

Wiltshire Council

Full Council

9 July 2019

Electoral Review Committee Update: Additional Consultation Response to the Local Government Boundary Commission for England and Preparation for Future Community Governance Reviews

Executive Summary

The Electoral Review Committee (“The Committee”) was established by Full Council at its meeting on 17 October 2017 to progress the Council’s responses to the Local Government Boundary Commission for England’s Electoral Review of Wiltshire Council.

The Local Government Boundary Commission for England (“The Commission”), having determined that the council size should remain at 98 councillors, and following submissions from the council and others, published draft recommendations setting out a proposed pattern of electoral divisions, to which the Council responded on 25 March 2019.

The Commission has since announced an additional period of consultation on revised draft recommendations, rather than publish its final recommendations. As there has not been sufficient time for the Committee to prepare a response for Full Council to consider, and as a result of the limited timescale for provision of a response, it is requested that Full Council delegate preparation and approval of a response to the Committee.

The Committee’s terms of reference would also need to be amended in order to have authority to prepare for future Community Governance Reviews.

Proposal

- 1) That Council delegates the preparation and approval of a response to the latest consultation of the Local Government Boundary Commission for England to the Electoral Review Committee, to include approval of any final consequential changes to the submission documentation to the Director of Legal, Electoral and Registration Services after consultation with the Chairman of the Electoral Review Committee.
- 2) To approve amendments to the Terms of Reference of the Electoral Review Committee as detailed in **Appendix A**, and include them within Part 3B of the Constitution.

Reason for Proposals

To ensure the Council provides a submission to the Local Government Boundary Commission for England to its consultation.

To enable the Electoral Review Committee to organise and administer Community Governance Reviews on behalf of the Council.

Ian Gibbons - Director of Legal, Electoral and Registration Services

Wiltshire Council

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Purpose

1. To request Council to delegate responsibility for approval of a draft response to the Local Government Boundary Commission for England ("The Commission") regarding the latest consultation on its new set of draft recommendations setting out a proposed pattern of electoral divisions to the Electoral Review Committee.
2. To request Council to amend the Terms of Reference of the Electoral Review Committee to prepare for oversight of any future Community Governance Reviews.

Background

3. On 15 September 2017 Wiltshire Council ("The Council") was notified by the Local Government Boundary Commission for England ("the Commission") of its intention to carry out an electoral review of the Council in its 2018/19 work programme.
4. On 17 October 2017 Council established the Electoral Review Committee ('the Committee') to progress the Council's response to the review, and to formulate recommendations on any submissions to be made to the Commission during the review process.
5. Following two submissions from the Council, on 28 August 2018 the Commission announced that it was minded to agree a council size of 98 councillors, noting its decision was taken '*in the context of the Area Boards and their importance to the Council's decision-making process*'.
6. A consultation on a pattern of divisions was therefore launched to run from 28 August - 5 November 2018. The Council, following consideration of evidence by the Committee, approved a submission on a proposed pattern of divisions at its meeting on 16 October 2018.
7. A consultation on [draft recommendations](#) from the Commission was launched from 5 February - 15 April 2019. The Council, following consideration of evidence by the Committee, approved a submission in response at its meeting on 25 March 2019.
8. The Commission was due to announce its final recommendations on 2 July 2019. These would have been either approved or rejected by Parliament, and would not have been amendable. However, the Commission has instead informed the Council it will launch an additional consultation period on revised draft recommendations, which will run from 2 July 2019 -29 July 2019.

9. The Council also has a statutory obligation to undertake Community Governance Reviews of town/city/parish councils in response to requests and when it considers it practicable to do so. The Committee has limited delegation to scope and oversee any review and the preparation of recommendations to Full Council for determination.

Main Considerations

Electoral Review

10. At the time of the publication of the agenda on 1 July 2019, the details of the revised draft recommendations have not been made public. This will take place as noted above from 2 July 2019.
11. As a result, there has been insufficient opportunity for the Electoral Review Committee to consider any revised draft and make any recommendations to Full Council.
12. The options would be that an additional Full Council meeting is scheduled in late July to consider a recommendation from the Committee, or that the Committee, in this particular instance, is given delegated authority to prepare and sign off a response on behalf of the Council to the latest consultation.
13. Therefore, Full Council is requested to delegate authority to the Committee to prepare a response to the Commission accordingly.

Community Governance Reviews

14. 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.
15. The Council is required to undertake reviews where it receives valid requests to do so, but unless the request is the result of a petition of sufficient size, may schedule that review as it considers it practicable to do so. The Council may also suggest a review for an area in the absence of any request.
16. As a result of the Electoral Review of Wiltshire Council, which will have consequential effects upon many town and parish governance arrangements, the intention of the Council had been that the Electoral Review Committee would oversee Community Governance Reviews in appropriate areas, following canvassing of parish councils, following confirmation of the new electoral divisions. This would have enabled completion of any reviews in advance of the May 2021 local elections.
17. Although the delays of the Electoral Review mean that the start date for any review could therefore be delayed, and it could not therefore be guaranteed all reviews could be completed in time for the local elections, the Council must still review the governance arrangements of the parishes as appropriate.
18. The existing terms of reference of the Committee give limited authority to determine if any requests for community governance review should take place 'during the Electoral

Review'. It is recommended that the Committee be given authority to organise the scope and structure of any future community governance review to enable it to conduct reviews appropriately and prepare recommendations or Full Council. Full Council would remain the decision maker on any community governance review.

19. As the Committee will therefore remain in existence beyond completion of any specific project, it is recommended that it be noted that the Committee is a standing committee of the Council, and be included within Part 3B of the Constitution.

Safeguarding Implications

20. There are no safeguarding implications.

Public Health Implications

21. There are no public health implications.

Procurement Implications

22. There are no procurement implications.

Equalities Implications

23. There are no equalities implications.

Environmental Implications

24. There are no environmental implications.

Financial Implications

25. Community Governance Reviews will involve significant ongoing work. Consideration will need to be given to securing additional resourcing once the scope of the review has been determined.

Legal Implications

26. The Electoral Review is a statutory process carried out by the Commission in accordance with its obligations and powers as set out in the Local Democracy, Economic Development and Construction Act 2009.
27. Principal authorities have a statutory obligation to undertake Community Governance Reviews under the Local Government and Public Involvement in Health Act 2007.

Risks

28. If the Council fails to respond to the review the Commission would determine matters based on the submission of other interested parties.
29. If the Council does not undertake Community Governance Reviews at some stage it would be in breach of its legal obligations.

Options Considered

30. In place of additional delegation to the Committee additional special Full Council meetings would be required to approve any response to the Commission.

Next Steps

31. Following consideration of all representations the Commission will publish its final recommendations detailing a pattern of divisions and division names in Autumn 2019. At that stage the proposals can no longer be amended, but will be laid before Parliament where they can be either accepted or rejected. This would be scheduled to take place from early 2020 onwards, and come into effect for the unitary elections in May 2021.

Proposal

32. That Council delegates the preparation and approval of a response to the latest consultation of the Local Government Boundary Commission for England to the Electoral Review Committee, to include approval of any final consequential changes to the submission documentation to the Director of Legal, Electoral and Registration Services after consultation with the Chairman of the Electoral Review Committee.
33. To approve amendments to the Terms of Reference of the Electoral Review Committee as detailed in **Appendix A**, and include them within Part 3B of the Constitution.

Ian Gibbons - Director of Legal, Electoral and Registration Services

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Appendices

Appendix A – Revised Terms of Reference of the Electoral Review Committee

Background Papers

[Initial Draft Recommendations of the LGBCE](#)

[Wiltshire Council Response to the LGBCE](#)

[Revised Draft Recommendations of the LGBCE](#)

[Technical Guidance of the LGBCE](#)