

Wiltshire Council

Electoral Review Committee

28 September 2022

Community Governance Review 2021/22 – Consultation on Second Additional Draft Recommendations

Purpose

1. To consider responses to the consultation on the Second Additional Draft Recommendations of the Committee in relation to Malmesbury and Calne Without (Derry Hill & Studley).
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. 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.
7. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

Main Considerations

Progress of the Review to Date

8. 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.
9. The Committee considered all the relevant information, and agreed Draft Recommendations to be consulted upon at its meeting on 8 February 2022.
10. A consultation was therefore held from 18 March 2022 – 5 May 2022. A public meeting was held on 21 April in Malmesbury and in Calne Town on 5 April 2022.
11. 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 across all areas.
12. At that meeting the Committee confirmed some of its recommendations and made some proposed changes for others in relation to Calne Without and some surrounding parishes. As it is a requirement that any option resolved by Full Council must be consulted upon, the Committee agreed to undertake a consultation on Additional Draft Recommendations where the original proposals had been slightly amended
13. The Committee also 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. An online consultation was therefore held from 7 June 2022 – 28 June 2022 on the amended proposals relating to Calne Without and its surrounding areas.
15. The Committee met again on 5 July 2022. 24 responses were received on the online consultation portal during the consultation period. It was acknowledged that the level of responses to the latest consultation was quite low. It was noted, however, that the pre-consultation was carried out via the same method and received 85 responses relating to Calne Without and surrounding. The Committee had then written to all residents of Calne Without and received 47 responses during the initial consultation. The additional consultation was the third engagement exercise conducted for Calne Without within 6 months, and the fifth within the last 2 years. It was therefore the case that significant and extended consultation on various options have been considered at various stages.
16. At its meeting on 5 July 2022 the Committee agreed to make a very minor adjustment to its recommendation relating to warding in the revised parish of Calne Without, to be

renamed Derry Hill & Studley. This would require a further consultation. In relation to recommendations around Malmesbury/St Paul Malmesbury Without and surrounding parishes, these were deferred further.

17. The Committee then met on 8 August 2022. At that meeting it was agreed to consult upon a new option for Malmesbury Town only, to introduce further warding arrangements. This too would need to be subject to consultation.

Second Additional Draft Recommendations Consultation

18. An online consultation was subsequently held from 15 August 2022 – 16 September 2022. The Second Additional Draft Recommendations Document is included with the background papers.
19. The consultation included a briefing note, press releases, and communication to affected parish councils. This was the same methodology which had led to 200+ responses during pre-consultation surveying. However, due to the limited nature of the recommendations, far fewer residents would be affected.
20. Only 2 further responses were received to the latest consultation, which was the fourth engagement exercise relating to Calne Without within 7 months, and the third to involve Malmesbury, which demonstrates the extensive efforts to engage with local residents.
21. 1 response was in relation to the warding proposal for Malmesbury Town and was in agreement.
22. The other response was from Calne Without Parish Council. This was also in agreement. It stated that the Parish council '*would like to acknowledge the inclusion of most of our suggested amendments in this recommendation*'.

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 and Climate Change Implications

27. There are no environmental implications.

Workforce Implications

28. There are no workforce implications.

Financial Implications

29. There are no financial implications.

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. A failure to consult appropriately or provide appropriate reasoning for any decision to change governance arrangements would be potentially vulnerable to challenge.

Options

32. As noted above the Committee may confirm its remaining 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

33. That the Committee consider the responses to the Draft Recommendations consultation.

34. 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 – Second Additional Draft Recommendations Summary

Appendix B – Responses

Background Papers

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

[Pre-consultation information pack](#)

[Draft Recommendations](#)

[Responses to Draft Recommendations](#)

[First Additional Draft Recommendations](#)

[Responses to First Additional Draft Recommendations](#)

[Guidance on Community Governance Reviews](#)

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

Appendix A – Summary of Second Additional Draft Recommendations Consulted Upon

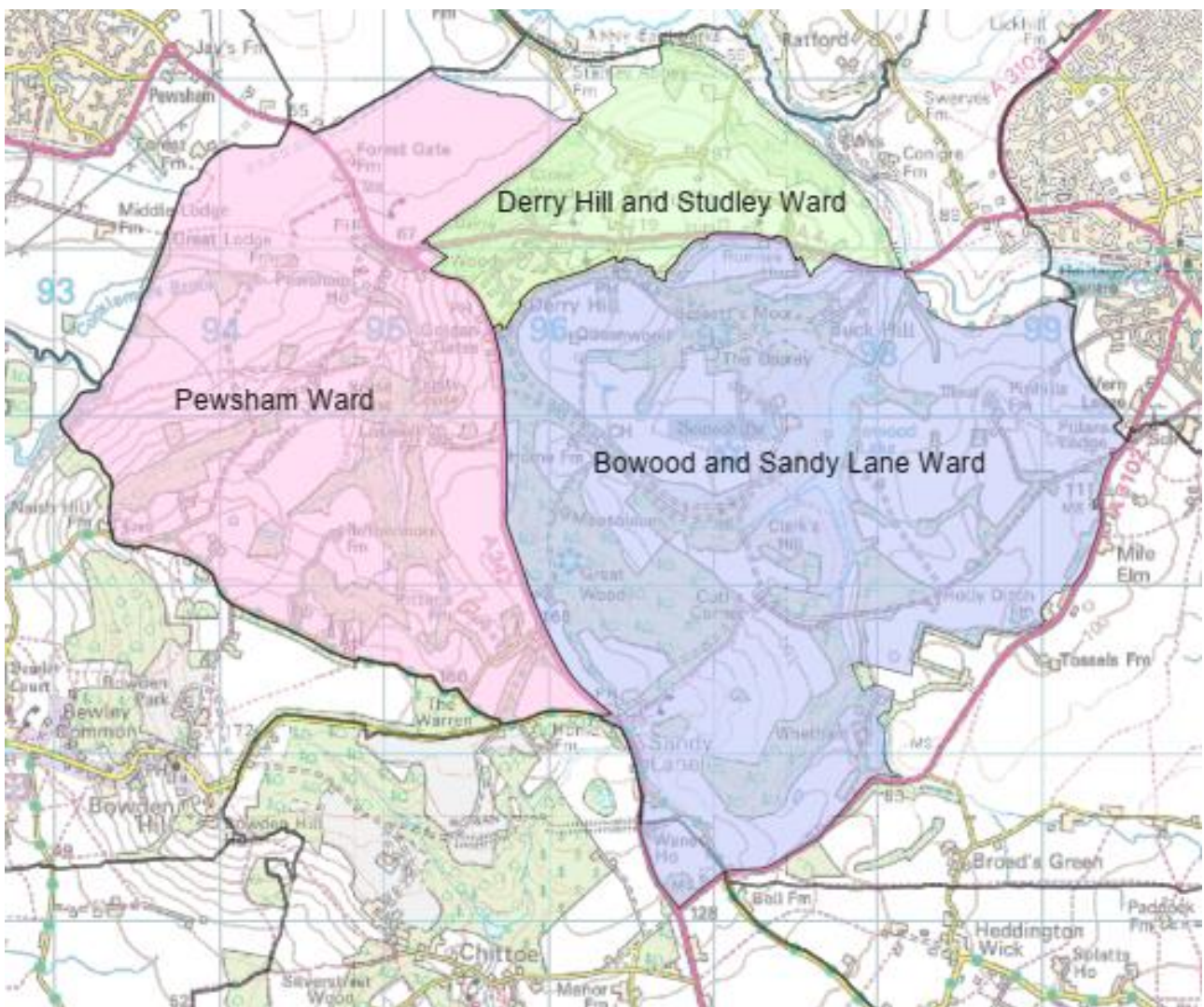
Recommendation 7

7.3 That the renamed parish of Derry Hill & Studley contain Eleven councillors across three wards: 1) Pewsham 2) Derry Hill & Studley 3) Bowood and Sandy Lane, as set out in the map below.

Reasons: Paragraphs 54, 58, 59, 63, 73, 74, 80, 83, 84, 85 and 170 of the Guidance on Community Governance Reviews.

All other elements of Recommendation 7 were agreed at the meeting of the Committee on 5 July 2022 and would be presented to Full Council alongside the amended Recommendation 7.3 if it was confirmed.

Ward Map



Recommendation 8

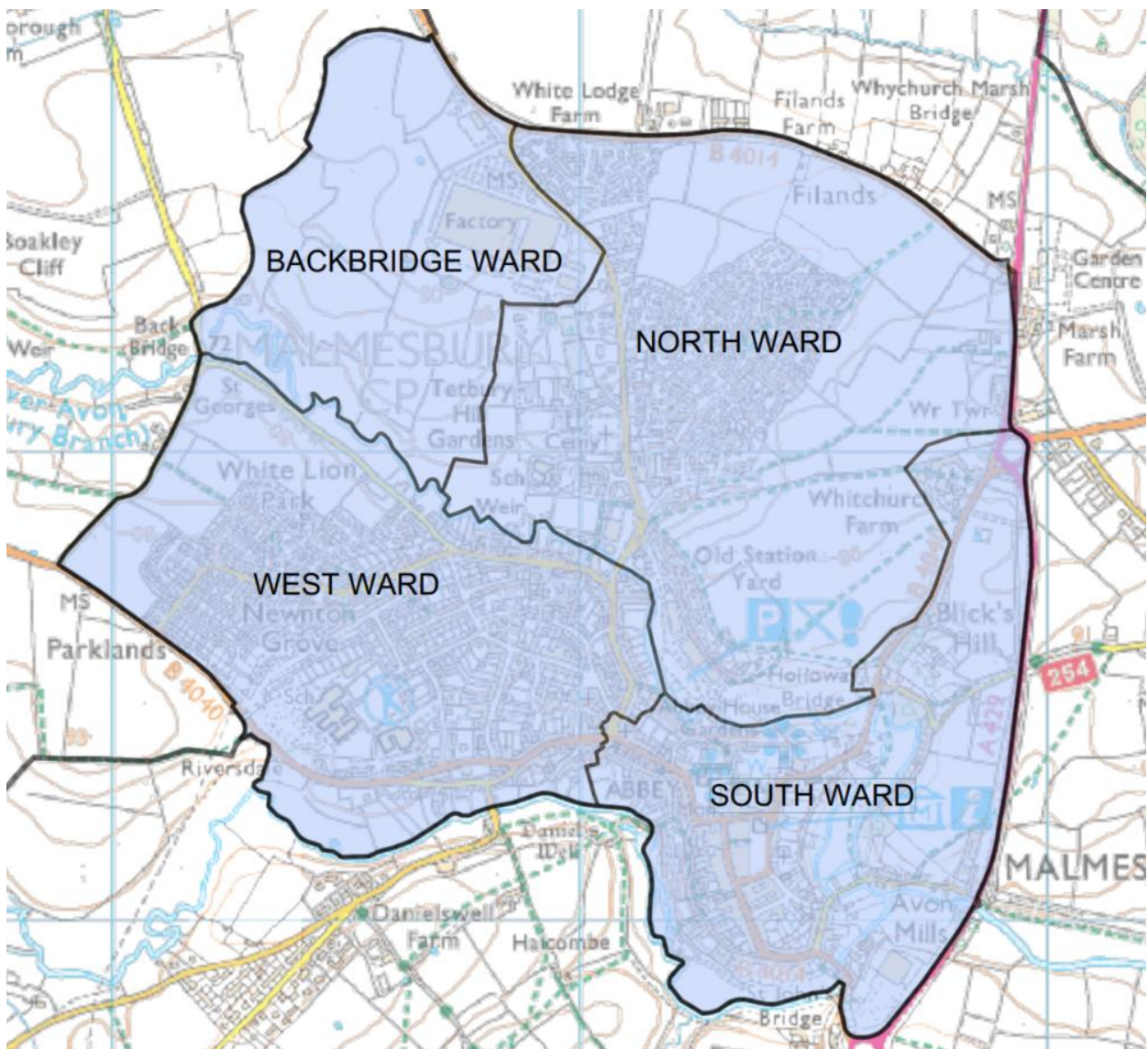
8.1 That Malmesbury Town Council contain a total of 17 councillors in the following wards as shown in the map below: Backbridge Ward (two councillors), Malmesbury North Ward (six councillors), Malmesbury South (two councillors), Malmesbury West (seven councillors).

8.2 The parish of St Paul Malmesbury Without be unwarded, with Twelve Councillors.

Reasons: Paragraphs 73, 74, 80, 83, of the Guidance on Community Governance Reviews

The Committee also agreed to uphold its initial Draft Recommendation relating to a transfer of a small area from St Paul Malmesbury Without to Brokenborough. This would be presented to Full Council alongside the amended Recommendation 8.1 and 8.2 if it was confirmed.

Malmesbury Town Wards



Appendix B – Consultation Responses

Comment	Recommendation	Status	Agree/Disagree/Amendment	Reasons	Other Comments
1	8 - Malmesbury	A resident of the parish of St Paul Malmesbury Without	Agree		
2	7 – Derry Hill & Studley	A representative of a parish council	Agree		CWPC[Calne Without Parish Council] would like to acknowledge the inclusion of most of our suggested amendments in this recommendation. Thank you.