

Wiltshire Council

Electoral Review Committee

20 April 2022

Community Governance Review 2022/23 – Consultation on Draft Recommendations

Purpose

1. To consider responses to the consultation on the Draft Recommendations of the Committee as agreed on 4 January 2023.

Background

2. A Community Governance Review is a process whereby 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 Wiltshire Council Constitution. This would include setting the scope for any review, its methodology and timescales, as well as preparing recommendations for consideration by Full Council.
4. At its meeting on 31 May 2022, the Committee approved areas for a review to take place beginning in 2022, and delegated approval of terms of reference. These were published in August 2022. The terms of reference are included as part of the information pack included with this report.
5. The parishes included within the Review were: Netheravon, Figcheldean, Warminster, Westbury, Bratton, Dilton Marsh, Heywood, Tidworth, Ludgershall, Castle Combe, Biddestone and Slaughterford, Nettleton, Grittleton, Yatton Keynell, Fovant, Donhead St Mary, Monkton Farleigh, Grimstead, or any parishes surrounding those listed, and any issues involving those parishes.
6. During the first phase of the review additional proposals for the areas set out in Paragraph 5 were received from parishes. Where these were received before the pre-consultation phase began, they were included within the pre-consultation information gathering. The information gathering also included:
 - Sessions between representatives of the Committee and affected unitary members and parishes;
 - An online survey of received proposals, with over 120 responses received;
 - Details of emailed representations.
7. In preparing any recommendations and making any decision the Committee and Full Council must take 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.

8. Council tax precept levels would not be a valid criterion to approve or disapprove of a proposal.

Main Considerations

Progress of the Review

9. 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 as detailed in paragraph 6. This included reminder emails sent to parish councils for them to encourage local responses.
10. The Committee considered all information at its meeting which concluded on 4 January 2023, and prepared draft recommendations for consultation.
11. A consultation was therefore held from 7 February 2023 – 28 March 2023. Where the Committee proposed to transfer electors from one parish to another, a letter was sent to those potentially affected. Over 200 letters were therefore sent.
12. A briefing note and press release were circulated, and hard copies provided in local libraries.
13. Public meetings were held on 20 February, 22 February, 23 February, and 27 February, in Netheravon, Heywood, Grittleton and Biddestone & Slaughterford respectively.

Consultation on the Draft Recommendations

14. 29 responses were received on the online consultation portal during the consultation period. These responses are included within **Appendix A**.
15. The full details are included in the appendices, but a number of specific points are summarised below.

Consultation Summary

16. Following the start of the consultation start the Committee was made aware that the area proposed to be transferred to Heywood from Westbury included the Vivash Urban Park, of which the Town Council had very recently taken ownership and committed significant resources. Were the area transferred, ownership of the park would likewise be required to be transferred to Heywood Parish Council. Several of the responses addressed this point, with the Parish Council itself suggesting the proposal be amended to exclude the park.
17. The Town Council, among others, opposed any transfer to Heywood and reiterated alternative proposals including transfers from or merger with Heywood. It suggested that because the Town Council proposed a merger all residents of Heywood and Westbury should have been written to as part of the review. There is no requirement to physically

write to all electors as part of a consultation, only that the council consult in an appropriate manner, and the Committee has previously determined what it considers to be appropriate. As the Committee was not recommending to merge Westbury and Heywood, physically writing to all electors regarding that proposal was not part of its agreed and established methodology. As in its most recent reviews, the Committee can choose to write to an entire parish if appropriate, but as it was only recommending a small transfer, it determined to write to those directly affected, which did not prevent any others from also responding.

18. Bratton Parish Council and a number of representations from the local area raised objections with the process of the review and the lack of formal consultation on their proposal to transfer some land from Edington Parish, which the Committee did not include within its Draft Recommendations following consideration of all submitted information.
19. The Committee could determine it wishes to recommend the proposal and so consult upon it formally, or it may uphold its previous decision not to recommend the proposal. It is not a requirement to formally consult upon every proposal submitted to the Committee by interested parties, however the Committee did meet with the Parish Council about its proposal, undertook an online survey, and provided information about that survey to the Parish Council to encourage residents and others to respond at earlier stages, which can in fact be the extent of consultation in appropriate circumstances. This included a reminder email to the Parish Council during the online survey. The appendix includes the specific representations in response to the latest consultation, with additional clarifications made in correspondence with council officers.
20. Tidworth Town Council welcomed confirmation of the retention of Perham Down within their parish, and proposed amendments to the governance arrangements proposed by the Committee.
21. All responses received regarding the Netheravon proposals were in support.
22. Grittleton Parish Council representatives at the public meeting proposed very minor amendments to the proposals relating to The Gibb, currently split between Grittleton, Nettleton, and Castle Combe.
23. Yatton Keynell Parish Council reiterated its previous proposal for transfers of land from Chippenham Without. It should be noted that the Committee has twice considered that proposal and declined to recommend it. The Parish Council also suggested a minor amendment to include an area currently within Castle Combe.

Safeguarding Implications

24. There are no safeguarding implications.

Public Health Implications

25. There are no public health implications.

Procurement Implications

26. There are no procurement implications.

Equalities Implications

27. There are no equalities implications.

Environmental and Climate Change Implications

28. There are no environmental implications.

Workforce Implications

29. There are no workforce implications.

Financial Implications

30. Additional consultation could incur additional resources, in particular in relation to the cost of using an external provider to physically mail out to those affected in certain areas if appropriate.

Legal Implications

31. 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

32. A failure to consult appropriately on proposals from the Committee or provide appropriate reasoning for any decision to change governance arrangements would be potentially vulnerable to challenge.

Options

33. The Committee may confirm its draft recommendations for consideration by Full Council, it may remove some recommendations and refer the remainder to Full Council for consideration, or it may amend its recommendations. If amending its recommendations, the Committee would need to undertake additional consultations before Full Council could consider approving those recommendations.

Proposal

34. That the Committee consider the responses to the Draft Recommendations consultation.

35. To delegate to the Director, Legal and Governance, in consultation with the Chairman, the preparation of a detailed Final Recommendations document for consideration by Full Council, and/or preparation of any Additional Draft Recommendations for consultation.

Perry Holmes - Director, Legal and Governance

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12 April 2023

Appendices

Appendix A – Information Pack

Background Papers

Terms of reference of the Community Governance Review

[Draft Recommendations](#)

[Guidance on Community Governance Reviews](#)

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

[Review terms of reference](#)