

Community Governance Review 2021/22

Summary

To consider Final Recommendations of the Electoral Review Committee in respect of the Community Governance Review which commenced on 21 September 2021.

Proposals

That Council:

- 1) Approve the changes to community governance arrangements as set out below as recommended and detailed by the Electoral Review Committee in the Final Recommendations:**
 - i. Recommendation 1 – Charlton St Peter**
 - ii. Recommendation 2 – Calne Town**
 - iii. Recommendation 3 – Bremhill**
 - iv. Recommendation 4 – Hilmarton and Compton Bassett**
 - v. Recommendation 5 – Cherhill**
 - vi. Recommendation 6 – Heddington**
 - vii. Recommendation 7 – Derry Hill & Studley (Calne Without)**
 - viii. Recommendation 8 – Malmesbury, St Paul Malmesbury Without, and Brokenborough**

- 2) To authorise the Solicitor of the Council to take all necessary measures to make and approve the Community Governance Order(s) to bring into effect for 1 April 2025 all of the changes detailed under resolution 1, subject to any required consents by the Local Government Boundary Commission for England;**

- 3) To authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes at the appropriate time, to be reported to the Electoral Review Committee.**

Reason for Proposals

To ensure effective and convenient local governance and reflect community interest and identity

Perry Holmes – Director, Legal and Governance

Community Governance Review 2021/22

Purpose

1. To consider Final Recommendations of the Electoral Review Committee.

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. Any changes made as a result of the review would take effect for the next elections in 2025.
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”). This included consideration of requests for review received prior to the 2021 local elections.
6. The timetable for the Review within the terms of reference was updated on several occasions by the Director, Legal and Governance under delegated authority granted by the Committee, during the course of the review.
7. The parishes included within the Review were: Malmesbury and St Paul Malmesbury Without; Beechingstoke and surrounding parishes (Woodborough, North Newnton, Wilsford, Marden, Patney, Stanton St Bernard); Calne Without and surrounding parishes (Calne Without, Calne, Hilmarton, Cherhill, Compton Bassett, Heddington, Bremhill).
8. Also included in the terms were any parishes surrounding those listed, for example Brokenborough or Langley Burrell Without. This was in case any requests emerged from the listed parishes which would have an effect on a neighbouring parish, which could not be foreseen at the outset of the review. If this were not the case, a reasonable request and decision might have needed to be deferred, as occurred with the review of 2019/20.

9. In preparing any recommendations and making any decision respectively, 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.
10. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.
11. Beechingstoke had been included in the start of the review as it had had no parish council for at least 2 election cycles. In considering all the information gathered in Stage One, including a very high response rate representing around 1/3 of the parish electorate, it was agreed to make no recommendations in respect of Beechingstoke. Alternative arrangements were made to re-establish the parish council for that area. As such there would be no decision proposed for Full Council to consider, and no draft recommendation consulted upon which could be implemented.

Main Considerations

Pre-consultation

12. 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. The information gathered included notes of sessions with unitary members and parish councils, projected electorate data, notes from public meetings, emailed representations and over 300 responses to an online survey.
13. The Committee considered all the relevant information and agreed Draft Recommendations to be consulted upon at its meeting on 8 February 2022.

Consultations

14. An initial consultation was therefore held from 18 March 2022 – 5 May 2022. Public meetings were held on 5 April and 21 April in Calne and Malmesbury respectively. Although not a requirement of the legislation or guidance, the Committee wrote directly to households in Calne Without and St Paul Malmesbury Without, and some others where it was suggested they might be transferred from one parish to another.
15. 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.
16. At the meeting the Committee resolved to approve some of its recommendations, defer others, and make amendments to others. 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 relating to several recommendations in the Calne Community Area, where the original proposals had been slightly amended.

17. A further online consultation was therefore held from 7 June 2022 – 28 June 2022 on the amended proposals, the First Additional Draft Recommendations, which received 24 responses.
18. The responses were considered by the Committee along with all other relevant information at a meeting on 5 July 2022. Again, the Committee approved some recommendations and amended others. It also extended time to seek additional information from some parish councils before confirming a recommendation relating to Malmesbury and St Paul Malmesbury Without
19. In considering those responses at a meeting on 8 August 2022, the Committee resolved further minor changes, as well as significantly amended proposals for the Malmesbury area, following further discussion with the directly affected parish councils. These would also therefore need to be subject to formal consultation.
20. An online consultation was subsequently held from 15 August 2022 – 16 September 2022, which received a further 2 responses.
21. The consultation as with the others included a briefing note, press releases, and communication to affected parish councils. This was the same methodology which had led to higher responses during pre-consultation surveying and other stages. However, due to the limited nature of the recommendations, far fewer residents would be affected.
22. The Committee considered the responses and any other relevant information at a further meeting on 28 September 2022. At the meeting it confirmed the final aspects of its recommendations for consideration by Full Council.
23. It was acknowledged that the level of responses to the later consultations decreased over time. It was noted, however, that the pre-consultation was carried out via the same online method as the additional consultations and received 85 responses relating to Calne Without and surrounding areas alone. The Committee had then written to all residents of Calne Without for the Draft Recommendations consultation and received 47 responses from that area, demonstrating it was not a methodology issue. The Malmesbury proposals also changed from a significant amendment of parish boundaries, to a limited proposal for internal warding of Malmesbury town.
24. The final consultation was therefore third engagement exercise conducted for Calne Without within 6 months, and the fifth within the last 2 years, and the third such consultation within 6 months for the Malmesbury area. It was therefore the case that significant and extended consultation on different options have been considered at various stages.

Electorate Forecasting

25. 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*'.

26. 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*'.

27. Considering the entire guidance document as a whole and in context, the Council is satisfied, as in previous reviews, that consideration of future projections is a relevant factor.

Final Recommendations

28. The Committee also took account of the statutory guidance provided by the Secretary of State and the Local Government Boundary Commission for England ("LGBCE") in making its recommendations. Consent of the LGBCE would be required for several of the recommendations.

29. As a result of all the meetings and consultations, the Final Recommendations were therefore prepared, and are attached at **Appendix 1**.

Safeguarding Implications

30. There are no safeguarding implications.

Public Health Implications

31. There are no public health implications.

Procurement Implications

32. There are no procurement implications.

Equalities Implications

33. There are no equalities implications.

Environmental and Climate Change Implications

34. There are no environmental implications.

Workforce Implications

35. There are no workforce implications.

Financial Implications

36. Additional consultation, if requested by Council to consider further options, could incur additional resources, in particular in relation to the cost of physically mailing those affected in certain areas if appropriate.

Legal Implications

37. 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.

38. As several recommendations impact areas recently adjusted by the LGBCE as consequential changes following their Electoral Review of Wiltshire Council, they would need to consent to any draft Community Governance Order involving those areas.
39. Additionally, some changes to parish boundaries proposed were such that the parishes involved would cross current unitary Division boundaries, but were not large enough to form their own distinct wards, which is required when crossing Divisions. The LGBCE could be requested to amend the Divisions to align to the parish boundaries. The Council would send a draft order for their consent.
40. Should they consent to such an order, the Council would at that point be able to formally request Electoral Division changes, where this was appropriate following a community governance change.
41. The LGBCE accepted such a request from the Council following its decision in the 2019/20 Community Governance Review at its meeting on 9 September 2020. The Divisions were subsequently amended ahead of the May 2021 local elections.

Risks

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

Options

43. Council may approve or not approve any of the Final Recommendations. The Council may only approve proposals which have been consulted upon. If minded to approve an alternative proposal which has not been subject to consultation, Council would need to instruct the Committee to undertake additional consultation before it could be approved.

Conclusion

44. The Committee has conducted a very thorough and extensive review of parish governance arrangements in the areas set out in the report.
45. It has undertaken consultation and engagement beyond what is required by legislation or guidance.
46. It has prepared recommendations it considers align to the statutory criteria to better reflect the identity and interests of local communities and provide more effective and convenience local governance.

Proposal

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Perry Holmes – Director, Legal and Governance

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Appendices

Appendix A – Final Recommendations

Background Papers

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

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

[Guidance on Community Governance Reviews](#)

[Committee Meeting 8 February 2022](#)

[Committee Meeting 31 May 2022](#)

[Committee Meeting 5 July 2022](#)

[Committee Meeting 8 August 2022](#)

[Committee Meeting 28 September 2022](#)