have been established over time.
- 6.27 The creation of new town and parish councils adds an additional tier of local government but does not rescind the powers of the principal council and its relationship with electors who are served by a parish or town council. In the event that a new town council for Windsor is created, the significant majority of services that residents receive will continue to be delivered directly by the Royal Borough. The new town council and the Royal Borough should work collaboratively to deliver services to residents.
- 6.28 The chairman of a new town council for Windsor may wish to call themselves the mayor or mayoress of the town, a practice which is common for other town councils such as Eton Town Council. It should be noted however, that the mayor of a Windsor Town Council would not replace the Mayor of the Royal Borough of Windsor and Maidenhead for residents in Windsor. The Royal Borough's Mayor would retain the civic and ceremonial duties they currently hold.
- 6.29 The role of parish or town councillor is one of considerable responsibility and is a serious undertaking. Those elected to the office of parish or town councillor have a statutory duty to represent the best interests of the electorate they serve during their term of office. Those elected to the 21 (proposed) available seats for a new Windsor town council could have responsibility for a budget of circa £1 million for each financial year. Town

councillors will be bound by a code of conduct and will be accountable to the Borough's Monitoring Officer, providing a layer of independent scrutiny much in the same way as for Borough councillors.

- 6.30 As this community governance review concerns the creation of a brand-new town council where no parish governance currently exists, it is proposed that a limited number of powers are transferred for the council's first year of operation. Over time, once individuals have been elected to sit on the council and the town council has established itself the town council could undertake additional duties if the principal council agrees to discharge these functions. The system of negotiating the ongoing relationship between principal and parish councils and the delivery of local services is a well-established process and is standard practice in the creation of new town and parish councils. There is no requirement on either council to accept any further changes.
- 6.31 When establishing a new town council, it should be noted that the precept is based on the potential transfer of functions currently provided for in the Special Area Expenses account and any costs associated with staffing, accommodation and other overheads. If it were agreed that a town council was to be established, significant further work by the borough would be required to determine which services would be appropriate for transfer in the first year and these would not necessarily be those currently covered by the SAE. It should be noted that the majority of key services and those which are statutory functions would remain the responsibility of the principal council.
- 6.32 The delivery of waste services, highways, parking and street-cleansing, all within scope to be potentially delivered by a town council, are interlinked with other services delivered by the Royal Borough that collectively form the organisation's wider strategic vision such as the climate change and sustainability strategy. It would not be desirable for the Royal Borough to hand over the delivery of those services when they form an essential part of the corporate agenda.
- 6.33 The three paragraphs below provide further detail on the services currently delivered by the Borough under the SAE.
- 6.34 Regulation 9 of The Local Government (Parishes and Parish Councils)(England) Regulations 2008 provides that land held or vested in a principal council for purposes of the Allotments Acts 1908 to 1950 in an area constituted as a parish by a reorganisation order shall on the date of the order, transfer to and be vested in the parish council. There are eight allotments located in the vicinity of the review area. A voluntary group, Windsor Allotment and Home Gardens Associations currently operates allotments in the Windsor area on behalf of the Royal Borough. It may be appropriate to make amendments to the existing leases in place between the Royal Borough and the freeholder, should management and strategic

oversight of allotments be transferred to the town council. It should be borne in mind that the costs of maintaining allotments would need to be met through money raised by the precept.

- 6.35 There are thirty-two parks in the review area, ranging in size, which collectively cost £582,519 for the Royal Borough to maintain through contract with the service provider Tivoli. In other areas of the Borough, parish councils might have responsibility for managing small parks and play areas. Should the new town council wish to assume responsibility for managing any of the parks in the review area, each asset would need to be considered on an individual basis. The maintenance costs for parks and open spaces would be met through money raised by the precept.
- 6.36 The number of streetlights in the Windsor and Eton area is 4,775. The cost of maintaining these assets which includes electrical testing and emergency call outs where needed is approximately £51,000. There is no precedent for existing parish councils in the Borough to take on the management of streetlighting. Further, it is important to note that the delivery of streetlighting is a service area integral to the wider climate change and sustainability strategy and it may therefore not be desirable for the Royal Borough to discharge responsibility of this function from the perspective of the Highway Authority.
- 6.37 In the event that a new town council came into being, the new body would be required to appoint a Proper Officer and a Responsible Financial Officer. In practice, the parish clerk often assumes both of these statutory positions but there is no legal requirement to do so. As a bare minimum, a salary for the parish clerk would need to be reflected in the calculation of the precept. A number of other officer posts may be considered as desirable to support the clerk, especially given the size of the town council area. The funding of all possible salaries and associated costs of the town council functioning as an employer (e.g. HR and IT costs) would need to be reflected in the calculation of the precept.
- 6.38 The costs of office accommodation also need to be factored into the calculation of a precept. Office space in Windsor currently costs between £30 and £38 per square foot and is dependent on the quality of the accommodation. As a minimum, the town council will require office space so that the clerk can carry out their duties but it should also be acknowledged that larger premises will be required for conducting council meetings.

7 Summary of Draft Recommendations

- 7.1 In summary, the council is minded to support the formation of a new town council for Windsor on the basis that the electorate and any other stakeholders remain supportive of the proposal in light of the additional detail

provided regarding the potential financial impact and the possible transfer of powers and assets to a new town council, established as below:

Table 6: A Windsor Town council

Electoral arrangements	• 1 town council comprising the twelve polling districts as defined in the terms of reference's review area. • 21 elected representatives • 10 wards of the parish • First elections to the town council to be held on 4 May 2023
Powers	The town council would be responsible for the delivery of the following services: • Allotments • Others to be determined
Finance	The following aspects would need to be funded through the precept: • Maintenance of allotments • Appointment of staff and employer oncosts • Office and meeting room accommodation costs The precept would be at least the current level that properties pay towards the special area account (£34.31) but could be more in the first year. The amount in following years could be increased and would be determined by the town council.

8 Next Steps

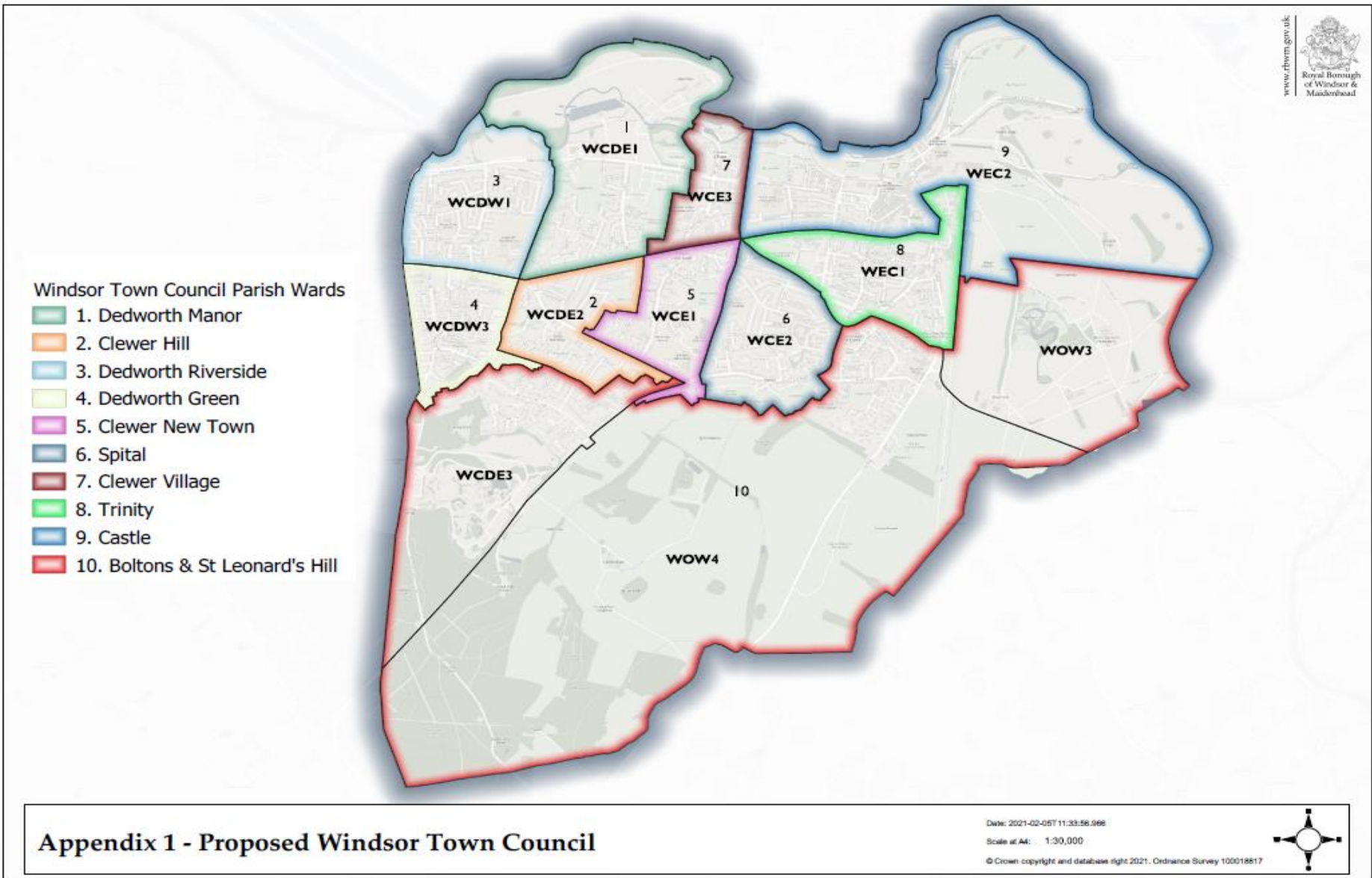
- 8.1 The council would like to hear the views of residents and any other interested parties on its draft recommendations.
- 8.2 A period of public consultation will open from 2 March until 2 June 2021. Residents may submit their views to the council in a number of ways:
 - Write to us at Electoral Services, Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.
 - Email us at Electoral.Registration@rbwm.gov.uk
 - Complete the [questionnaire](#)
 - Drop-off hard copy responses to Windsor library for onward delivery to the Town Hall.
- 8.3 As for the first consultation, the council will be consulting directly with a number of community groups. In addition to the individuals and groups who form the consultee database used for the first consultation, the council will be

consulting directly with everyone who submitted comments and representations during the first round of consultation in autumn 2020.

- 8.4 Every residential property in the review area will receive an information leaflet about the review. The leaflet will provide background to the review process, summarise the draft recommendations of the council and explain how residents can get involved and participate in the consultation. A copy of the leaflet is provided in Appendix 3.
- 8.5 An advert will be placed in a local newspaper at the start of the consultation period to raise awareness about the review and to encourage local people and any other interested parties to engage in the process.

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Appendix 1 – Proposed Windsor Town Council



Appendix 2 – 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



Have your say

We would like to hear your views on our draft recommendations.

Full details about the draft recommendations can be viewed on our webpages:
<https://www.rbwm.gov.uk/home/council-and-democracy/elections-and-voting/community-governance-reviews>.

We would like to hear your views in respect of the following questions:

- Do you believe the creation of a Windsor Town Council as set out in our draft recommendations delivers effective and convenient local government for the residents of Windsor? Please explain why.
- Do you support the creation of a Windsor Town Council under the electoral arrangements set out in our draft recommendations? If not, what alternative electoral arrangements would you suggest?
- Do you support the creation of a Windsor Town Council as an additional layer of local government or do you believe the existing governance arrangements and representation for residents is sufficient. Please provide reasons to substantiate your view?

We would also welcome any other comments on the content of our draft recommendations.

How to respond

You can submit your views to the council in a number of ways. We will be accepting responses until **Wednesday 2 June 2021**.

- Write to us at Electoral Services, Royal Borough of Windsor & Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.
- Email us at Electoral.Registration@rbwm.gov.uk
- Complete the online questionnaire at <https://www.rbwm.gov.uk/home/council-and-democracy/elections-and-voting/community-governance-reviews>.
- Drop-off hard copy responses to Windsor Library.

Consultation deadline is
Wednesday 2 June 2021



Have your say

Public Consultation into the creation of a Windsor Town Council

We are running a community governance review to look at the issue of whether a new town council should be created to serve the people of Windsor. As a resident of Windsor, we would like to hear your views on the draft proposals before we make any final decision about whether or not a new town council for Windsor should be created.

What is a community governance review?

Community governance reviews consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. They might address the following:

- Altering the boundaries of existing parishes
- Changing the names of existing parishes
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (such as the number of councillors and parish warding).

Why is a community governance review taking place?

The council has been asked to consider creating a new town council for Windsor because of interest from members of the local community. An e-petition calling for the local authority to undertake a community governance review was started in September 2019 and was led by a group of residents.

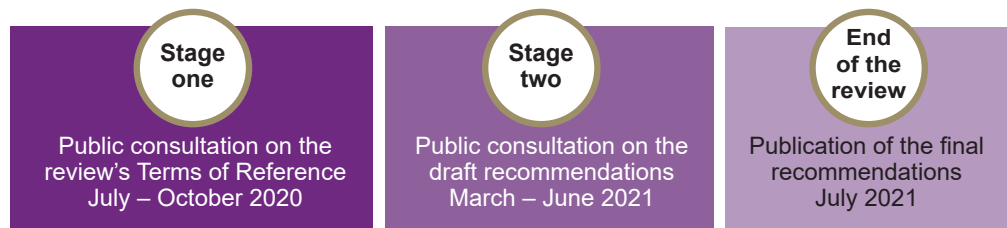
The e-petition was not formally submitted but the council committed to undertake a community governance review. The review formally started in July 2020, following publication of the Terms of Reference.

What is the aim of the community governance review?

The aim of the community governance review is to decide whether a new town council, to be called Windsor Town Council, should be created.

How is the review being run?

The community governance review takes place over the course of a year and is divided into distinct stages of activity. The decision on whether a new town council should be created rests with the Royal Borough. We have a duty to consult with residents and any other parties who might be interested in the review and to take their views into account when making the decision.



What is the difference between a town and parish council?

A town council has the same powers as a parish council – the title of town council tends to be used in urban areas. We already have one town council in the borough which is Eton Town Council. Elections to town and parish councils are held every four years.

What are the benefits of having a town council?

Town councils are an essential part of the structure of local democracy and have a vital role in acting on behalf of the communities they represent. They:

- Give views on behalf of the community, on planning applications and other proposals that affect the parish.
- Undertake projects and schemes that benefit residents.
- Work in partnership with other bodies to achieve benefits for the parish.
- Alert relevant authorities to problems that arise or work that needs to be undertaken.
- Help the other tiers of local government keep in touch with their local communities.

How would local government work in Windsor if it had a town council?

Until now, Windsor residents have not had a town or parish council(s) because they are represented by the Royal Borough of Windsor & Maidenhead and a Windsor Town Forum meeting takes place. However, some residents in Windsor have expressed a wish to have their own separate town council to operate at parish level.

A new town council would provide an additional tier of local government for the residents of Windsor; it would not replace the Royal Borough of Windsor & Maidenhead as a local authority. Most services would continue to be delivered by the Royal Borough.

At this stage it is not possible to specify exactly what local services the town council would manage or what level of council tax precept residents would be charged.

How would a town council for Windsor be funded?

Town councils rely on income from a number of limited sources to finance their affairs. The precept is the main source of income for town councils. Residents who are represented by a town council pay a percentage of their council tax bill to the parish for the delivery of services. Residents are not able to opt out of paying the precept.

The precept for a new town council would reflect the delivery of services and the running costs of the town council - overheads which are currently covered by the Royal Borough. These costs are likely to include office accommodation costs (rates, rents, overheads etc.) and administration (employment of a town clerk and other staff, HR and IT requirements etc.). The precept for the town council would be set by the Royal Borough for its first year but in subsequent years it would be set by the town council.

What powers and duties would a town council undertake?

Town councils are potentially able to take on a wide range of powers that relate to local matters, including looking after community buildings, maintaining allotments, play areas and open spaces, and street lighting, as a few examples. The Royal Borough's existing parishes deliver a range of services which have been established over time. As this review concerns the creation of a brand-new town council where no parish governance currently exists, it is proposed that a limited number of powers are transferred for the council's first year of operation.

Over time, once individuals have been elected and the town council has established itself, it could take on additional duties if the Royal Borough agrees to discharge these functions.

What are our draft recommendations?

The table below shows our draft recommendations regarding the electoral and financial arrangements, and the transfer of powers and assets, of the new town council.

Draft recommendations for new Windsor town council	
Electoral arrangements	• One town council comprising the twelve polling districts as defined in the term of reference's review area. • 21 elected representatives • 10 wards of the parish • First elections to the town council to be held on 4 May 2023
Powers	The town council would be responsible for the delivery of the following services: • Allotments • Others to be determined
Finance	The following aspects would need to be funded through the precept: • Maintenance of allotments • Appointment of staff and employer oncosts • Office and meeting room accommodation costs The precept would be at least the current level that properties pay towards the special area account (£34.31) but could be more in the first year. The amount in following years could be increased and would be determined by the town council.