

Wiltshire Council

Electoral Review Committee

31 October 2019

Community Governance Review 2019/20

Purpose

1. To approve Terms of Reference for a Community Governance Review to take place during 2019/20.

Background

2. A Community Governance Review (CGR) 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 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, and in response to reasonable requests received from individuals, groups or parish councils themselves.
4. At its meeting on 8 July 2019, subject to delegated approval from Full Council, the Electoral Review Committee ("The Committee") authorised the Director for Legal, Electoral and Registration Services to contact all parishes within the Wiltshire Council area to identify the number and extent of any requests for Community Governance Reviews that were felt to be required by those parishes.
5. An email was sent to all parishes on 12 July 2019 inviting expressions of interest for a CGR in their area. Emails were also sent to all those persons who had contacted the Council during the course of the Electoral Review of Wiltshire Council in relation to Unitary Divisions, expressing an interest for a CGR, to seek confirmation of the desire for any request, along with any details of any proposal.
6. The email requested return of any form by October 2019, recognising that most parishes would not meet over August, and stated that parishes would be re-contacted after the publication of the final recommendations of the Local Government Boundary Commission for England (LGBCE) in case they had any impact upon the desire or lack thereof for a review in any area, or on the precise details of any review. The email also stated that any request would be shared with any impacted parish in advance of any formal CGR process, and that as a result of delays to the Electoral Review process by the LGBCE, that it may not be possible to review all areas requested in time for the May 2021 local elections.
7. Another email was sent to parishes on 28 August 2019 as a reminder, and a further email sent on 1 October 2019 when the LGBCE decision was published.

Main Considerations

Summary

8. A total of 77 proposals or 'Schemes' were made during the period seeking expressions of interest for a review. This includes schemes for suggestion by the Council itself in areas where it was proposed that a parish be warded by the LGBCE as part of an urban Unitary Division. As such other Schemes from the areas in question duplicate those, but with a preferred outcome and different reasoning.
9. Four Schemes relate to changing the name of a parish. Whilst this is a process that can be undertaken through a CGR, it is also able to be progressed under S75 of the Local Government Act 1972. As this is a simpler process, it is recommended that the Committee agree to progress the requests for a change of name under S75 at an appropriate time. Any decision would need to be made by Full Council.
10. One of the Schemes, for creation of a new parish at Derry Hill and Studley, currently part of Calne Without Parish, was submitted as a Community Governance Petition. This petition met the requirement of a minimum number of signatures of 187 local electors from the area in question, and therefore the Scheme is required to be reviewed. It must also be completed within 12 months of its submission date, 26 September 2019.
11. For other Schemes it is for the Committee to determine when it is practicable to review them, bearing in mind available resources, the recent final recommendations of the LGBCE, and the forthcoming elections in May 2021. As noted in paragraph 6, all those making requests were advised it might not be possible to review all areas in advance of the local elections in 2021, which would likely require a decision by Full Council no later than September 2020. Any Schemes not taken forward in these recommended Terms of Reference would be scheduled for consideration in any later reviews.
12. A complete list of submitted Schemes is set out at **Appendix A**.

Terms of Reference

13. When undertaking a CGR the Council is required to publish Terms of Reference specifying the area under review.
14. A workshop was held for Committee members on 21 October 2019 to discuss submitted Schemes and options for any CGR process to assist with the scoping of the Terms of Reference and subsequent proposal, taking into account priority of Schemes and resourcing capacity.
15. Bearing in mind the likely need to conclude any review by September 2020 in order for all processes to be completed in time for the May 2021 local elections, the level of resources available, the requirement to consider the petition, and the number and complexity of schemes, the workshop recommended a focus on areas surrounding the market towns which were included within urban based divisions, and any associated requests which had been received for that area. Additionally, it was recommended to review the area of Wilcot and any requests impacted by it, including Pewsey and associated requests, as a result of a potential anomaly identified in relation to the parish status which would need to be resolved.

16. The areas to be included therefore were:

- Trowbridge and all parishes within the Trowbridge Community Area
- Chippenham, Langley Burrell Without, Chippenham Without, Kington St Michael and Lacock
- Derry Hill and Studley (Petition for new parish)
- Melksham, Melksham Without and Seend
- Salisbury and Netherhampton
- Wilcot (and Huish), Pewsey, Manningford and Woodborough

17. Where a Scheme is suggested by Wiltshire Council for review this would not mean a view has already been taken on the suitability of any potential change, only that as a result of LGBCE changes or other factors the Council believes it necessary to undertake a review in order to establish whether a change is appropriate.

18. The draft Terms of Reference encompassing those areas and detailing the scope of the reviews are included at **Appendix B**.

Next Steps

19. If the draft Terms of Reference are approved it is proposed the CGR formally commence on 1 November 2019. This will initiate Stage One, which involves information gathering and desk research on the proposed areas for review, as well as inviting any further schemes which are within the bounds of the agreed Terms of Reference. Any such further schemes would be requested by 30 November, given the extensive pre-consultation stage with parishes that has already taken place.

20. A website will be launched to include submitted Schemes within the review areas, to be updated as appropriate as further information becomes available. There will be communications to parishes and the public and other interested persons or bodies, if appropriate, for any additional comments, as well as engagement with local Unitary Members, as part of an initial phase of consultation.

21. The Committee would then consider all the information it receives and develop draft recommendations, intended in late January 2020, for a further public consultation intended to begin in February 2020. Consultation would be on any changes recommended by the Committee, which may involve a solution not suggested by a specific Scheme up to that point, and will list such other relevant Schemes for the area which were considered by the Committee in reaching its draft conclusions.

22. After analysing any responses, the Committee could amend its recommendations and/or seek additional consultation as appropriate, before submitting final recommendations to Full Council in the summer of 2020.

Safeguarding Implications

23. There are no safeguarding implications.

Public Health Implications

24. There are no public health implications.

Procurement Implications

25. There are no procurement implications.

Equalities Implications

26. There are no equalities implications.

Environmental Implications

27. There are no environmental implications.

Financial Implications

28. 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 if appropriate.

29. The CGR will need to be delivered as a corporate project similar to the recent Electoral Review. The intention is for the core of the current Electoral Review project team to continue in support of the Committee to deliver the statutory CGR, and Polling District and Polling Place Review agreed at the last meeting. The project team and associated costs have been funded from the Enabling Fund approved at full Council in October 2017 involving resources from the Corporate Programme Office, Democratic Services, Legal and an elections consultant under the sponsorship of the Director of Legal, Electoral and Registration Services. This funding ends in January 2020 and a new bid has therefore been developed for the two new projects amounting to £250k for the team and all associated consultation costs for consideration in the 2020/21 budget round. It is intended that a more permanent arrangement is made after that point to support the future work programme of the Committee.

Legal Implications

30. 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

31. Whilst there is no obligation on the Council to carry out CGRs at a particular time (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

32. The Committee could delay any CGR excepting that of the petition, but this would mean it would be unlikely any other reviews could be concluded in advance of the May 2021 local elections. The Committee could also request additional or fewer of the Schemes submitted be included within the proposed Terms of Reference. This would have potential resource implications, require minimal delays to the beginning of the CGR in order to adjust the Terms of Reference appropriately, and potentially impact the completion of any review within the intended timetable.

Proposal

33. To approve the Terms of Reference for a Community Governance Review as detailed at **Appendix B**, to formally commence on 1 November 2019 or another date as appropriate if amended.
34. To agree to progress Scheme 12 (Cheverell Parva), Scheme 27 (Fittleton) and Scheme 36 (Wilcot) and Scheme 72 (Fyfield and West Overton JPC) in respect of changing the names of the parishes in question, under S75 of the Local Government Act 1972 at an appropriate time.

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Appendices

Appendix A – List of Requested Schemes

Appendix B – Draft Terms of Reference

Background Papers

[Guidance on Community Governance Reviews](#)

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