

## **Wiltshire Council**

### **Electoral Review Committee**

**21 October 2019**

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#### **Forward Work Programme – Electoral Review Committee**

##### **Purpose**

1. To identify potential future work for consideration by the Electoral Review Committee.

##### **Background**

2. On 17 October 2017 Council established the Electoral Review Committee ('the Committee') to prepare and recommend for Full Council responses in relation to an Electoral Review of Wiltshire Council initiated by the Local Government Boundary Commission for England. That review concluded on 1 October 2019.
3. The Committee was also given responsibilities in relation to Community Governance Reviews and Polling District and Polling Place Reviews.
4. Noting the responsibilities of the Committee and the lengthy nature of some of the work that would be undertaken by it, at Full Council on 9 July 2019 the terms of reference were updated and included within the Council's governance arrangements as a standing committee of the Council.
5. The current terms of reference of the Committee are attached at **Appendix A**.

##### **Main Considerations**

###### Polling District and Polling Place Review

6. A Polling District and Polling Place Review is a process whereby the Council analyses and amends geographical subdivisions of electoral areas, and makes recommendations regarding the buildings or areas selected by the Returning Officer for the use of elections.
7. A Polling District and Polling Place Review was formally begun on 10 July 2019, to make recommendations to Full Council before the end of 2019. The timing of this compulsory review requires completion by 31 January 2020. Subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013 in accordance with The Electoral Registration and Administration Act 2013.
8. However, as a result of changes to electoral divisions and parish arrangements during the Electoral Review of Wiltshire Council, the 2019 Review will focus on the location of polling places and stations. There will be a need to undertake a further review in 2020. This review would focus more closely on updating polling districts following boundary changes from the electoral division and any Community Governance Reviews held in 2020.

9. Unlike an Electoral Review of Wiltshire Council which is undertaken by the Local Government Boundary Commission for England, and unlike a Community Governance Review which is undertaken by Wiltshire Council and is a reserved responsibility of the Full Council to determine, a Polling District and Polling Place Review could be determined by the Committee if Full Council wished to delegate this responsibility.
10. The Committee should therefore consider whether to request Full Council delegate responsibility for determination of a Polling District and Polling Place Review to the Committee, and not just responsibility for making recommendations.

### Community Governance Reviews

11. A Community Governance Review is a process whereby the governance arrangements of a parish, such as internal and external boundaries as well as councillor numbers among other aspects, can be amended by the principal authority of its area. A review can be in response to requests and petitions, or otherwise initiated by the principal authority as a result of changing communities.
12. The Committee resolved at its meeting on 8 July 2019 to contact all parishes within the Wiltshire Council area to request expressions of interest for a review of their governance arrangements.
13. The Committee will be responsible for setting the scope and details of any forthcoming reviews, and it was noted that it would be necessary to prioritise which areas were reviewed at what time. A report with draft terms of reference for a Community Governance Review will be considered at the next meeting of the Committee on 31 October 2019.
14. For the Forward Work Programme, as not all requests will be able to be reviewed ahead of the 2021 local elections, it is suggested that any remaining requests be reviewed after that date.
15. Additionally, notwithstanding requests being made directly, the Council has general responsibility to review parish arrangement within its area. It is suggested a longer-term programme be initiated to review parish arrangements to ensure effective and convenient governance, for example in relation to warding arrangements and whether the numbers of councillors is too high or too low.

### Electoral Services

16. Electoral Services undertake a variety of projects and programmes in addition to management of maintaining the electoral register and administering scheduled elections. On average, each year these include administering:
  - Parish council vacancies, uncontested by elections, contested by elections, Neighbourhood Planning Referendums, Parish polls

- Annual Canvass, involving 240,000 properties and employing over 100 canvassers
- Polling district and polling place reviews
- Two-year Service Improvement Plan
- Polling District and Polling Place Review
- Community Governance Reviews
- Proposed Reform to the Annual Canvass 2020

17. The Service has been the subject of significant staff turnover since 2017 and as such had some difficulties in responding effectively to increasing demands. As a consequence, a two-year service improvement plan has been initiated with corporate support from the Council's Programme Office. A more detailed report on the Improvement Plan will be taken to a future meeting along with other appropriate updates.

### **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. Additional resources were provided for the LGBCE Review from the Enabling Fund, which expires at the end of December 2019. There will be a requirement for additional resources to be identified in order to fulfil the Council's legal obligation with respect to the Community Governance Reviews and the Polling District and Polling Place Review. Additional resources will also be required for the implementation of the Reform to the Annual Canvass 2020 and the Service Improvement Plan. A further report will be provided in due course.

### **Legal Implications**

24. Community Governance Reviews must be conducted in accordance with the Local Government and Public Involvement in Health Act 2007.

25. Polling District and Polling Place Reviews must be conducted in accordance with the Electoral Registration and Administration Act 2013.

26. Reform to the Annual Canvass - Wiltshire Council has an obligation under the Representation of the People Act 1983 to provide the Electoral Registration Officer such resources to maintain the electoral register.

### **Risks**

27. The reputational risk to Wiltshire Council in the event of non-compliance within electoral services which adversely affects electors or elections is significant.

28. Non-compliance regarding Community Governance Reviews may result in Judicial Review.

29. Non-compliance with the Polling District and Polling Place reviews may result in appeal to the Electoral Commission.

30. Non-compliance with electoral law may result in election petitions.

### **Proposal**

31. To approve the initial Forward Work Programme of the Electoral Review Committee detailed at **Appendix B**; and.

32. To recommend Full Council amend the Terms of Reference of the Electoral Review Committee as follows:

*2.10.11 To make ~~recommendations to Full Council~~ **decisions on the** in respect of proposed Polling District and Polling Places **Reviews**.*

*2.10.12 To receive reports in relation to the operation and delivery of Electoral Services, and make recommendations or decisions as appropriate on Electoral matters not reserved to Full Council.*

### **Ian Gibbons, Director of Legal, Electoral and Registration Services**

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### **Appendices**

Appendix A – Terms of Reference of the Electoral Review Committee

Appendix B – Draft Forward Work Programme

### **Background Papers**

None

## **Appendix A**

### **Terms of Reference of the Electoral Review Committee**

#### Composition

- 2.10.1 The Committee shall consist of ten members appointed in accordance with the rules on political proportionality.
- 2.10.2 The Committee shall appoint a chairman and vice-chairman from among its membership.

#### Responsibilities

- 2.10.3 To oversee the provision of information required by the Local Government Boundary Commission for England (LGBCE) in carrying out any Electoral Review of Wiltshire, including any consultation arrangements with electors or stakeholders.
- 2.10.4 To update Full Council on the progress of any Electoral Review.
- 2.10.5 To make recommendations to Full Council on proposed submissions to the LGBCE relating to:
- The total number of councillors on Wiltshire Council;
  - The number and boundaries of electoral divisions within Wiltshire Council;
  - The number of councillors to be returned by any electoral division;
  - The name of any electoral division.
- 2.10.6 To provide such further advice and support as may be requested by the Council related to or impacted by any Electoral Review.
- 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.

2.10.10 To oversee the provision of information required in carrying out the Polling District and Polling Place Review, including any consultation arrangements with electors or other stakeholders.

2.10.11 To make recommendations to Full Council on the proposed Polling District and Polling Places.

## Appendix B

### Draft Forward Work Programme of the Electoral Review Committee

<b>Date(s)</b>	<b>Item</b>
November 2019-September 2020	Community Governance Review (Expressions of Interest 1)
January 2020-December 2020	Polling District and Polling Place Review 2020
Quarterly commencing Winter 2019	Improvement Plan Update
Annual December	Revised Register Electoral Update
Annual February	Electoral Variance Report
October 2019 – December 2020	Proposed Reform to the Annual Canvass 2020
June - September 2021	Polling District and Polling Place Review (Interim Amendments) following scheduled election
July 2021-June 2022	Community Governance Review (Expressions of Interest 2)
2021-2025	Community Governance Reviews (Long term Arrangements)
Oct 2023 – Jan 2025	Compulsory Polling District and Polling Place Review
Annual commencing December 2021	Report on the Annual Canvass