

**Community Governance Review 2019/20**

**Summary**

To consider the Final Recommendations of the Electoral Review Committee in respect of the Community Governance Review which commenced on 1 November 2019.

**Proposals**

**That Council,**

- 1) Approve the changes to community governance arrangements as set out below as recommended and detailed by the Electoral Review Committee in the Final Recommendations:**
  - i. Recommendation 1 – Salisbury and Netherhampton;**
  - ii. Recommendation 2 – Salisbury;**
  - iii. Recommendation 3 – Chippenham, Langley Burrell Without and Lacock;**
  - iv. Recommendation 4 – Kington St Michael and Chippenham Without;**
  - v. Recommendation 5 – Manningford and Woodborough;**
  - vi. Recommendation 6 – Pewsey;**
  - vii. Recommendation 7 – Wilcot and Pewsey;**
  - viii. Recommendation 8 – Wilcot and Huish;**
  - ix. Recommendation 9 – Calne Without: Derry Hill and Studley;**
  - x. Recommendation 10 – Calne Without: Warding;**
  - xi. Recommendation 11 – North Bradley and Trowbridge;**
  - xii. Recommendation 12 – Melksham;**
  - xiii. Recommendation 13 – Melksham Without and Melksham.**
- 2) To authorise the Solicitor of the Council to take all necessary measures to make and approve the Community Governance Order(s) to bring into effect for 1 April 2021 all of the changes detailed under paragraph 1, subject to any required consents by the Local Government Boundary Commission for England;**
- 3) To authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes, to be reported to the Electoral Review Committee.**

**Reason for Proposals**

To ensure effective and convenient local governance and reflect community interest and identity

**Ian Gibbons, Director of Legal and Governance**

## **Wiltshire Council**

### **Full Council**

**9 September 2020**

---

## **Community Governance Review 2019/20**

### **Purpose**

1. To consider the Final Recommendations of the Electoral Review Committee.

### **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 number of councillors or wards, the external boundaries, or even the creation/merger/abolition/grouping of entire parishes.
3. 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 Constitution. This includes setting the scope for any review, its methodology, timescales, and preparing recommendations for consideration by Full Council.
4. Following a pre-review period of communication with parishes, and in response to requests and a petition, the Committee at its meeting on 31 October 2019 published terms of reference for a Community Governance Review to begin on 1 November 2019 (“The Review”). The timetable for the Review within the terms of reference was updated by the Director of Legal, Electoral and Registration Services under delegated authority granted by the Committee, in February 2020 and May 2020.
5. The parishes included within the Review were: Chippenham, Chippenham Without, Hilperton, Huish, Kington St Michael, Lacock, Langley Burrell Without, Manningford, Melksham, Melksham Without, Netherhampton, North Bradley, Pewsey, Salisbury, Seend, Southwick, Trowbridge, West Ashton, Wilcot, Woodborough and Yatton Keynell.

### **Main Considerations**

#### Pre-consultation

6. In accordance with the terms of reference, during Stage One of the Review additional proposals for the areas set out in Paragraph 5 were sought. During Stage Two the Committee undertook pre-consultation information gathering. This included:
  - Notes of sessions between representatives of the Committee and affected unitary members and parishes on 4,5,10,11 and 18 December 2019.
  - Public meetings on 20, 22 January and 5,14 February 2020
  - A physical and online survey of those potentially impacted by proposals, with 522 responses validly received.
  - Emailed representations

7. The Committee considered all the relevant information including session notes, proposal details, parish council responses and public representations by email, post or online survey, and agreed Draft Recommendations to be consulted upon at its meeting on 24 March 2020.

### Consultation

8. The Committee agreed to write once again to those residents in areas potentially subject to change in May 2020 for the consultation on the Draft Recommendations.
9. Taking account of the Covid-19 situation, the timetable for the consultation was extended and took place from 15 May to 10 July 2020. This included briefing notes, press releases, an online survey and physical surveys. The letter sent to residents outlined each recommendation and advised where more detailed information could be found or requested, and how a response could be made by those without internet access under Covid-19 restrictions. Due to the ongoing restrictions, specific public facing meetings were not possible.
10. In that context, in which parish councils, electors and other interested parties have had multiple opportunities to make representations on possible options, and having contacted potentially affected parties directly on multiple occasions beyond the requirements of the Act and guidance, it is considered reasonable to proceed with the Community Governance Review process and that appropriate consultation has taken place.
11. In particular, it is noted that a decision would need to be made this year for changes to take effect for the next unitary and parish elections in May 2021. A failure to do so in some cases could be detrimental to effective and convenient local governance and/or community identity or interests, and therefore the resolution of this is an essential need for some areas.
12. The Council's approach reflects a similar approach to that of the Local Government Boundary Commission for England, which has also undertaken consultations during the Covid-19 pandemic.
13. The Committee considered all the relevant information including all public representations by email, post or online survey, and agreed Final Recommendations at its meeting on 13 August 2020.

### Statutory Criteria

14. In preparing Final recommendations the Committee took 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.
15. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

16. The Committee also took account of the statutory guidance provided by the Secretary of State and the Local Government Boundary Commission for England.

#### Electorate Forecasting

17. The guidance on Community Governance Reviews has been included as a background paper. That guidance makes clear that the principal council '*must also consider any change in the number or distribution of electors which is likely to occur in the period of five years beginning with the day when the review starts*'.

18. The guidance further states that '*planning assumptions and likely growth within the area, based on planning permissions granted, local plans or, where they are in place, local development frameworks, should be used to project an accurate five-year electorate forecast. This ensures that the review does not simply reflect a single moment, but takes account of expected population movements in the short to medium term*'.

19. Considering the entire guidance document as a whole and in context, the Council is satisfied, as in previous reviews, that consideration of future projections is a relevant factor.

20. The Council has utilised electorate projections as utilised by the Local Government Boundary Commission for England for the Electoral Review of Wiltshire Council, the Order for which is due to receive parliamentary approval on 16 March 2020. The figures were provided as part of the pre-consultation process. Where appropriate the figures were updated in early 2020 in relation to housing projections for development sites. A forecast is not a guarantee, however it is a way to ensure decisions are made based on the best information known at the time as to likely future needs. There is no empirical evidence to suggest that the forecasts used at the beginning of the review process can no longer be relied upon.

21. It is also be noted that on 25 February 2020 the Wiltshire Housing Sites Allocation Plan was adopted by Full Council.

#### Neighbourhood Plans

22. Comments were received during the consultation relating to Neighbourhood Development Plans (NDP) and how these might impact a Community Governance Review. NDPs are a separate process to Community Governance Reviews. NDP policies would remain in place and be able to be enforced for the designated area even if some of that land becomes part of a different parish.

23. In the specific case of an NDP which is at an advanced stage of preparation having completed its regulation 16 consultation, undergone examination and is awaiting confirmation by a referendum (following the Council as a local planning authority issuing a decision for it to proceed), significant weight in planning terms would already be given. This would not change as a result of any Community Governance Review, nor would such a review undermine any adopted planning policies or status of the emerging NDP. Matters of community interests which could include the NDP would be a factor to be considered during a Community Governance Review, but would not be determinative.

24. Where an area is moved between parish boundaries as part of a Community Governance Review, and this area is subject to a NDP referendum as part of the designated plan area, these residents would remain entitled to vote on the NDP referendum.

#### **Safeguarding Implications**

25. There are no safeguarding implications.

#### **Public Health Implications**

26. There are no public health implications.

#### **Procurement Implications**

27. There are no procurement implications.

#### **Equalities Implications**

28. There are no equalities implications.

#### **Environmental and Climate Change Implications**

29. There are no environmental implications.

#### **Workforce Implications**

30. There are no workforce implications.

#### **Financial Implications**

31. Additional consultation would incur additional resources, in particular in relation to the cost of physically mailing those affected in certain areas if appropriate.

#### **Legal Implications**

32. 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.

33. As several recommendations impact areas recently adjusted by the Local Government Boundary Commission for England as consequential changes following their Electoral Review of Wiltshire Council, they would need to consent to any draft Community Governance Order involving those areas.

34. Should they consent to such an order, the Council would at that point be able to formally request Electoral Division changes, where this was appropriate following a community governance change.

35. A confirmation of the legal position of Community Governance Reviews and Neighbourhood Plans had been incorporated into the forming of this report and the advice in paragraphs 22-24 above.

#### **Risks**

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

decision is not made by Full Council at this meeting, any changes may not be enacted in time for the May 2021 elections.

## **Options**

37. Council may approve or not approve any of the Final Recommendations. The Council may only approve proposals which have been consulted upon. If minded to approve an alternative proposal Council would need to instruct the Committee to undertake additional consultation before it could be approved.

## **Proposal**

**That Council,**

- 1) Approve the changes to community governance arrangements as set out below as recommended and detailed by the Electoral Review Committee in the Final Recommendations:**
  - i. Recommendation 1 – Salisbury and Netherhampton;**
  - ii. Recommendation 2 – Salisbury;**
  - iii. Recommendation 3 – Chippenham, Langley Burrell Without and Lacock;**
  - iv. Recommendation 4 – Kington St Michael and Chippenham Without;**
  - v. Recommendation 5 – Manningford and Woodborough;**
  - vi. Recommendation 6 – Pewsey;**
  - vii. Recommendation 7 – Wilcot and Pewsey;**
  - viii. Recommendation 8 – Wilcot and Huish;**
  - ix. Recommendation 9 – Calne Without: Derry Hill and Studley;**
  - x. Recommendation 10 – Calne Without: Warding;**
  - xi. Recommendation 11 – North Bradley and Trowbridge;**
  - xii. Recommendation 12 – Melksham;**
  - xiii. Recommendation 13 – Melksham Without and Melksham.**
  
- 2) To authorise the Solicitor of the Council to take all necessary measures to make and approve the Community Governance Order(s) to bring into effect for 1 April 2021 all of the changes detailed under paragraph 1, subject to any required consents by the Local Government Boundary Commission for England;**
  
- 3) To authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes, to be reported to the Electoral Review Committee.**

**Ian Gibbons - Director of Legal and Governance**

---

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,  
[kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

## **Appendices**

Appendix A – Final Recommendations

## **Background Papers**

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

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

[Guidance on Community Governance Reviews](#)

[Pre-consultation information pack \(24 March 2020\)](#)

[Consultation information pack 1 \(13 August 2020\)](#)

[Consultation information pack 2 \(13 August 2020\)](#)