

Wiltshire Council

Electoral Review Committee

24 March 2020

Community Governance Review 2019/20 – Draft Recommendations

Purpose

1. To prepare provisional draft recommendations for the areas included in the Community Governance Review.

Background

2. A Community Governance Review is a process wherein a principal authority can adjust the governance arrangements of parishes within its council area. This can include amending the number of councillors or wards, the external boundaries, or even the creation/merger/abolition/grouping of entire parishes.
3. The Electoral Review Committee (“The Committee”) has delegated authority from Full Council to oversee any review process in accordance with paragraphs 2.10.7-2.10.9 of Part 3B of the Wiltshire Council Constitution. This would include setting the scope for any review, its methodology, timescales, and preparing recommendations for consideration by Full Council.
4. Following a pre-review period of communication with parishes, and in response to requests and a petition, the Committee at its meeting on 31 October 2019 published terms of reference for a Community Governance Review to begin on 1 November 2019 (“The Review”). The timetable for the Review within the terms of reference was updated by the Director of Legal, Electoral and Registration Services under delegated authority granted by the Committee, in February 2020. The terms of reference are included at **Appendix A**.
5. The parishes included within the Review were: Chippenham, Chippenham Without, Hilperton, Huish, Kington St Michael, Lacock, Langley Burrell Without, Manningford, Melksham, Melksham Without, Netherhampton, North Bradley, Pewsey, Salisbury, Seend, Southwick, Trowbridge, West Ashton, Wilcot, Woodborough and Yatton Keynell.
6. During Stage One of the Review additional proposals for the areas set out in Paragraph 5 were sought. During Stage Two the Committee undertook pre-consultation information gathering. This included:
 - Notes of sessions between representatives of the Committee and affected unitary members and parishes on 4,5,10,11 and 18 December 2019.
 - Public meetings on 20, 22 January and 5,14 February 2020
 - A physical and online survey of those potentially impacted by proposals, with 522 responses validly received.
 - Details of emailed representations

7. A workshop was held for Committee members on 5 March 2020 to receive details of the gathered information and public representations received. An updated version of that information pack compiling the relevant materials, including session notes, proposal details, parish council responses and public representations by email, post or online survey, has been included as a background paper to this report at **Appendix B**. Except where providing the formal response of a body or group, responses have been anonymised.

Main Considerations

8. The Committee is required to prepare draft recommendations for each area of the Review for appropriate public consultation. This is scheduled to take place between 27 April 2020 to 1 June 2020. Public meetings have been arranged within this period. The Committee will also need to consider how it wishes to consult in that period.
9. Following any consultation, the Committee will consider any responses and determine whether it wishes to amend its recommendations and/or undertake further consultation, or to prepare final recommendations for consideration by Full Council. Full Council will be meeting in July 2020 and September 2020 as necessary.

Statutory Criteria

10. In preparing draft recommendations the Committee must take account of the statutory criteria for reviews and the need to secure that community governance within the areas under review:
 - Reflects the identities and interests of the community in that area, and
 - Is effective and convenient
11. Council tax precept levels would not be a valid criteria to approve or disapprove of a proposal.

Electorate Forecasting

12. The guidance on Community Governance Reviews has been included as a background paper. That guidance makes clear that the principal council '*must also consider any change in the number or distribution of electors which is likely to occur in the period of five years beginning with the day when the review starts*'. Therefore, the Committee is required to consider the likely position of these factors as they would exist by 2024.
13. The guidance further states that '*planning assumptions and likely growth within the area, based on planning permissions granted, local plans or, where they are in place, local development frameworks, should be used to project an accurate five-year electorate forecast. This ensures that the review does not simply reflect a single moment, but takes account of expected population movements in the short to medium term*'.
14. The Council has utilised electorate projections as utilised by the Local Government Boundary Commission for England for the Electoral Review of Wiltshire Council, the Order for which is due to receive parliamentary approval on 16 March 2020. Where

appropriate the figures have been updated in relation to housing projections for development sites.

15. It should be noted that on 25 February 2020 the Wiltshire Housing Sites Allocation Plan was adopted by Full Council.

Neighbourhood Plans

16. During the Review several comments were received relating to Neighbourhood Development Plans (NDP) and how these might impact a Community Governance Review. However, NDPs are a distinct process from such reviews. An adopted NDP would remain in place and enforced for the designated area even if some or all of that land becomes part of a different parish, though parishes could withdraw or amend a plan through the same statutory processes being repeated. Therefore, the presence of an NDP or soon to be adopted NDP would not place restriction on a proposed governance change.

Unitary boundaries

17. The changes imposed by the recent Electoral Review of Wiltshire Council Division boundaries would be a relevant factor to consider in relation to effective and convenient local governance, though the split of a parish between divisions would not mandate a review make an adjustment as a result.
18. However, where the Local Government Boundary Commission for England made consequential changes to parish arrangements when implementing the changes to divisions, they would need to consent to any further proposed change to that parish's arrangements within the next five years. Therefore, consideration would need to be given to the likelihood of consent being granted.
19. In particular, if a parish is proposed to split between electoral divisions a ward would need to be established. The LG BCE have confirmed that a minimum of 75 electors would need to be projected to be in any such ward by the May 2021 local elections to be created.
20. Where a ward could not be created, consideration would need to be given to whether the LG BCE would consent to amend the division boundary itself.

Next Steps

21. Considering the guidance and all the information provided, the Committee will need to make provisional draft recommendations and reasoning for each parish area included within the Review.
22. The Committee may include at this time details of any necessary or recommended consequential matters to accompany that recommendation, for example warding arrangements, or confirm such details and reasoning when confirming its draft recommendations at its next meeting.

Safeguarding Implications

23. There are no safeguarding implications.

Public Health Implications

24. There are no public health implications.

Procurement Implications

25. There are no procurement implications.

Equalities Implications

26. There are no equalities implications.

Environmental Implications

27. There are no environmental implications.

Financial Implications

28. Consulting on the draft recommendations will incur additional resources, in particular in relation to the cost of physically mailing those affected in certain areas if appropriate.

Legal Implications

29. The Local Government and Public Involvement in Health Act 2007 gives the Council the power to undertake CGRs and sets out the criteria for such reviews. There is also statutory guidance on the conduct of such reviews that the Council would have to comply with.

Risks

30. A failure to consult appropriately or provide appropriate reasoning for any decision to change governance arrangements would be potentially vulnerable to challenge.

Options

31. The Committee may recommend changes to any aspect of the governance arrangements of a parish or area subject to review. This includes recommending changes which have not been suggested by any parish, group or individual at this stage, if the Committee considers it appropriate. It may also recommend that no changes are made.

32. Where recommending the transfer of an area from one parish to another, or merger or parishes, any recommendation consulted upon would need to include details of consequential matters such as the warding arrangements of the parish(es) in question.

33. If recommending a change which would split a parish between unitary divisions, the Committee may also recommend requesting that the LGBCE amend those divisions to be coterminous with the parishes, if appropriate. It would need to consult upon such a request as well as the parish level change.

Proposal

34. That the Committee make provisional draft recommendations for each area of the Review, and to delegate to the Director of Legal, Electoral and Registration Services in consultation with the Chairman, the preparation of a detailed draft recommendations document to be consulted upon, for consideration at the next meeting of the Committee.

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Appendices

Appendix A – Updated Terms of Reference

Appendix B – CGR Information Pack (including electorate forecasts, proposals and consultation responses)

Background Papers

[Guidance on Community Governance Reviews](#)

[Terms of Reference of the Electoral Review Committee](#)