

**Electoral Arrangements – 2013 elections**

**1. Purpose of Report**

1.1. The purpose of the report is to appraise members of anomalies within the electoral arrangements for 2013, and to recommend measures to deal with them.

**2. Background**

2.1. The 2009 County of Wiltshire (Electoral Changes) Order set up the electoral arrangements for the new unitary council and a number of parish and town councils. The unitary arrangements took effect from 2009, but the town arrangements will not take effect until the 2013 elections.

2.2. Officers have been working with the Local Government Boundary Commission for England (LGBCE) and others in relation to a number of anomalies that have been identified in the 2009 Order. These anomalies are set out in Appendix A. Further details can be located as shown below:

2.3.

Warminster	Paragraph 3 and Appendix C
Calne Without	Paragraph 4
Melksham Without	Paragraph 4
Roundway	Paragraph 4
Corsham	Appendix D
Calne	Appendix D

2.4. The Director of Reviews at the LGBCE has considered a “light touch” electoral review to correct the BCE errors, and also the possibility of asking the DCLG to revoke the 2009 Order and remake it, but both possibilities have been ruled out. It has also been established that the LGBCE does not have the legal power to amend the Electoral Commissions/ BCE’s review. The only practical solution would be for the Council to undertake a tightly defined governance review of the areas affected. The procedure for a governance review is set out in Appendix B. Arrangements for publicising the review are not prescribed, but it is suggested the most appropriate method would be by consulting the council affected, a public notice in the press, and promotion via the

council's website. If the town and parish councils involved then wish to further publicise the review, then this would be welcomed.

- 2.5. Members are also asked to express a view on whether to alter the electoral names of the unitary divisions and town wards in Royal Wootton Bassett to adopt the "Royal" prefix, in which case a governance review should be started on the naming, but not areas, or the divisions and wards involved..

### **3. Warminster Town Council seating**

- 3.1. Warminster parish is covered by four unitary divisions. Within the town council area, the boundaries of the unitary divisions and 2013 town wards are co-terminous, which was strongly favoured by all councils at the time of the boundary discussions.
- 3.2. The three unitary divisions of Warminster Broadway, Warminster East and Warminster West are all self contained within Warminster, but Warminster Copheap and Wylve extends beyond the town boundary to include a number of the neighbouring parishes in order to achieve a unitary division electorate within the 3,700 range.
- 3.3. Under the present proposals, all four town wards will be represented by three town councillors, which means the proposed Copheap ward is seriously over-represented at town level. The proposed solution lies in reducing the number of councillors in the Copheap town ward from three to one, and increasing the number in the other wards to four. This would increase the total membership of the Town Council from twelve to thirteen, but bring greater electoral balance in terms of numbers. These changes would be effected by a governance review limited to seating arrangements of Warminster Town council. The Local Government and Public Involvement in Health Act 2007 devolved power from the Electoral Commission to local authorities to undertake such reviews.
- 3.4. A draft wording for the terms of reference for such a review is appended at 'C' for members' consideration. If approved for consultation, members are obliged to consider any responses received before making an order. As the matter refers to arrangements which were made by the BCE within the last five years, the council will also formally have to contact its successor body, the LGBCE.

### **4. Parish ward boundaries**

- 4.1. Unitary boundaries which are newly created under boundary reviews should normally be superimposed along existing parish ward boundaries or parish boundaries. The 2009 Order introduced divisions in Calne Without and Melksham Without which split parish wards without creating new parish wards. Similarly the parish of Roundway contains two unitary divisions, but the review did not establish parish wards or therefore a parish ward boundary to follow.
- 4.2. The Final Recommendations of the 2009 BCE review contain the following advice (but omit all reference to Calne Without, a further error):

4.2.1. *'In our draft recommendations, we proposed the new single-member divisions of Devizes & Roundway South, Melksham Without North, Melksham Without South, and Roundway. These recommendations would result in division boundaries that would no longer reflect parish ward boundaries for Melksham Without and Roundway parish councils. In our draft recommendations report, we **inadvertently failed to make consequential recommendations** with regard to parish electoral arrangements for these parishes. When reviewing electoral arrangements, we are required to ensure that, as far as possible, parish ward boundaries are amended to reflect our proposed division boundaries. In the circumstances, we consider it would be more appropriate for the new Wiltshire unitary authority to consider conducting a community governance review, to ensure compatibility between parish electoral arrangements and division boundaries.'*

4.3. No further action is proposed, as the situation has existed for four years, but this can be addressed in any future review, especially as there will undoubtedly be calls for governance reviews after 2013. The maps submitted with the Order do not show any new parish wards, and can therefore be taken as an inconsequential anomaly at this stage.

4.4. In the case of the parish of Roundway (currently 13 parish seats) the position is complicated in that the mapping with the final recommendations shows a split into Roundway parish ward and Roundway South parish ward. There is no reference to this in the text of the review or the Order, and the split has disappeared from the mapping supplied with the 2009 Order.

## **5. Equalities Impact of the Proposal**

5.1. There are no significant equality issues arising from these proposals

## **6. Risk Assessment**

6.1. The solution all of these anomalies lies within the powers of the council to resolve and need to be addressed in time for the 2013 town council election process.

## **7. Financial Implications**

7.1. There are no significant financial consequences arising from this review, and the only costs relate to staffing time and advertising which can be accommodated within existing budgets.

## 8. Legal Implications

8.1. The Local Government and Public Involvement in Health Act 2007 devolved power to local authorities to undertake governance reviews. Paragraph 1.12 of Part 3 of the Constitution of the Council reserves this decision to full Council. The Act sets out the procedure to be followed in undertaking a review and the criteria to be taken into account. These are summarised in Appendix B.

## 9. Proposals

- 9.1. That council undertake a governance review at Warminster, Corsham and Calne, with no change proposed to electoral areas, but to consider proposals for the number of seats in each town ward. The council's preferred solution is shown at Appendices C and D.
- 9.2. That no further action be taken for 2013 in respect of parish wards at Calne Without, Melksham Without and Roundway, but the anomalies be noted for a future review
- 9.3. That authority be given to consulting on an order to add the prefix "Royal" to the unitary divisions and towns wards at Royal Wootton Bassett.

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21 June 2012.

### Background Papers

None

### Appendices

<b>A</b>	Schedule of anomalies contained in the County of Wiltshire (Electoral Changes) Order 2009
<b>B</b>	The process for undertaking a governance review
<b>C</b>	Governance review terms of reference for Warminster
<b>D</b>	Governance review terms of reference for Calne and Corsham

## Appendix A

**Schedule of anomalies in the County of Wiltshire (Electoral Arrangements) Order 2009, The review was undertaken by the Boundary Commission for England (BCE) which has now been replaced by the Local Government Boundary Commission for England (LGBCE).**

<b>Area</b>	<b>Final recommendations of BCE review</b>	<b>2009 Order</b>	<b>Recommended solution</b>	<b>Method</b>
Calne	<p>Calne Town Council should comprise 19 councillors, as at present, representing four wards:</p> <p>Calne Chilvester &amp; Abberd <b>(4)</b>            Calne North (5)            Calne Central (5)            Calne South (5).</p>	<p>The parish is divided into four wards named respectively</p> <p>Calne Chilvester and Abberd <b>(3)</b>            Calne North (5)            Calne Central (5)            Calne South (5)</p>	<p>The Order was incorrectly made. LGBCE has taken advice and concluded they do not have the legal power to amend an Electoral Commission Order. The only alternative would be for the Council to undertake a limited governance review, which is not an entirely satisfactory remedy, but a practical expedient.</p>	<p>Governance review by the Council – see Appendix D</p>
Corsham	<p>Corsham Town Council should comprise 20 councillors, as at present, representing <b>three</b> wards:</p> <p>Corsham Town (7),            Corsham Pickwick (7),            Corsham Gastard <b>(2)</b>,            Corsham Neston (3)            Corsham Rudloe (1).</p>	<p>The parish shall be divided into <b>five</b> wards which shall be named</p> <p>Corsham Town (7)            Corsham Pickwick (7)            Corsham Gastard <b>(3)</b>              Corsham Rudloe (1)</p>	<p>The Order was incorrectly made. LGBCE has taken advice and concluded they do not have the legal power to amend an Electoral Commission Order. The only alternative would be for the Council to undertake a limited governance review, which is not an entirely satisfactory remedy, but a practical expedient.</p>	<p>Governance review by the Council – see Appendix D</p>

<b>Area</b>	<b>Final recommendations of BCE review</b>	<b>2009 Order</b>	<b>Recommended solution</b>	<b>Method</b>
Warminster	The recommendations have resulted in an electoral imbalance, in that the Copheap town ward is considerably smaller than the other three, but all wards will have three councillors	The Order correctly reflected the Final Recommendations of the review	The part of the Warminster Copheap and Wylie division inside the town boundary would be better represented at town level by a single town ward member, in conjunction with adjustments to the seating arrangements of the other town wards	Governance review by the Council
Calne Without, Melksham Without and Roundway	The Final recommendations identify unitary divisions in these areas, but the BCE review neglected to create parish wards for the boundary line to follow	The Order made no change to the recommendations	To make no change for 2013, but to consider a governance review after 2013, especially as there may be pressures for reviews to be held at Roundway, and it would be confusing to the electorate to constantly make and amend parish ward boundaries, which are next due for election in 2017.	Governance review by the Council if required, but this is not recommended

### The process for undertaking a governance review

Section 79 of the Local Government and Public Involvement in Health Act 2007 Act provides for principal councils to undertake 'community governance reviews' of the whole or part of their area. Section 82 allows the Council to determine the terms of reference for such a review. Section 86 then allows the Council, by Order, to give effect to the recommendations, which can include varying a provision of an order made under s.17 of the LGA 1992. The original order setting up the Warminster town wards was made by an order under s.17.

Sections 87 to 92 provide that the review must make recommendations on various issues. These include, in respect of existing parishes, what changes, if any should be made to the electoral arrangements for the parish, including the number of councillors to be elected for any wards in the parish.

Section 86 provides that we cannot change 'protected electoral arrangements' unless the Boundary Commission agrees. A protected electoral arrangement is defined in s.86(6) and the proposed change for Warminster falls within that definition, as it would seek to change arrangements made by a s.17 LGA 1992 order within the last five years.

As soon as practicable after making any order, the council must inform all of the following that the order has been made:

- the Secretary of State;
- the Electoral Commission;
- the Office of National Statistics;
- the Director General of the Ordnance Survey;
- any other principal council whose area the order relates to.

It is for the principal council to decide how to undertake the review, but it must consult the local government electors for the area under review and any other person or body (including a local authority) which appears to the council to have an interest in the review.

The council must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

In deciding what recommendations to make, the council must take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review.

## Governance review terms of reference for Warminster

Following a boundary review undertaken by the Boundary Commission for England (BCE) in preparation for the new unitary Council of Wiltshire, new unitary divisions were set up with effect from 1 April 2009.

The review also introduced on a number of town and parish wards for 2013, to ensure that town wards were co-terminous with unitary divisions where possible.

The council fully supports the principle of co-terminosity. However, the Warminster Copheap and Wylve division contains a number of parishes outside the Warminster Town Council area. This has resulted in an imbalance at Town Council level, as all four proposed town wards will have three seats from 2013.

The Council has considered this electoral imbalance and is seeking views on the seating arrangements to apply to the Warminster Town Council. It is not proposed to alter the area or boundaries of any of the Warminster Town Council town wards

Any proposed new arrangements will have to be referred to the LGBCE as it falls within the definition of “protected arrangements”, as they relate to an existing parish and are changing arrangements made by an Order under section 17 of the Local Government Act 1992 within the last five years.

As the 2009 BCE town wards have not yet come into effect, electorate figures for the unitary divisions covering Warminster are shown below.

Unitary division	Unitary Electorate (June 2012)	Electorate in Warminster town council area	Town council seats ( in the 2009 Order)
Warminster Broadway	3,696	3,696	3
<b>Warminster Copheap and Wylve</b>	<b>3,766</b>	<b>1,400</b>	<b>3</b>
Warminster East	4,115	4,115	3
Warminster West	3,973	3,973	3
Total	15,550	13,184	12

The council's preferred option would be to increase the number of seats in Warminster Broadway, Warminster East and Warminster West from 3 to 4, and reduce the number of town council seats in Warminster Copheap from 3 to 1, making thirteen seats on the town council in total.

The Council would welcome suggestions on this, and any other arrangement.



**Governance review terms of reference for Calne and Corsham**

Statutory Instrument 2009 No. 531 The County of Wiltshire (Electoral Changes) Order 2009 does not accurately reflect the Final Recommendations of the 2008/09 review undertaken by the Boundary Commission for England

The discrepancies are:

**Calne** (figures in brackets refers to seats)

Final recommendations	County of Wiltshire Order 2009
Calne Town Council should comprise 19 councillors, as at present, representing four wards:	The parish is divided into four wards named respectively
Calne Chilvester & Abberd (4)	Calne Chilvester and Abberd (3)
Calne North (5)	Calne North (5)
Calne Central (5)	Calne Central (5)
Calne South (5).	Calne South (5)

**Corsham** (figures in brackets refers to seats)

Final recommendations	County of Wiltshire Order 2009
Corsham Town Council should comprise 20 councillors, as at present, representing three wards:	The parish shall be divided into five wards which shall be named
Corsham Town (7),	Corsham Town (7)
Corsham Pickwick (7),	Corsham Pickwick (7)
Corsham Gastard (2),	Corsham Gastard (3)
Corsham Neston (3)	
Corsham Rudloe (1).	Corsham Rudloe (1)

The Council is undertaking a governance review of the seating arrangements of the town councils of Calne and Corsham. No town ward boundaries will be altered, as the review is confined only to the number of town council seats.

The Council's preferred option would be to adopt the seating arrangements recommended by the BCE's Final Recommendations, as set out below, but the Council would welcome suggestions on these, and any other arrangements.

Calne Town Council - 19 councillors, representing four wards: Calne Chilvester & Abberd (4) Calne North (5), Calne Central (5) and Calne South (5).

Corsham Town Council – 20 councillors representing five wards: Corsham Town (7), Corsham Pickwick (7), Corsham Gastard (2), Corsham Neston (3) and Corsham Rudloe (1).