

## **Wiltshire Council**

### **Electoral Review Committee**

**13 August 2020**

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#### **Community Governance Review 2019/20 – 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. Following a pre-review period of communication with parishes, and in response to requests and a petition, the Committee at its meeting on 31 October 2019 published terms of reference for a Community Governance Review to begin on 1 November 2019 (“The Review”). The timetable for the Review within the terms of reference was updated by the Director of Legal, Electoral and Registration Services under delegated authority granted by the Committee, in February 2020.
5. The parishes included within the Review were: Chippenham, Chippenham Without, Hilperton, Huish, Kington St Michael, Lacock, Langley Burrell Without, Manningford, Melksham, Melksham Without, Netherhampton, North Bradley, Pewsey, Salisbury, Seend, Southwick, Trowbridge, West Ashton, Wilcot, Woodborough and Yatton Keynell.
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 on 4,5,10,11 and 18 December 2019.
  - Public meetings on 20, 22 January and 5,14 February 2020
  - A physical and online survey of those potentially impacted by proposals, with 522 responses validly received.
  - 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 24 March 2020.

### **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 the Act or by the guidance.
9. For the 2019/20 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 early engagement with parishes on submitted proposals prior to the commencement of the review, individual sessions with potentially affected parish councils and unitary councillors from potentially affected areas, public meetings on submitted proposals, regular briefing notes circulated to parish councils, an online survey and a physical survey sent to those resident in areas potentially subject to change in January 2020.
11. The Committee also agreed to write once again to those resident in areas potentially subject to change in May 2020 for the consultation on the draft recommendations.
12. Taking account of the Covid-19 situation, the timetable for the consultation was extended and took place from 15 May to 10 July 2020. This included briefing notes, press releases, an online survey and physical surveys. The letter sent to residents outlined each recommendation and advised where more detailed information could be found or requested, and how a response could be made by those without internet access under Covid-19 restrictions. Due to the ongoing restrictions, specific public facing meetings were not possible.
13. In that context, in which parish councils, electors and other interested parties have had multiple opportunities to make representations on possible options, and having contacted potentially affected parties directly on multiple occasions beyond the requirements of the Act and guidance, it is considered reasonable to proceed with the Community Governance Review process and that appropriate consultation has taken place.
14. In particular it is noted that a decision would need to be made this year for changes to take effect for the next unitary and parish elections in May 2021. A failure to do so in some cases could be detrimental to effective and convenient local governance and/or community identity or interests, and therefore the resolution of this is an essential need for some areas.
15. It is also noted that the Local Government Boundary Commission for England has also undertaken consultations during the Covid-19 situation.

## **Main Considerations**

16. 227 responses were received for the online consultation portal during the consultation period. These responses are included at **Appendix A**, and includes physical responses made on the consultation form and then input onto the online portal.
17. Further responses received by post or by email are included at **Appendix B**.
18. The Committee is asked to consider the responses in formulating Final Recommendations. Those Final Recommendations would be considered by Full Council in September 2020.

### Statutory Criteria

19. 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.
20. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

### Electorate Forecasting

21. 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*'.
22. 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*'.
23. The Council has utilised electorate projections as utilised by the Local Government Boundary Commission for England for the Electoral Review of Wiltshire Council, the Order for which is due to receive parliamentary approval on 16 March 2020. The figures were provided as part of the pre-consultation process. Where appropriate the figures were updated in early 2020 in relation to housing projections for development sites.
24. It is also noted that on 25 February 2020 the Wiltshire Housing Sites Allocation Plan was adopted by Full Council.

### Neighbourhood Plans

25. As with the previous survey period, comments were received during the consultation relating to Neighbourhood Development Plans (NDP) and how these might impact a Community Governance Review. Community Governance Reviews and the planning policy framework including the preparation of neighbourhood development plans NDPs

are two separate processes and any parish boundary changes will not have an automatic effect on designated Neighbourhood Development Plan (NDP) areas. NDP policies would remain in place and be able to be enforced for the designated area even if some of that land becomes part of a different parish. In the specific case of an NDP which has reached the last stage and is awaiting confirmation by a referendum, significant weight in planning terms would already be given to an NDP at such an advanced stage. This would not change as a result of any Community Governance Review, nor the status of the emerging NDP, which would be given significant weight in decision making for the area to which it relates. Matters of community interests which could include the NDP would be a factor to be considered but would not be determinative.

### **Safeguarding Implications**

26. There are no safeguarding implications.

### **Public Health Implications**

27. There are no public health implications.

### **Procurement Implications**

28. There are no procurement implications.

### **Equalities Implications**

29. There are no equalities implications.

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

30. There are no environmental implications.

### **Workforce Implications**

31. There are no workforce implications.

### **Financial Implications**

32. Additional consultation would incur additional resources, in particular in relation to the cost of physically mailing those affected in certain areas if appropriate.

### **Legal Implications**

33. 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**

34. A failure to consult appropriately or provide appropriate reasoning for any decision to change governance arrangements would be potentially vulnerable to challenge. If a decision was not made by Full Council in September 2020, any changes may not be enacted in time for the May 2021 elections.

### **Options**

35. 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**

36. That the Committee determine its Final Recommendations for each area of the Review, and to delegate to the Director of Legal and Governance in consultation with the Chairman, the preparation of a detailed Final Recommendations document for consideration by Full Council.

### **Ian Gibbons - Director of Legal and Governance**

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### **Appendices**

Appendix A – Consultation Responses (online consultation responses – including physical survey forms input onto online portal)

Appendix B – Consultation Responses (email and hard copy responses)

### **Background Papers**

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

[Pre-consultation information pack \(24 March 2020\)](#)

[Guidance on Community Governance Reviews](#)

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