

AGENDA

Meeting: Electoral Review Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Monday 8 August 2022

Time: 09.30 am

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@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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Public Participation

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

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

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 5 July 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 **1 August 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 **3 August 2022 working days before the meeting**. 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 - 20)

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

7 **Date of the Next Meeting**

To confirm the date of the next meeting as 28 September 2022.

8 **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 5 JULY 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 Jacqui Lay, Cllr Ian McLennan, Cllr Ashley O'Neill,
Cllr Paul Oatway QPM and Cllr Stuart Wheeler

22 **Apologies**

Apologies were received from:

- Cllr Ian Thorn
- Cllr Ernie Clark

23 **Minutes of the Previous Meeting**

The Minutes of the previous meeting held on 31 May 2022 were presented, it was,

Resolved:

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

24 **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 St Paul Malmesbury Without area 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.

25 **Chairman's Announcements**

There were no announcements.

26 **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.

27 **Community Governance Review 2021/22**

Following a summary of the process to date by the Chairman, the Committee considered the responses to the Additional Draft Recommendations consultation which ran from 7 – 28 June 2022, as set out in Appendix A of the report.

Recommendation 3 – Bremhill

The Committee considered the responses from the consultation, including one from the parish council, which related to a cluster of around 6 properties at Stanley Abbey Farm which they and some others considered should remain within the proposed renamed parish of Derry Hill and Studley.

The committee reviewed the responses but considered the arguments had been addressed when it set its initial recommendation and no fresh information had been provided. The Committee therefore determined to confirm Draft recommendation 3.

Recommendation 5 – Cherhill

The Committee noted the consultation responses and discussed options for warding and councillor numbers in terms of population, character and community identity.

It also noted that there was no requirement to have electoral equality at parish ward level in terms of electorate. It felt that it would be better not to allocate more seats than could be realistically elected to, noting the limited geographic extent and high density of the proposed ward

The Committee determined to confirm Draft recommendation 5.

Recommendation 6 – Heddington

The Committee noted the consultation responses including some in disagreement, relating to Cherhill View Estate. These focused on the financial issue of an estate management fee, which was not part of the statutory criteria that could be considered and supposed rurality of the estate.

The committee continued to feel the evidence demonstrated the area was an urban extension of the town and the Committee determined to confirm Draft recommendation 6. It considered a comment relating to rookery farm, but

continued to consider the area, though accessed through the nearby estate, was of a different character.

Recommendation 7 – Calne Without (Derry Hill & Studley)

The Committee noted the consultation responses, including suggesting amendments relating to warding and the name change.

Following discussion, the Committee noted that most parishes were named after the principal community within them and agreed that Calne Without would be more appropriately renamed Derry Hill & Studley, particularly given the changes to parish boundaries otherwise proposed. It therefore did not support changing its initial recommendation.

The Committee noted the strong representation of the lead petitioner to be an un-warded parish along with a number of other respondents, and the views expressed by the current Calne Without parish council requesting to be warded. The Committee agreed with the argument that warding would enable the smaller communities to retain their identity and feel represented at parish level, especially given the significant changes proposed to take place.

The parish council had further suggested an amendment to the proposed ward boundaries for Bowood and Sandy Lane, and Derry Hill and Studley ward, along Church Road in relation to the 5 or so properties on the south of the road. The Committee accepted the argument that these were more appropriately included as part of the Derry Hill & Studley ward.

The Committee noted that further consultation would be required on the minor change to the ward boundaries, before a final decision being made at the next meeting.

Recommendation 8 - Malmesbury & Surrounding Areas

Cllr Gavin Grant gave an update on behalf of Malmesbury Town Council, on the progress of the joint town and parish council working group which had formed to look at alternative transfer proposals.

The working group had met and walked the boundary to consider a number of possible options for consideration but had not yet reached a consensus and would require more time to formulate a document for submission.

The Committee considered the request and invited the working group to submit a revised proposal by 29 July 2022, for consideration at the next meeting.

The Chairman emphasised that any proposal should clearly set out the benefits in terms of community cohesion and improved local governance, in line with the criteria.

Resolved

- 1) To confirm that Council be proposed to approve Additional Draft Recommendations 3 (Bremhill),5 (Cherhill) and 6 (Heddington).
- 2) For a further additional consultation to take place on recommendation 7 (Calne without/Derry Hill & Studley) with the dates to be agreed by the Director, Legal and Governance, after consultation with the Chairman of the Committee.
- 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.
- 4) To defer making a Final Recommendation for Malmesbury until the next meeting, to allow time for the Malmesbury Town Council and St Paul Malmesbury Without Parish Council working group to submit a revised proposal.

28 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.40 pm)

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

8 August 2022

Community Governance Review 2021/22 – Consultation on Draft Recommendations

Purpose

1. To consider responses to the consultation on the Draft Recommendations of the Committee in relation to Malmesbury/St Paul Malmesbury Without.
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. Parishes within the Review were included Malmesbury and St Paul Malmesbury Without. Also included in the terms were any parishes surrounding those listed. This was in case any requests emerged from the listed parishes which would have an effect on a neighbouring parish.
7. 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.
8. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

Main Considerations

9. 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.
10. The Committee considered all the relevant information, and agreed Draft Recommendations to be consulted upon at its meeting on 8 February 2022.
11. A consultation was therefore held from 18 March 2022 – 5 May 2022. A public meeting was held on 21 April in Malmesbury.
12. 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.
13. The Committee 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. At its meeting on 5 July 2022 the Committee received an update on discussions between the parish council and town council, and resolved to meet on 8 August 2022 to determine its course of action to allow further discussions between the town and parish council to take place.
15. The initial responses to the Draft Recommendations consultation are provided in background papers. Submissions from Malmesbury Town Council and St Paul Malmesbury Town Council are attached at Appendix A.

Safeguarding Implications

16. There are no safeguarding implications.

Public Health Implications

17. There are no public health implications.

Procurement Implications

18. There are no procurement implications.

Equalities Implications

19. There are no equalities implications.

Environmental and Climate Change Implications

20. There are no environmental implications.

Workforce Implications

21. There are no workforce implications.

Financial Implications

22. Additional consultation could incur additional resources, in particular in relation to the cost of using an external provider to physically mail out to those affected in certain areas if appropriate.

Legal Implications

23. 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

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

Options

25. As noted above the Committee may confirm its 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

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

27. 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 – Additional Submissions from Malmesbury Town Council and St Paul Malmesbury Parish Council

Background Papers

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

[Pre-consultation information pack](#)

[Draft Recommendations](#)

[Responses to Draft Recommendations](#)

[Guidance on Community Governance Reviews](#)

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

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Electoral Boundary Review

Cllrs Gavin Grant, Paul Smith of Malmesbury Town Council (MTC) & Roger Budgen, Chair of St Paul Malmesbury Without Parish Council (SPMWPC) met on Tuesday 12th July 2022.

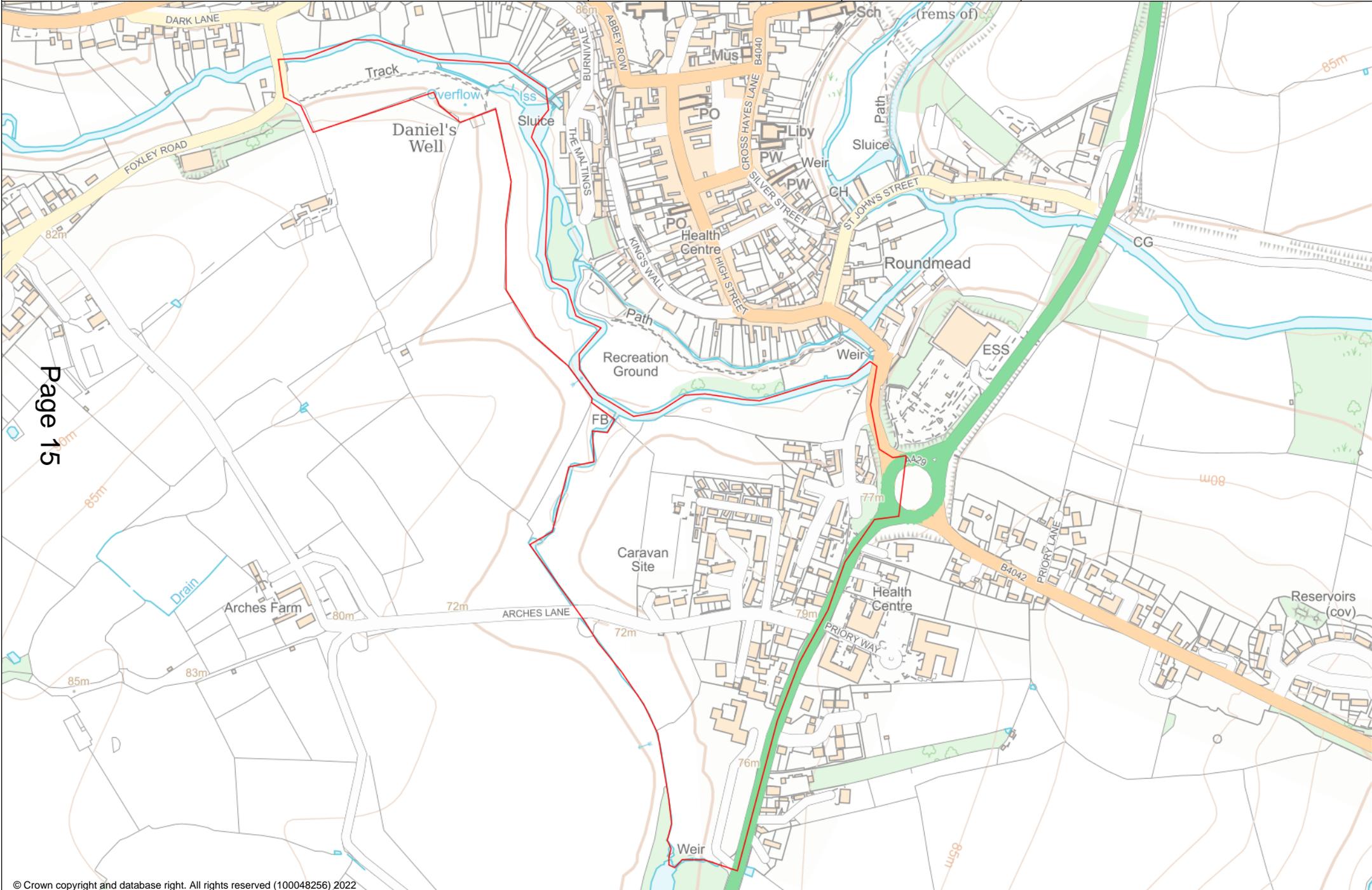
Taking the ERC guidance on immutable local features – roads rivers footpaths – the former proposal to incorporate some of Swindon Road was deemed to be untidy and unrealistic. Malmesbury Town Council therefore proposed that Burton Hill to the West of the A429 should be moved into the Town Parish and all land to the East would remain in SPMWPC– Malmesbury Primary Care Centre, Storey Mews and Swindon Road.

It was resolved at the meeting of MTC on the 19th July to approve the above proposal although it has yet to be presented to and considered by Cllr Martin Smith (WC Sherston) and SPMWPC who will consider the matter on Wednesday 27th July at their next council meeting. It was also resolved by MTC that the Burton Hill Ward, as it would become, requires one further Councillor.

Cllr Roger Budgen also stated at the meeting that SPMWPC would come to an agreement with MTC to take on the community governance of the employment land at the Garden Centre/Aldi site.

Claire Mann, Town Clerk
Malmesbury Town Council

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Please find below the St Paul Malmesbury Without PC response to the ERC's request for a joint working party from the two councils to develop a consensus position regarding the outstanding boundary issue.

Following the best endeavours of the joint working party from the parish councils of Malmesbury Town and St Paul Malmesbury Without, no consensus view was able to be reached over where a revised boundary might be sited. An MTC proposal agreed at their meeting on the 19th July was only formally notified to SPMW on the morning of their own meeting of the 27th July. The MTC resolution contained two areas that had not previously been fully explored by the working party and consequently this Council took the view that insufficient time remained to close the gap between the MTC proposal and what would be acceptable to SPMW.

Kind regards,

Roger
Cllr Roger Budgen
Chair

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