

Community Governance Review 2022-2023

Draft Terms of Reference

Introduction

On behalf of Wiltshire Council (“The Council”) and under authority as set out at Paragraphs 2.10.7 – 2.10.9 of Part 3B of the Constitution, the Electoral Review Committee (“The Committee”) at its meeting on 31 May 2022 resolved to undertake a Community Governance Review (“The Review”), in respect of the areas and within the scope listed below.

Description	Review parameters
To be completed from the list of remaining schemes – Appendix B	

The Review may also consider any other issues within the areas under review that fall within the scope of sections 87-92 of *The Local Government and Public Involvement in Health Act 2007* (‘the Act’).

The Review above in some cases may require consent being granted by the Local Government Boundary Commission for England (LGBCE) for any internal or external changes as a result of the 2018-20 Electoral Review of Wiltshire Council and the consequential changes made to parish warding arrangements. For the avoidance of doubt, any review areas may include consulting on and recommending to the LGBCE consequential changes to Unitary Divisions if appropriate.

This Review is being carried out by the Council under the powers in Part 4 of the Act and will be undertaken in accordance with the legislative requirements of that Act and any relevant regulations made thereunder. It will also have regard to the Guidance on Community Governance Reviews published by the Department of Communities and Local Government (DCLG, now the MHCLG).

What is a Community Governance Review?

A Community Governance Review (CGR) is a review of the whole or part of the Council’s area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and styles of new parishes;
- The electoral arrangements of parishes (including the number of councillors to be elected to the council and parish warding);
- Grouping or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and,
- Is effective and convenient.

In doing so, the community governance review is required to take into account:

- The impact of community governance arrangements on community cohesion; and,
- The size, population and boundaries of a local community or parish.

Why undertake a Community Governance Review?

The Council is undertaking this Review following:

- Confirmation by Parliament of the Final Recommendations of the Electoral Review of Wiltshire Council by the LGBCE in March 2020;
- Changes to natural settlements caused by new and forthcoming development;
- The resolution of Full Council on 9 September 2020 in respect of Calne and Calne Without and wider area, following initial determination of a petition signed by the requisite number of local government electors for the area.

Who will undertake the Review?

The Council has appointed an Electoral Review Committee to carry out all aspects of the reviews and to make recommendations to the Council in due course. The Committee comprises a politically balanced membership of ten Members. Other Members and the public may attend the formal committee meetings. The relevant section of the Committee's terms of reference are set out in Part 3B Paragraph 2.10 of the Constitution as follows:

2.10.7 To oversee any community governance reviews within the Wiltshire Council area, including contacting all parishes for proposals, setting the scope for any review, its methodology, and its timescales. The Committee will prepare final recommendations for any changes for consideration by Full Council.

2.10.8 The Committee will consider whether it is appropriate to make, and is empowered to suggest for consultation and recommendation, changes to parish areas and parish electoral arrangements, to include:

- *The alteration, merging, creation or abolition of parishes;*
- *The naming of parishes and adoption of alternative styles for new parishes;*
- *Parish council size, number of councillors to be elected, and warding arrangements;*
- *Any other electorate arrangements.*

2.10.9 Where it would be appropriate to do so the Committee may recommend that as a result of proposed parish changes a unitary division be amended so that it remains coterminous with that parish. Any such change would need to be agreed by

the Local Government Boundary Commission for England if approved by Full Council.

As the relevant principal authority, Wiltshire Council is responsible for conducting any Community Governance Review within its electoral area. The Electoral Review Committee will oversee the review and produce draft and final recommendations. Full Council will approve the final recommendations before a Community Governance Order (“An Order”) is made.

Consultation

The Council is required to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account. The Council will also identify any other person or body who it feels may have an interest in the review and invite them to submit their views at all stages of the consultation.

Before making any recommendations or publishing final proposals, an appropriate consultation process will form part of the review to take full account of the views of local people and other stakeholders. The Council will comply with the statutory consultative requirements by:

- consulting local government electors for the area under review;
- consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review; and,
- taking into account any representations received in connection with the review.

The Council will publicise the review on its website and with information available at appropriate Council Offices on request.

The methods of consultation will be those deemed appropriate for the proposals concerned. This may include a webpage created for the review containing all relevant information, briefing notes sent to appropriate town and parish councils and area boards, and press releases at appropriate stages.

Timetable

The Review will aim to be completed within 12 months of the date of commencement.

An indicative timetable for the Review is as listed below. This is subject to variation by the Committee as appropriate, within the overall prescribed time limit. In particular, the Committee may vary the timetable to take account of any additional consultations that it deems appropriate. The Director for Legal and Governance may also vary the timetable in consultation with the Chairman of the Committee at any time, if appropriate, to be reported to the Committee.

Estimate times only, subject to change

Stage	Action	Timeline
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Pre-review	Liaising with parish councils on suggested areas for consideration for review and receipt of initial submissions.	May-August 2022
Stage one	Commencement of CGR - Terms of Reference published.	September 2022
	Schemes uploaed to public portal for any initial comments, to be updated with any relevant additional information. To include any further schemes received which fall within the scope of the Review.	5 September – 21 October 2022
Stage two	Consideration of submissions received in relation to proposed schemes. Local briefings and meetings as appropriate with unitary councillors and/or parish representatives.	24 October 2022- 20 January 2023
	Pre-consultation surveying. Draft Recommendations prepared.	
Stage three	Draft Recommendations consultation.	1 February - 28 March 2023
Stage four	Consideration of submissions received. Final Recommendations prepared.	10 April – 28 April 2023
Decision	Final Recommendations considered by Full Council.	July 2023

Electorate Forecasts

Existing parish ward electorate figures will be calculated from the July/August 2022 electoral register.

When the Council comes to consider electoral arrangements for the parish councils in its area, it is required to 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.

Electorate forecasts have been prepared for the period to 2027 and will be included in information sheets for each scheme which is reviewed.

Consequential Matters

When all the required consultation has been undertaken and the review completed the Council may make an Order to bring into effect any decision that it may make. If the Council decides to take no action, then it will not be necessary to make an Order. If an Order is made it may be necessary to cover certain consequential matters in that Order. These may include:

- a) the transfer and management or custody of any property;
- b) the setting of a precept (council tax levy) for the new parish council;
- c) provision with respect to the transfer of any functions, property, rights and liabilities;
- d) provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

The Council will also take into account the requirements of the Local Government Finance (New Parishes) Regulations 2008 when calculating the budget requirement of any new parish councils when setting the council tax levy to be charged.

Representations

Wiltshire Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the Review.

Representations may be made in the following ways:

- Online (during surveys and consultations):
<https://www.wiltshire.gov.uk/council-democracy-cgr>
- By Email: CGR@wiltshire.gov.uk.
- By Post: Community Governance Review, Democratic Services, County Hall, Trowbridge, BA14 8JN

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