
Parish / Community Governance Review (CGR)

Purpose

1. To ask council to agree appointments to a working party for a governance review of parish boundaries and electoral arrangements, and to approve the terms of reference for the working group.

Background

2. 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.
3. In November 2013, Council decided:
 - to set up a cross party working group to undertake the necessary preparatory work for a community governance review under the Local Government and Public Involvement in Health Act 2007;
 - to request members to come forward with any known outstanding community governance issues.
 - to receive a further report with recommended terms of reference for the review in the New Year.
4. The last council meeting received a list of areas for which there had been a request for a review. Appendix A shows the updated list, i.e. correct at the date of this report.

Relevance to the Council's Business Plan

5. 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 resilient communities.

Main Considerations for the Council

6. 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. Draft Terms of Reference are appended at B for members to consider.
7. The council's unitary divisions cannot be altered by the council in a community governance order. However, comments 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.
8. The LGBCE have indicated that Wiltshire is not included in their programme of reviews for 2015/16, so would have to consider any consequential division

changes arising from our CGR on a case by case basis alongside a five year forecast of electoral numbers. Where divisional electorate figures exceed certain tolerances when compared to the average for the authority, they trigger the possibility of a review. In the case of Wiltshire this is most unlikely to be before 2016/17.

Safeguarding Implications

9. There are no safeguarding implications.

Public Health Implications

10. There are no public health implications.

Environmental and Climate Change Considerations

11. There are no environmental or climate change considerations.

Equalities Impact of the Proposal

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

Risk Assessment

13. The LGBCE will not be undertaking 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. The LGBCE would not advocate fewer than 100 electors being transferred in this way, as a new parish ward would have to be created, and any such parish ward must have at least one parish councilor. This may render some proposals unworkable.

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

14. 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.

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

15. There is a risk that the exercise could “snowball”, and this can be minimized by adopting clear and precise terms of reference to contain the exercise.

Financial Implications

16. The resource implications are mainly restricted to staff time to sort and assess responses from parishes and other stakeholders, at a time of other key projects

Legal Implications

17. 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);

Conclusion and recommendations

26. The Council is recommended to

- a) approve the appended Terms of Reference for a Community Governance Review
- b) approve the membership of the Community Governance Review Working Group, to consist of one member nominated by each Group Leader (with substitute), with provision for the local member(s) to attend for any specific item under consideration
- c) undertake a Community Governance Review, starting on 1 April 2014

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Background

Papers None

Appendices

- A. Summary of present requests and queries (updated to 7 February 2014)
- B. Draft Terms of Reference for the Working Party
- C. General Principles to be Applied in the Review