

## **Community Governance Reviews**

### **1 Purpose of Report**

1.1 The Council is required to undertake Governance Reviews, i.e. to keep under review the boundaries and seating arrangements of parishes and parish wards within the county. This is a matter reserved to full Council. Some parishes have indicated recently that they wish to consider a review of their boundaries.

1.2 The purpose of this report is to appraise Councillors of current pressures and to recommend a policy for dealing with these.

### **2 Background**

2.1 The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) transferred full responsibility for parish reviews – “Community Governance Reviews” – to principal councils in England. A Community Governance Review is a review of the principal council’s area for the purpose of making recommendations with regard to:

- creating, merging or abolishing parishes,
- the naming of parishes,
- the electoral arrangements for parishes and
- grouping arrangements for parishes

2.2 Section 81 of the 2007 Act requires a principal council to draw up Terms of Reference before embarking on any review. The Terms of Reference may be considered as the Council’s policies in the review. These must specify the area under review. A principal council begins a community governance review when it publishes the terms of reference of the review.

2.3 The frequency of such reviews is not specified, although ten years would appear to be the generally accepted maximum. Any such review would probably take 1 to 2 years to complete, and would generate considerable interest from a number of sides.

### **3 Main Considerations for the Council**

#### **3.1 Protected Electoral Arrangements**

The 2007 the Act establishes a five-year moratorium period on the more recent reviews concluded by the Electoral Commission and its Boundary Committee. These are “protected electoral arrangements” which cannot be considered during a Community Governance Review without the consent of the Electoral Commission. Whilst we can not pre-judge the response of the Commission, it is most unlikely they

would look favourably at altering their considered findings from 2007 and 2009 without even seeing them fully implemented yet.

### 3.2 Previous Reviews

There are other sources of information to consider before we can contemplate a governance review.

- a) Prior to the 2009 review, parishes had already been revised under the 2007 District and Parish reviews in North and West Wiltshire. Until 2013, the old parish/town wards continue to exist for electoral purposes, in that councillors were elected in 2007 to represent the area, but from 2013 they will become co-terminous with unitary boundaries in urban areas. This can create confusion, but it is suggested that the alternative (i.e. to press for earlier implementation) would have to involve fresh elections to the new wards, which would be completely out of sequence with the old and new timetable.
- b) The County of Wiltshire (Electoral Changes) Order 2009 not only set up the divisions for the new Wiltshire Unitary Council, but also made changes to the composition and warding of a number of parish and town councils – that is, the number of councillors on the parish or town council and the number, names and boundaries of any parish/town wards. These cover the main urban areas of the County and amount to over 50% of the County's electorate. These changes will not be fully implemented until the December 2012 Register of Electors, i.e. in preparation for the 2013 elections. Although not altered by the 2009 Order, the new Salisbury City Council also came into being on 1 April 2009, and set the City ward boundaries at the same time.
- c) Changes were also made to eight parishes under an extensive parish boundary review over a number of years, culminating in the North Wiltshire (Parishes) Order 2008. This saw major changes in the electoral arrangements applying to the residential overspill area around Calne and Chippenham.

### 3.3 Ad hoc requests

We have accumulated a number of ad hoc requests, e.g. name change or single figure property movements, which can probably be carried out under the Local Government Act 1972, i.e. outside a formal Governance Review. These can be time consuming, in order to ensure there is sufficient public consultation, but these could be looked at over time within existing resources.

There have also been suggestions of larger scale boundary changes, e.g. Trowbridge, and these would have to be considered by a Governance Review under the 2007 Act, not the minor changes procedure under the 1972 Act.

## 4. Exception

4.1 The 2009 Order set out the new unitary divisions and also a number of new towns wards, including at Warminster. In common with many other towns, the Unitary boundaries cross the parish boundary, in order to achieve a division electorate of approximately 3,700. Each unitary division has a single seat, and each proposed town ward in Warminster has three seats. However, as only a proportion of the Warminster Copheap and Wyle division actually falls within the town area, the

three councillors for the town ward of Warminster Copheap and Wyle proposed for 2013 represent considerably fewer electors than the other Warminster town councillors. This anomaly is being discussed with the Electoral Commission.

## **5. Environmental and climate change considerations**

5.1 There are no Environmental and climate change considerations

## **6 Equalities Impact of the Proposal**

6.1 There are no Equalities considerations

## **7 Risk Assessment**

7.1 It is felt there is less risk in leaving the parish arrangements as they are, i.e. as determined by the various reviews over the last few years, than in making changes which would result in significant resource issues leading up to the 2013 elections. Changes are best implemented with effect from the publication of the Register of Electors each year, and it would be very disruptive to introduce changes for 2012, and then again for 2013.

## **8 Financial Implications**

8.1 There are no financial implications to consider.

## **9 Legal Implications**

The legislative framework for Community Governance Reviews is as follows:

- Local Government & Public Involvement in Health Act 2007
- *Guidance on community governance reviews*, issued jointly by DCLG & EC (April 2008)
- Local Government Act 1972 (as amended)
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008 625)
- Local Government Finance (New Parishes) Regulations 2008(SI2008 626)

## **10 Conclusions**

10.1 There is a statutory duty placed upon councils to undertake governance reviews. It is considered that as over 50% of the electorate will already have new parish arrangements in place for the 2013 elections, no further work should be undertaken on a countywide governance review until at least after that time.

## **11 Proposal**

11.1 That Council agrees that no Governance Reviews be undertaken until at least after the 2013 elections. Minor alterations which can be considered under the Local Government Act 1972 Act be investigated as and when resources permit.

11.2 Exceptionally, the apparent anomaly with regard to the Warminster Copheap and Wyle town ward continue to be investigated with the successor body to the Boundary Committee of the Electoral Commission.

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### **Background Papers**

None

### **Appendices**

None