

AGENDA SUPPLEMENT (1)

Meeting: Electoral Review Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 21 September 2021

Time: 2.00 pm

The Agenda for the above meeting was published on 13 September 2021. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Community Governance Review 2021/22** (Pages 3 - 12)

A report on draft terms of refernece for a Community Governance Review is attached.

DATE OF PUBLICATION: 14 September 2021
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Wiltshire Council

Electoral Review Committee

21 September 2021

Community Governance Review 2021/22

Purpose

1. To approve Terms of Reference for a Community Governance Review to take place during 2021/22.

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 may 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. Following communication from the Committee, and subsequently, over 80 proposals or 'Schemes' were received in 2019. The Committee determined which areas should be reviewed in advance of the May 2021 elections at a meeting on 31 October 2019. A review commenced on 1 November 2019 and concluded with decisions of Full Council on 9 September 2020.

Main Considerations

Summary

5. At its informal online meeting on 12 July 2021 the Committee considered the 44 remaining schemes or expressions of interest for a review and resolved to prioritise the following reviews, following preparation and consideration of draft terms of reference:
 - Calne Without and surrounding parishes (Calne, Cherhill, Compton Bassett, Heddington, Bremhill, Hilmarton);
 - Beechingstoke and surrounding parishes (Stanton St Bernard, Patney, Marden, Wilsford, North Newnton and Woodborough);
 - Malmesbury and St Paul Malmesbury Without.
6. The Committee also considered a request from Biddestone Parish Council to change its name. 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, the Committee agreed to progress the request for a change of name under S75, and that any future name change requests would also be progressed through that process.
7. For the remaining schemes or requests not taken forward in the draft Terms of Reference these would be scheduled for consideration in any later reviews.

8. A workshop was held for Committee members on 14 September 2021 to discuss options for any CGR process to assist with the scoping of the Terms of Reference and subsequent proposal, taking into account priority of schemes agreed by the Committee on 12 July 2021 and considering resourcing capacity.
9. The draft Terms of Reference encompassing those areas and detailing the scope of the reviews are included at **Appendix A**.

Next Steps

10. Subject to the draft Terms of Reference being approved, it is proposed that the CGR formally commences on 22 September 2021. This will initiate Stage One, which involves information gathering and 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.
11. The Council website will be updated 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 pre-consultation. It may, if appropriate, organise surveying or public meetings for review areas.
12. The Committee will then consider all the information it receives and develop draft recommendations, intended in the first quarter of 2022. Consultation will be required on any changes recommended by the Committee, which may involve a solution not suggested by a specific Scheme up to that point.
13. After analysing any responses, the Committee may amend its recommendations and/or seek additional consultation as appropriate, before submitting final recommendations to Full Council in the summer of 2022.

Safeguarding Implications

14. There are no safeguarding implications.

Public Health Implications

15. There are no public health implications.

Procurement Implications

16. There are no procurement implications.

Equalities Implications

17. There are no equalities implications.

Environmental Implications

18. There are no environmental implications.

Financial Implications

19. 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 during the draft recommendations stage.

Legal Implications

20. 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

21. There is no obligation on the Council to carry out CGRs at a particular time, other than in response to a petition. However, failure to do so may lead to the arrangements in some areas being outdated and unable to provide effective local governance.

Options Considered

22. The Committee can request that additional or fewer of the Schemes submitted be included within the proposed Terms of Reference. This would have potential resource implications, delay the beginning of the CGR in order to adjust the Terms of Reference appropriately, and potentially have an impact upon the completion of any review within the intended timetable.

Proposal

23. To approve the Terms of Reference for a Community Governance Review as detailed at **Appendix A**, to formally commence on 22 September 2021 or another date as appropriate if amended.
24. To confirm that any requests in respect of changing the names of the parishes, including that from Biddestone Parish Council, be progressed under S75 of the Local Government Act 1972 at an appropriate time.

Perry Holmes - Director of Legal and Governance

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Appendices

Appendix A – Draft Terms of Reference

Background Papers

[Guidance on Community Governance Reviews](#)

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

[Minutes of the Committee meeting on 12 July 2021](#)

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Community Governance Review 2021-2022

Terms of Reference

Introduction

On behalf of Wiltshire Council (“The Council”) and under authority as set out at Paragraphs 2.10.7 – 2.10.9 of Part 3B of the Constitution, the Electoral Review Committee (“The Committee”) at its meeting on **21 September 2021** resolved to undertake a Community Governance Review (“The Review”), in respect of the areas and within the scope listed below.

Description	Review parameters
Consideration of creation of new parish – Derry Hill and Studley – and associated impact	<p>Internal and external boundaries of the parishes of Bremhill, Calne, Calne Without, Cherhill, Compton Bassett, Heddington and Hilmarton or parishes surrounding those listed, including associated warding, councillor numbers and any other arrangements.</p> <p>To include the possible establishment of a new parish at Derry Hill and Studley (Calne Without), including its name, style, warding, councillor numbers and any other arrangements.</p>
Beechingstoke	<p>Internal and external boundaries of the parish of Beechingstoke, or any parishes surrounding Beechingstoke (ie Stanton St Bernard, Patney, Marden, Wilsford, North Newton and Woodborough), including associated warding, councillor numbers and any other arrangements.</p> <p>To include the possible merger or grouping of Beechingstoke with a neighbouring parish(es).</p>
Malmesbury and St Paul Malmesbury Without	<p>Internal and external boundaries of the parishes of Malmesbury and St Paul Malmesbury Without, or parishes surrounding those listed, including associated warding, councillor numbers and any other arrangements.</p>

The Review may also consider any other issues within the areas under review that fall within the scope of sections 87-92 of *The Local Government and Public Involvement in Health Act 2007* (‘the Act’).

The Review above in some cases may require consent being granted by the Local Government Boundary Commission for England (LGBCE) for any internal or external changes as a result of the 2018-20 Electoral Review of Wiltshire Council and the consequential changes made to parish warding arrangements. For the

avoidance of doubt, any review areas may include consulting on and recommending to the LGBCE consequential changes to Unitary Divisions if appropriate.

This Review is being carried out by the Council under the powers in Part 4 of the Act and will be undertaken in accordance with the legislative requirements of that Act and any relevant regulations made thereunder. It will also have regard to the Guidance on Community Governance Reviews published by the Department of Communities and Local Government (DCLG, now the MHCLG).

What is a Community Governance Review?

A Community Governance Review (CGR) is a review of the whole or part of the Council's area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and styles of new parishes;
- The electoral arrangements of parishes (including the number of councillors to be elected to the council and parish warding);
- Grouping or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and,
- Is effective and convenient.

In doing so, the community governance review is required to take into account:

- The impact of community governance arrangements on community cohesion; and,
- The size, population and boundaries of a local community or parish.

Why undertake a Community Governance Review?

The Council is undertaking this Review following:

- Confirmation by Parliament of the Final Recommendations of the Electoral Review of Wiltshire Council by the LGBCE in March 2020;
- Changes to natural settlements caused by new and forthcoming development;
- The resolution of Full Council on 9 September 2020 in respect of Calne and Calne Without and wider area, following initial determination of a petition signed by the requisite number of local government electors for the area.

Who will undertake the Review?

The Council has appointed an Electoral Review Committee to carry out all aspects of the reviews and to make recommendations to the Council in due course. The Committee comprises a politically balanced membership of ten Members. Other Members and the public may attend the formal committee meetings. The relevant

section of the Committee's terms of reference are set out in Part 3B Paragraph 2.10 of the Constitution as follows:

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.

As the relevant principal authority, Wiltshire Council is responsible for conducting any Community Governance Review within its electoral area. The Electoral Review Committee will oversee the review and produce draft and final recommendations. Full Council will approve the final recommendations before a Community Governance Order ("An Order") is made.

Consultation

The Council is required to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account. The Council will also identify any other person or body who it feels may have an interest in the review and invite them to submit their views at all stages of the consultation.

Before making any recommendations or publishing final proposals, an appropriate consultation process will form part of the review to take full account of the views of local people and other stakeholders. The Council will comply with the statutory consultative requirements by:

- consulting local government electors for the area under review;
- consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review; and,
- taking into account any representations received in connection with the review.

The Council will publicise the review on its website and with information available at appropriate Council Offices on request.

The methods of consultation will be those deemed appropriate for the proposals concerned. This may include a webpage created for the review containing all relevant information, briefing notes sent to appropriate town and parish councils and area boards, and press releases at appropriate stages.

Timetable

The Review will aim to be completed within 12 months of the date of commencement.

An indicative timetable for the Review is as listed below. This is subject to variation by the Committee as appropriate, within the overall prescribed time limit. In particular, the Committee may vary the timetable to take account of any additional consultations that it deems appropriate. The Director for Legal and Governance may also vary the timetable in consultation with the Chairman of the Committee at any time, if appropriate, to be reported to the Committee.

Stage	Action	Dates
Pre-review	Liaising with parish councils on suggested areas for consideration for review and receipt of initial submissions.	May-August 2021
Stage one	Commencement of CGR - Terms of Reference published.	September 2021
	Schemes uploaded to public portal for any initial comments, to be updated with any relevant additional information. To include any further schemes received which fall within the scope of the Review.	September 2021 – 12 October
Stage two	Consideration of submissions received in relation to proposed schemes. Local briefings and meetings as appropriate with unitary councillors and/or parish representatives.	13 October 2021 – 31 December 2021
	Pre-consultation surveying.	1 November 2021 – 20 December 2021
	Draft Recommendations prepared.	December 2021 – February 2022
Stage three	Draft Recommendations consultation.	8 February 2022 – 5 April 2022 (8 weeks)
Stage four	Consideration of submissions received. Final Recommendations prepared.	April/May 2022
Decision	Final Recommendations considered by Full Council.	June/July 2022

Electorate Forecasts

Existing parish ward electorate figures will be calculated from the August 2021 electoral register.

When the Council comes to consider electoral arrangements for the parish councils in its area, it is required to 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.

Electorate forecasts have been prepared for the period to 2026 and will be included in information sheets for each scheme which is reviewed.

Consequential Matters

When all the required consultation has been undertaken and the review completed the Council may make an Order to bring into effect any decision that it may make. If the Council decides to take no action, then it will not be necessary to make an Order. If an Order is made it may be necessary to cover certain consequential matters in that Order. These may include:

- a) the transfer and management or custody of any property;
- b) the setting of a precept (council tax levy) for the new parish council;
- c) provision with respect to the transfer of any functions, property, rights and liabilities;
- d) provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

The Council will also take into account the requirements of the Local Government Finance (New Parishes) Regulations 2008 when calculating the budget requirement of any new parish councils when setting the council tax levy to be charged.

Representations

Wiltshire Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the Review.

Representations may be made in the following ways:

- Online (during surveys and consultations):
<https://www.wiltshire.gov.uk/council-democracy-cgr>
- By Email: CGR@wiltshire.gov.uk.
- By Post: Community Governance Review, Democratic Services, County Hall, Trowbridge, BA14 8JN

Date of Publication of Terms of Reference: 22 September 2021

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