

## **Wiltshire Council**

### **Electoral Review Committee**

**31 May 2022**

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## **Community Governance Review 2021/22 – Consultation on Draft Recommendations**

### **Purpose**

1. To consider responses to the consultation on the Draft Recommendations of the 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. 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.
4. 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 was updated by the Director of Legal and Governance under delegated authority granted by the Committee, during the course of the review.
5. 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). 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.
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, and from online public meetings;
  - An online survey of received proposals, with over 300 responses validly received;
  - Details of emailed representations.

7. The Committee considered all the relevant information including session notes, proposal details, parish council responses and public representations by email, post or online survey, and agreed draft recommendations to be consulted upon at its meeting on 8 February 2022.

### **Consultation**

8. There is a requirement that Wiltshire Council consult appropriately on any draft recommendations that it has prepared, but the method and timing of that consultation is not set out by legislation or by the statutory guidance. It is not, for example, a requirement to write to individual electors.
9. However, for the 2021/22 Community Governance Review, the Council through the Committee has undertaken significant levels of engagement and pre-consultation with parishes, interested parties and the public, beyond merely consulting upon any draft recommendations.
10. This has included individual sessions with potentially affected parish councils and unitary councillors from potentially affected areas, public meetings on submitted proposals, briefing notes circulated to all parish councils, an online survey and a physical survey sent to those residents in areas potentially subject to change in late 2021. Parishes were informed as soon as practicable once a proposal which potentially affected them was formally submitted and agreed by the Committee. Those parishes were then included within the formal consultation.
11. The Committee also agreed to write once again to those residents in areas potentially subject to change for the consultation on the draft recommendations.
12. A consultation was therefore held from 18 March 2022 – 5 May 2022. Public meetings were held on 5 April and 21 April.
13. On the basis that parish councils, electors and other interested parties have had multiple opportunities to make representations on possible options including pre-consultation surveys which are not required. And that potentially affected parties have been contacted directly on numerous occasions beyond the requirements of the Act and guidance, it is considered reasonable to proceed with the Community Governance Review process and that more than appropriate consultation has taken place.

### **Summary**

14. 229 responses were received for the online consultation portal during the consultation period. These responses are included within **Appendix A**, and includes physical responses made on the consultation form and then input onto the online portal.
15. Further responses received by post or by email are also included within the appendix.
16. The Committee is asked to consider the responses. 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 consultations before Full Council could consider approving those recommendations.

### Statutory Criteria

17. In preparing Final recommendations the Committee 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.

18. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

### **Safeguarding Implications**

19. There are no safeguarding implications.

### **Public Health Implications**

20. There are no public health implications.

### **Procurement Implications**

21. There are no procurement implications.

### **Equalities Implications**

22. There are no equalities implications.

### **Environmental and Climate Change Implications**

23. There are no environmental implications.

### **Workforce Implications**

24. There are no workforce implications.

### **Financial Implications**

25. Additional consultation would 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**

26. 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**

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

### **Options**

28. 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 consultations before Full Council could consider approving those recommendations.

### **Proposal**

29. That the Committee consider the responses to the draft recommendations consultation.

30. If determining its Final Recommendations or additional draft recommendations for each area of the Review, to delegate to the Director, Legal and Governance in consultation with the Chairman, the preparation of a detailed Final Recommendations or draft recommendations document for consideration by Full Council or an additional consultation, with dates to be determined by the Director.

### **Perry Holmes – Director, Legal and Governance**

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### **Appendices**

Appendix A – Consultation Responses

### **Background Papers**

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

[Pre-consultation information pack](#)

[Draft Recommendations](#)

[Guidance on Community Governance Reviews](#)

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