

AGENDA

Meeting: Electoral Review Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 28 September 2022

Time: 1.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Ian Blair-Pilling (Chairman)
Cllr Gavin Grant (Vice-Chairman)
Cllr Allison Bucknell
Cllr Ernie Clark
Cllr Jacqui Lay

Cllr Ian McLennan
Cllr Ashley O'Neill
Cllr Paul Oatway QPM
Cllr Ian Thorn
Cllr Stuart Wheeler

Substitutes:

Cllr Adrian Foster
Cllr Peter Hutton
Cllr Nic Puntis

Cllr Ricky Rogers
Cllr Derek Walters

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve and sign the minutes of the meeting held on 8 August 2022.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item.

Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 21 September 2022 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 23 September 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Community Governance Review 2021/22** (Pages 9 - 16)

To receive a report from the Director, Legal and Governance.

7 **Community Governance Review 2022/23**

To receive a verbal update on the Community Governance Review.

8 **Date of the Next Meeting**

To confirm the date of the next meeting as 21 December 2022.

9 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

Electoral Review Committee

MINUTES OF THE ELECTORAL REVIEW COMMITTEE MEETING HELD ON 8 AUGUST 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ian Blair-Pilling (Chairman), Cllr Gavin Grant (Vice-Chairman), Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Jacqui Lay, Cllr Ian McLennan, Cllr Ashley O'Neill and Cllr Paul Oatway QPM

Also Present:

Cllr Derek Walters and Cllr Martin Smith

29 **Apologies**

Apologies were received from:

- Cllr Ian Thorn

It was also noted that Cllr Stuart Wheeler had joined the meeting remotely and would need to leave before the end, therefore he did not take part in a vote on any motions.

30 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 5 July 2022 were presented, it was,

Resolved:

To approve and sign the minutes as a true and correct record.

31 **Declarations of Interest**

Cllr Gavin Grant noted that as he was also a member of Malmesbury Town Council and the Malmesbury Deputy Mayor, he would not take part in the discussion or vote during consideration of the Malmesbury and surrounding proposals, in his capacity as a Committee Member, but instead would speak and if appropriate answer any factual questions in his role as a Malmesbury Town Councillor.

32 **Chairman's Announcements**

There were no announcements.

33 **Public Participation**

No questions or statements had been received within the timeframe set out in the agenda.

The Chairman noted that public speakers would be invited to address the Sub-Committee at the start of each agenda item.

34 **Community Governance Review 2021/22**

Public Participation

Roger Budgen spoke on behalf of St Paul Malmesbury without Parish Council

David Briggs spoke on behalf of St Paul Malmesbury without Parish Council

Cllr Gavin Grant and Cllr Martin Smith also summarised their proposal regarding the boundary between Malmesbury and St Paul Malmesbury Without, and updated the Committee on the outcome of discussions held between the joint Malmesbury Town and St Paul Malmesbury without Parish Council working group which had not been able to reach a consensus.

Following a summary of the process to date and an update on received responses and submissions, the Committee considered and discussed the additional proposals as detailed in the report.

A proposal from Brokenborough Parish Council, regarding a change to the proposed boundary line around Hyam Farm was also discussed.

Brokenborough

The Committee discussed the reason behind the request, to consolidate the associated buildings and land of Hyam Farm together within one single parish, that being Brokenborough parish due to a historic connection and an access route.

The committee agreed to remain with its earlier recommendation to use the water course as the boundary line, as it was felt this was unlikely to change over time, whereas a farm and its associated land and buildings may be divided up in the future.

The Committee determined to confirm the part of Draft Recommendation 8 which related to Brokenborough.

Malmesbury Boundary Review

The Committee discussed the amended proposal submitted by Malmesbury Town Council (MTC) for a change to the boundary line to the south of Malmesbury Town and the separate proposal jointly submitted by Councillors Martin Smith and Gavin Grant, which included a smaller residential area to the south of the town and an industrial area containing an Aldi and a Garden Centre, to the north.

The Committee considered the reasoning provided by those making submissions against the statutory criteria. They also noted previous consultation responses from residents living in the areas in question and noted that almost all were in objection to a transfer into the town. They noted the many comments received regarding residents being well served by the governance arrangements provided by the parish council.

The committee determined to cease any further consideration of a boundary review for Malmesbury and concluded that the extensive work and the consultations already carried out, had not been able to reach a solution which would improve community cohesion or local governance, and accordingly withdrew its initial draft recommendation for the area.

Malmesbury Town Warding

The Committee discussed its previous proposal to amend the warding for Malmesbury Town, noting that the Town Council had been in support of increasing the warding to create a more even distribution, when considered as part of the earlier boundary review proposals.

The Committee determined to recommend an increase from two to four wards for the town with a total of 17 councillors and noted that further consultation would be required on the minor change to the ward boundaries before being determined at the next meeting.

Malmesbury St Paul without – un-warding

The Committee discussed the original request made by St Paul Malmesbury Without parish council, to remove the warding and retain 12 councillors.

The Committee determined to recommend that Malmesbury St Paul without be un-warded and have 12 councillors.

It was;

Resolved

- 1) To confirm that Council be proposed to approve the warding for Derry Hill & Studley.**
- 2) For a further additional consultation to take place on the warding of Malmesbury Town.**
- 3) To delegate to the Director, Legal and Governance, in consultation with the Chairman, the preparation of a detailed Final Recommendations document for consideration by Full Council**

35 **Date of the Next Meeting**

The date of the next meeting was confirmed as 28 September 2022.

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 9:30 – 11:05am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114 or email communications@wiltshire.gov.uk

Wiltshire Council

Electoral Review Committee

28 September 2022

Community Governance Review 2021/22 – Consultation on Second Additional Draft Recommendations

Purpose

1. To consider responses to the consultation on the Second Additional Draft Recommendations of the Committee in relation to Malmesbury and Calne Without (Derry Hill & Studley).
2. To determine whether to confirm that Draft Recommendation to Full Council, consult upon an amended Draft Recommendation, or take no further action.

Background

3. 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.
4. 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 includes setting the scope for any review, its methodology, timescales, and preparing recommendations for consideration by Full Council.
5. On 21 September 2021 the Electoral Review Committee published terms of reference for a Community Governance Review to begin on 22 September 2022 (“The Review”). The timetable for the Review within the terms of reference has been updated by the Director of Legal and Governance under delegated authority granted by the Committee, during the course of the review.
6. In preparing any recommendations and making any decision the Committee and Full Council must take account of the statutory criteria for reviews and the need to ensure that community governance within the areas under review:
 - Reflects the identities and interests of the community in that area, and
 - Is effective and convenient.
7. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

Main Considerations

Progress of the Review to Date

8. During Stage One of the Review additional proposals were sought for the areas under review. During Stage Two the Committee undertook pre-consultation information gathering. This included notes of sessions with unitary members and parish councils, from public meetings, emailed representations and over 300 responses to an online survey.
9. The Committee considered all the relevant information, and agreed Draft Recommendations to be consulted upon at its meeting on 8 February 2022.
10. A consultation was therefore held from 18 March 2022 – 5 May 2022. A public meeting was held on 21 April in Malmesbury and in Calne Town on 5 April 2022.
11. At its meeting on 31 May 2022 the Committee considered all the relevant information responding to the Draft Recommendations. This included parish council session notes, public meeting notes, and details of parish and public representations, including over 229 online survey responses across all areas.
12. At that meeting the Committee confirmed some of its recommendations and made some proposed changes for others in relation to Calne Without and some surrounding parishes. As it is a requirement that any option resolved by Full Council must be consulted upon, the Committee agreed to undertake a consultation on Additional Draft Recommendations where the original proposals had been slightly amended
13. The Committee also resolved at that meeting to defer confirmation of the next steps in relation to Malmesbury and St Paul Malmesbury Without pending discussions between the two parish councils to determine if they felt agreement could be reached on a proposal for additional consultation. Such an agreement would not in itself mean the Committee or Full Council would agree with such a proposal as meeting the statutory criteria.
14. An online consultation was therefore held from 7 June 2022 – 28 June 2022 on the amended proposals relating to Calne Without and its surrounding areas.
15. The Committee met again on 5 July 2022. 24 responses were received on the online consultation portal during the consultation period. It was acknowledged that the level of responses to the latest consultation was quite low. It was noted, however, that the pre-consultation was carried out via the same method and received 85 responses relating to Calne Without and surrounding. The Committee had then written to all residents of Calne Without and received 47 responses during the initial consultation. The additional consultation was the third engagement exercise conducted for Calne Without within 6 months, and the fifth within the last 2 years. It was therefore the case that significant and extended consultation on various options have been considered at various stages.
16. At its meeting on 5 July 2022 the Committee agreed to make a very minor adjustment to its recommendation relating to warding in the revised parish of Calne Without, to be

renamed Derry Hill & Studley. This would require a further consultation. In relation to recommendations around Malmesbury/St Paul Malmesbury Without and surrounding parishes, these were deferred further.

17. The Committee then met on 8 August 2022. At that meeting it was agreed to consult upon a new option for Malmesbury Town only, to introduce further warding arrangements. This too would need to be subject to consultation.

Second Additional Draft Recommendations Consultation

18. An online consultation was subsequently held from 15 August 2022 – 16 September 2022. The Second Additional Draft Recommendations Document is included with the background papers.
19. The consultation included a briefing note, press releases, and communication to affected parish councils. This was the same methodology which had led to 200+ responses during pre-consultation surveying. However, due to the limited nature of the recommendations, far fewer residents would be affected.
20. Only 2 further responses were received to the latest consultation, which was the fourth engagement exercise relating to Calne Without within 7 months, and the third to involve Malmesbury, which demonstrates the extensive efforts to engage with local residents.
21. 1 response was in relation to the warding proposal for Malmesbury Town and was in agreement.
22. The other response was from Calne Without Parish Council. This was also in agreement. It stated that the Parish council '*would like to acknowledge the inclusion of most of our suggested amendments in this recommendation*'.

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 and Climate Change Implications

27. There are no environmental implications.

Workforce Implications

28. There are no workforce implications.

Financial Implications

29. There are no financial implications.

Legal Implications

30. 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

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

Options

32. As noted above the Committee may confirm its remaining draft recommendations for consideration by Full Council, it may remove some recommendations and refer the remainder to Full Council for consideration, or it may amend its recommendations. If amending its recommendations, the Committee would need to undertake additional consultation before Full Council could consider approving those recommendations.

Proposal

33. That the Committee consider the responses to the Draft Recommendations consultation.

34. To delegate to the Director, Legal and Governance, after consultation with the Chairman, the preparation of a detailed Final Recommendations or Additional Draft Recommendations document, as appropriate, for either consideration by Full Council or an additional consultation respectively, with dates to be determined by the Director.

Perry Holmes – Director, Legal and Governance

Report Author: Kieran Elliott, Democracy Manager (Democratic Services), 01225 718504, kieran.elliott@wiltshire.gov.uk

Appendices

Appendix A – Second Additional Draft Recommendations Summary

Appendix B – Responses

Background Papers

[Terms of reference of the Community Governance Review](#)

[Pre-consultation information pack](#)

[Draft Recommendations](#)

[Responses to Draft Recommendations](#)

[First Additional Draft Recommendations](#)

[Responses to First Additional Draft Recommendations](#)

[Guidance on Community Governance Reviews](#)

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

Appendix A – Summary of Second Additional Draft Recommendations Consulted Upon

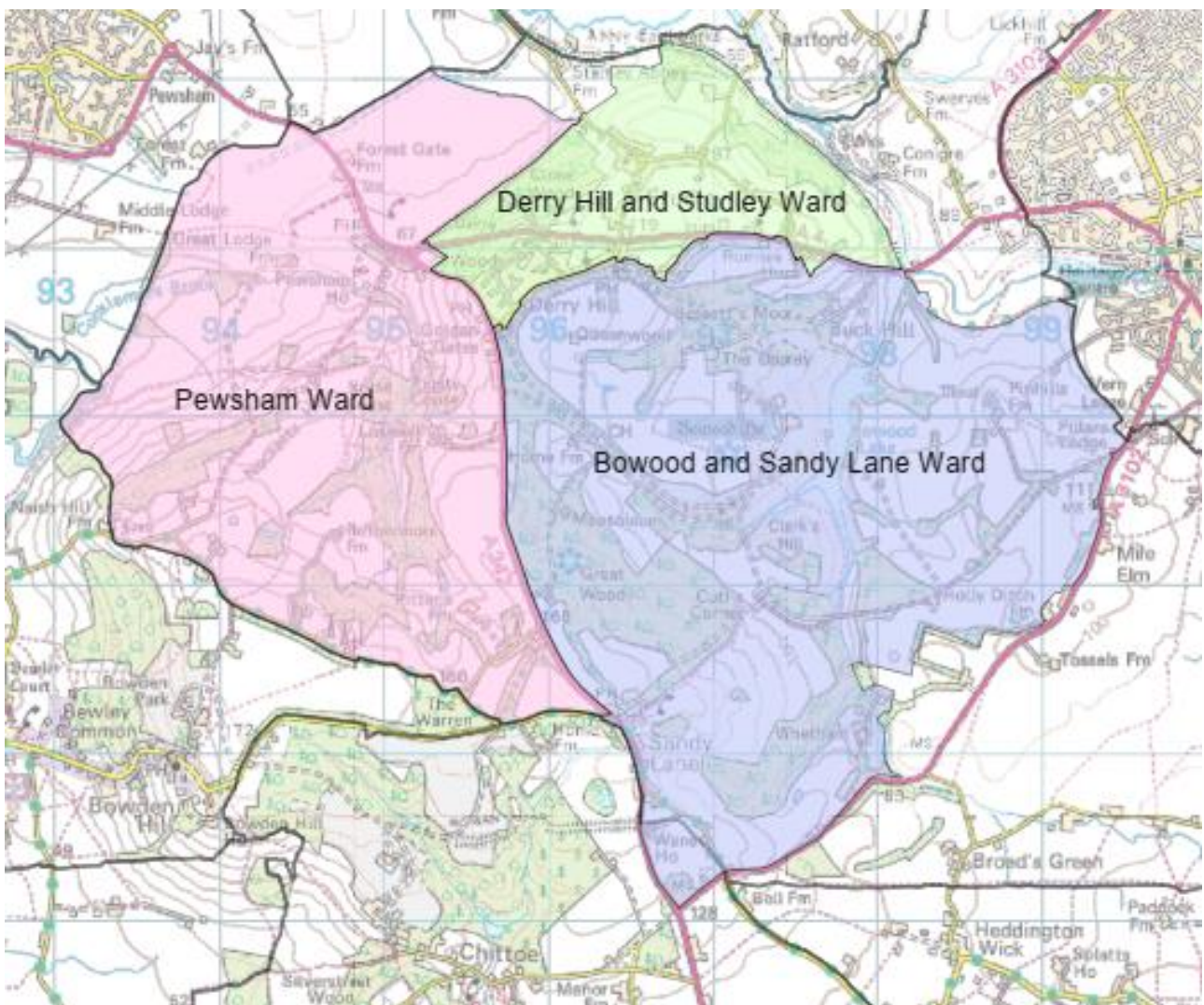
Recommendation 7

7.3 That the renamed parish of Derry Hill & Studley contain Eleven councillors across three wards: 1) Pewsham 2) Derry Hill & Studley 3) Bowood and Sandy Lane, as set out in the map below.

Reasons: Paragraphs 54, 58, 59, 63, 73, 74, 80, 83, 84, 85 and 170 of the Guidance on Community Governance Reviews.

All other elements of Recommendation 7 were agreed at the meeting of the Committee on 5 July 2022 and would be presented to Full Council alongside the amended Recommendation 7.3 if it was confirmed.

Ward Map



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Recommendation 8

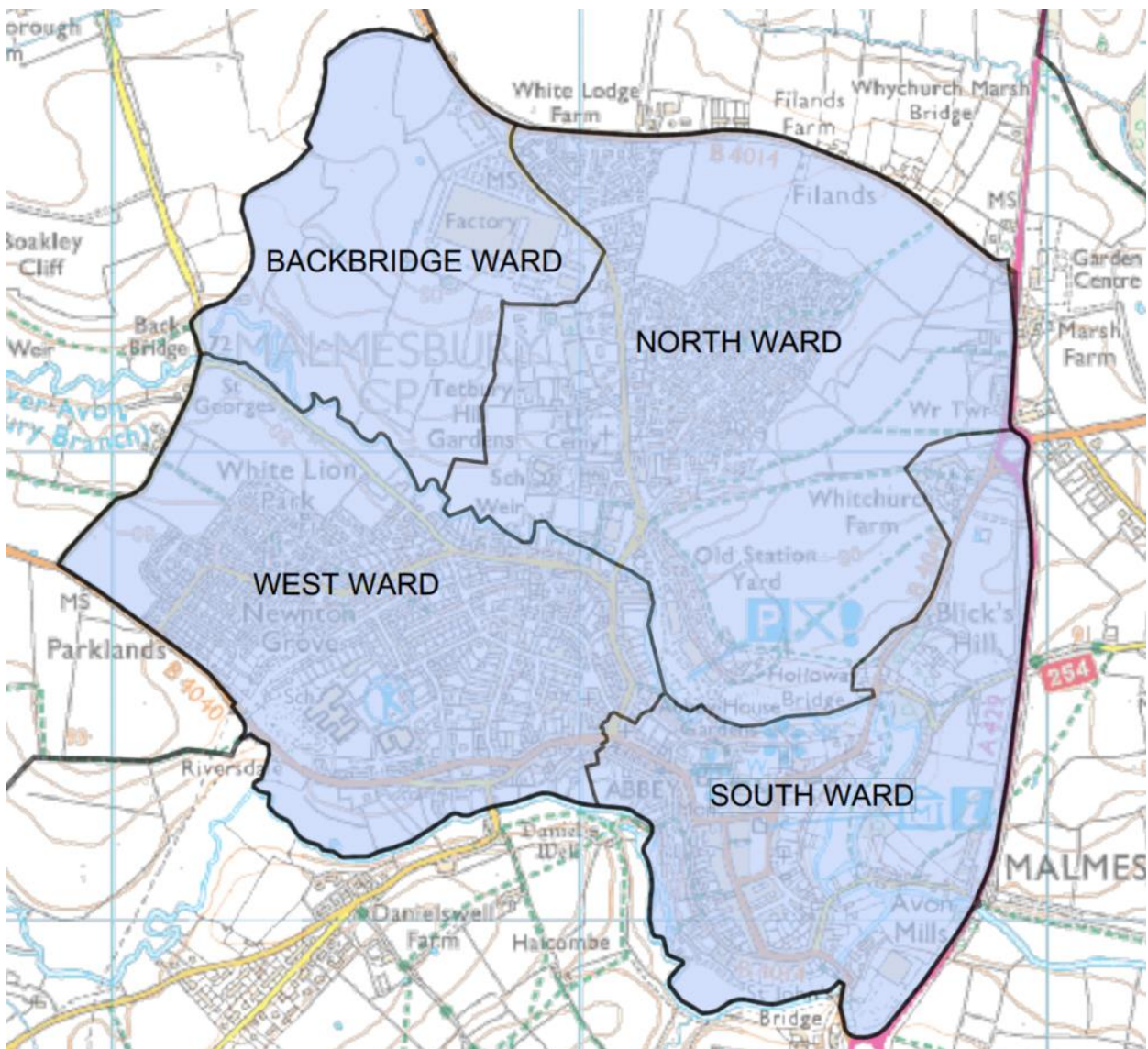
8.1 That Malmesbury Town Council contain a total of 17 councillors in the following wards as shown in the map below: Backbridge Ward (two councillors), Malmesbury North Ward (six councillors), Malmesbury South (two councillors), Malmesbury West (seven councillors).

8.2 The parish of St Paul Malmesbury Without be unwarded, with Twelve Councillors.

Reasons: Paragraphs 73, 74, 80, 83, of the Guidance on Community Governance Reviews

The Committee also agreed to uphold its initial Draft Recommendation relating to a transfer of a small area from St Paul Malmesbury Without to Brokenborough. This would be presented to Full Council alongside the amended Recommendation 8.1 and 8.2 if it was confirmed.

Malmesbury Town Wards



Appendix B – Consultation Responses

Comment	Recommendation	Status	Agree/Disagree/Amendment	Reasons	Other Comments
1	8 - Malmesbury	A resident of the parish of St Paul Malmesbury Without	Agree		
2	7 – Derry Hill & Studley	A representative of a parish council	Agree		CWPC[Calne Without Parish Council] would like to acknowledge the inclusion of most of our suggested amendments in this recommendation. Thank you.

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