

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

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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](#)