

**Wiltshire Council**

**Council**

**12 November 2013**

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### **Parish / Community Governance Review**

#### **Executive Summary**

The Council needs to give consideration to the scope and format of a governance review for parish boundaries and electoral arrangements. It is a process which can easily last for two years, so the logical time for the implementation of any changes is for the 2017 unitary and parish elections.

The scope of any such review is for council to determine.

#### **Proposals**

- **It is recommended that a cross party working group is set up to undertake the preparatory work, as this is a subject matter reserved to council, and it would not be effective to do this at full council meetings.**
- **It is recommended that members are requested to come forward with any known outstanding community governance issues.**
- **A further report, and recommended terms of reference will be submitted to Council in the New Year.**

#### **Reason for Proposal**

The reason for these proposals is to ensure that the council discharges its statutory obligations in respect of community governance matters and the terms of reference for any governance review are as comprehensive as possible.

**Dr Carlton Brand**  
**Corporate Director**

**Parish / Community Governance Review**

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**Purpose**

1. To ask council to set up arrangements for a governance review of parish boundaries and electoral arrangements.

**Background**

2. The Local Government and Public Involvement in Health Act 2007 transferred responsibility for community governance reviews to principal councils in England.
3. A community governance review is a review of the whole or part of the area of a principal council for the purpose of making recommendations with regard to:
  - creating, merging, amending or abolishing parishes;
  - the naming of parishes;
  - the electoral arrangements for parishes; and
  - grouping arrangements for parishes.
4. These reviews may be instigated by the council, or formally by petition from parish councils. While principal councils have been given considerable freedom of action in the conduct of reviews, there is a duty to have regard to guidance issued by the Secretary of State of the Department of Communities and Local Government and the Electoral Commission about undertaking reviews, making recommendations and giving effect to recommendations. The latest guidance was issued in March 2010.
5. In May 2011 council agreed to defer further consideration of a governance review until after the May 2013 elections, in view of the potential risk of disruption to those elections.
6. We currently have a number of requests for a community governance review and informal enquiries. Details are set out in Appendix A.
7. The Council now needs to give consideration to the scope and format of a governance review. It is a process which can easily last for two years. The logical time for the implementation of any changes is the 2017 unitary and parish elections, i.e. completion by October / November 2016 at the latest.

**Relevance to the Council's Business Plan**

8. The 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and

convenient. This is consistent with the council's vision to create stronger and more resilient communities.

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

9. Before undertaking a review the council is required to draw up terms of reference for the review. The terms of reference may be considered as the council's policies in the review and must specify the area under review. It is for the council to decide the terms of reference, and as soon as practicable after doing so it must publish them. The principal council formally begins a community governance review when it publishes the terms of reference of the review. It is important to specify that step correctly to avoid becoming sidetracked into other issues or areas.
10. It is likely that once work starts on a governance review, additional interest and requests will be generated. Reviews are extremely time consuming, so in order to quantify resource issues, it is felt that councillors should be given three months to receive any such information from their parishes and community areas before the council formally starts the review. This would allow the project to be fully scoped and resourced in January 2014.
11. The council's unitary divisions cannot be altered by the council in a community governance order. However, consequential recommendations can be made to the Local Government Boundary Committee (LGBCE) of the Electoral Commission as to what related alterations should be made to the boundaries of the council's unitary divisions, and the Commission may by order give effect to these recommendations.
12. It is proposed that a cross party working group is established to undertake the preparatory work on the review, in conjunction with the Head of Electoral Services.

### **Safeguarding Implications**

13. There are no safeguarding implications.

### **Public Health Implications**

14. There are no public health implications.

### **Environmental and Climate Change Considerations**

15. There are no environmental or climate change considerations.

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

16. There are no equality impact issues arising from the proposals in this report..

### **Risk Assessment**

17. The LGBCE is responsible for reviewing and amending the council's unitary divisions and seats. They are supplied with electoral data each year, and they monitor these figures to ensure the ratio of electors to unitary seats remains broadly consistent across the council's area.
18. Significant levels of electoral inequality in a local authority are defined by the LGBCE as:

- where more than 30% of its divisions have an electoral imbalance (ratio of electors to members) of more than 10% from the average for the council; and/or
  - it has one division with an electoral imbalance of more than 30%;
  - and the imbalance is unlikely to be corrected by population change within a reasonable period.
19. In the 2013 register the council had 23 divisions (23.47%) with a variance of more than 10% from the average and one with a variance of over 30%. The current average is 3,646 electors per division, and the divisions vary from that average from plus 35.92% to minus 18.94%.
20. Although these statistics are perhaps an indication that unitary divisions may need looking at soon, it is not a guarantee that the LGBCE will necessarily undertake a unitary review within the anticipated timescale of any parish governance review. It is quite likely, therefore, that any parish boundary changes will result in:
- a) boundaries which are no longer co-terminous with unitary divisions; and
  - b) the creation of a number of very small parish wards where a small number of electors move from one parish to another, and the “receiving” parish is in a separate division until divisions are reviewed. It is, therefore, possible those newly created parish wards will be over-represented at parish ward level.

#### **Risks that may arise if the proposed decision and related work is not taken**

21. Failure to undertake a community governance review may result in legal challenge and costs. A number of the town councils have requested a formal review of their areas and arrangements, and the council is therefore obliged to undertake at least a partial review of its area. It is probable that there are other governance issues across the council's area. The proposals in this report are designed to elicit all outstanding issues in order to avoid a resource-consuming piecemeal approach to such matters.

#### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

22. There is a risk that spurious or short term “knee jerk” requests for alterations to parish areas or seating arrangements will come forward. The council is recommended to defer to publication of the formal terms of reference for a governance review until the New Year, in order to allow councillors and others to identify all the relevant factors to be included in its review.

#### **Financial Implications**

23. The resource implications are mainly restricted to staff time to sort and assess responses from parishes and other stakeholders. This will be at a time when work will be increasing on the new Individual Elector Registration system (IER), final canvass, postal vote refresh and work for the 2014 European and 2015 Parliamentary elections, but if a robust assessment is made of the terms of reference of the review, based on the picture emerging in January 2014, then it should be possible to complete the review in time for the 2017 elections.

## **Legal Implications**

24. These are covered above. The legislative framework for community governance reviews is as follows:

- Local Government & Public Involvement in Health Act 2007 – Part 4, Chapter 3 (Sections 79 – 102);
- *Guidance on community governance reviews*, issued jointly by DCLG & EC (April 2008 and 2010);
- 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);

## **Options Considered**

25. There are no other options identified at this stage. The council is obliged to meet its statutory responsibilities under the 2007 Act.

## **Conclusion**

26. A governance review of parish boundaries and parish wards will need to be undertaken very shortly. Under existing legislation and guidance the council has to prepare appropriate terms of reference for this review.
27. It is recommended that the best way to deal with this is to set up a cross party working group to undertake the preparatory work, as this is a subject matter reserved to council, and it would not be effective to air all the detail at full Council meetings.
28. In order to make the formal terms of reference for any review as comprehensive as possible, it is recommended that members are requested to come forward with any known outstanding issues. Appendix A shows those items currently identified at officer level.
29. A further report, and recommended terms of reference will be submitted to Council in the New Year.

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## **Background Papers**

None

## **Appendices**

- A. Summary of present queries