

Community Governance Reviews

Purpose

1. For the Committee to consider future arrangements for Community Governance Reviews.

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 name of the parish, number of councillors or wards, the external boundaries, or even the creation/merger/abolition/grouping of entire parishes.
3. The Council is required to undertake reviews where it receives a valid petition, signed by the requisite number of electors. The Council may also undertake reviews at any time where it considers it appropriate to do so, for example where there have been changes in populations as a result of new developments.
4. As a result of the Electoral Review of Wiltshire Council, which will have additional effects upon many town and parish governance arrangements, the intention had been that the Electoral Review Committee would oversee Community Governance Reviews in appropriate areas, following the contacting of parish councils, and following confirmation of the new electoral divisions. This would have enabled completion of any reviews in advance of the May 2021 local elections.
5. Although the delays of the Electoral Review mean that the start date for any review might as a result be delayed, and not guarantee all reviews could be completed in time for the local elections, the Council as a whole must still review the governance arrangements of the parishes as appropriate.

Main Considerations

6. The Committee had a workshop on 6 June 2019 to be briefed on the background of Community Governance Reviews and potential timescales and methodologies for any review undertaken within Wiltshire.
7. Guidance on Community Governance Reviews is attached at **Appendix A**.
8. In particular, the Council must set out terms of reference for any areas it intends to review, and how it intends to deal with any review, including appropriate public consultation on any proposals.
9. The Council is not obliged to determine all requests for a review within a certain timeframe, unless it is in the form a petition with sufficient signatures. Therefore, the Council is able to prioritise the areas to review and when it is practical to review them.

A number of requests already received had been delayed due to the ongoing Electoral Review.

10. With the Final Recommendations from the Commission in relation to the Electoral Review not expected to be published until October 2019, these would be unlikely to receive parliamentary approval until approximately February 2020.
11. Any Community Governance Reviews would need to be completed by approximately December 2020 in order for any changes to be made in time for the May 2021 local elections. Therefore, a view would need to be taken as to how many review requests can be undertaken in advance of the elections, and how many would need to take place sometime after.
12. Full Council has been requested to delegate the responsibility of determining which areas to review, in which order, and in what manner, to the Committee. This would not remove the role of Full Council as the decision maker in the process.
13. An example of the type of process that can be followed is included at **Appendix B**. Periods of public consultation, information gathering, including with area board members, are built into the process, which can be finalised at the period terms of reference for the reviews are approved.
14. Subject to the delegation from Full Council, it is proposed that in the first instance that the Committee authorise officers to contact parish councils to identify whether there are any governance issues that they believe need to be addressed at this time. These can then be considered to determine whether they should be taken forward and, if so, which of them should be progressed in time for the 2021 elections, taking into account the resourcing requirements involved.
15. Any request from a parish would require details of any change along with a council resolution. It is proposed the initial contact take place from July-October 2019 to allow time for responses to be considered. Following the publication of Final Recommendations to the Electoral Review of Wiltshire Council, parishes would be re-contacted to see if this has any impact upon their requests or lack thereof.
16. Further preparatory work could then proceed in late 2019, including engagement with parishes and area board members, ahead of formal beginning of some number of reviews in late 2019 or early 2020.
17. One aspect that would need to be confirmed is the length and nature of any consultation with the public. There is no statutory requirement to consult in a particular way, but the Council needs to consult appropriately. This could, for instance, mean that for certain types of requested change the council consults in one way, but for other more minor changes it consults in another. These details would be confirmed in any terms of reference for a review, and would thereafter need to be adhered to and not amended.

Safeguarding Implications

18. There are no safeguarding implications.

Public Health Implications

19. There are no public health implications.

Procurement Implications

20. There are no procurement implications.

Equalities Implications

21. There are no equalities implications.

Environmental Implications

22. There are no environmental implications.

Financial Implications

23. Community Governance Reviews will require periods of appropriate public consultation which will incur additional resources, in particular in relation to the cost of physically mailing those affected in certain areas.

Legal Implications

24. The LGPIH 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

25. Whilst there is no obligation on the Council to carry out CGRs (other than in response to a petition), failure to do so may lead to the governance arrangements in some areas being outdated and inappropriate to provide effective local governance for the area.

Options Considered

26. In place of additional delegation to the Committee, additional involvement of Full Council would be required in order to approve the terms of reference of any review process.

Proposal

27. That subject to additional delegation from Full Council, that on behalf of the Committee the Director of Legal, Electoral and Registration Services is authorised to contact all parishes to identify the number and extent of any requests for Community Governance Reviews that are required.

Ian Gibbons - Director of Legal, Electoral and Registration Services

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Appendices

Appendix A – Guidance

Appendix B – Example flow chart

Background Papers

None