



WYCOMBE
DISTRICT COUNCIL

Report For:	Council
Meeting Date:	21 February 2019
Part:	Part 1 - Open
If Part 2, reason:	N/A

Title of Report:	Community Governance Reviews (CGRs)
Officer Contact: Direct Dial: Email:	Catherine Whitehead 01494 421980 Catherine.whitehead@wycombe.gov.uk
Ward(s) affected:	All Wards but particularly Micklefield, Totteridge, Sands and the wards in the unparished area.
Reason for the Decision:	To enable the Council to respond to statutory requirements within the relevant timeframe.
Proposed Recommendations To Full Council:	Members are recommended to <ol style="list-style-type: none">1. To note the position with regard to the Community Governance Reviews in relation to Micklefield and Totteridge2. To delegate to Regulatory and Appeals Committee all the Council's responsibilities for decisions in relation to those reviews and any other petitions received before the next meeting of Council including agreeing the Terms of Reference.
Monitoring Officer/ S.151 Officer Comments	Monitoring Officer: The legal framework is as set out in the report. S.151 Officer: There are no financial implications in delegating this function.
Consultees:	The Council will undertake a consultation with the local

	<p>government electors in any areas under review.</p> <p>The Council will consult Buckinghamshire County Council and any Shadow Authority where appropriate.</p>
Options:	These are set out in paragraphs 15-17 of the report.
Next Steps:	This matter will be considered at the next meeting of Regulation and Appeals Committee
Background Papers:	<p>Minutes of Full Council meeting 10 December 2018</p> <p>2007 Local Government and Public Involvement in Health Act</p> <p>Joint Guidance on Community Governance Reviews from MHCLG and LGBCE.</p> <p>White Paper 2006</p>
Abbreviations:	<p>CGR – Community Governance Review (CGR)</p> <p>the Council – Wycombe District Council</p>

Detailed Report

Corporate Implications

1. This report is designed to ensure that the Council complies with its statutory obligations. The applicable law and guidance is set out within the report.

Purpose

2. The purpose of this report is to delegate powers to the Regulatory and Appeals Committee to carry out the Council's functions between now and the next meeting of the Council.

Executive Summary

3. A district council has the power to undertake CGRs and make changes to local community governance arrangements.
4. The Council has received two petitions for the wards of Micklefield and Totteridge. The Council has an obligation to consider the size and scope of the review.
5. The Council is also required to publish the terms of reference for any review it carries out. CGRs must be carried out within 12 months of the date of receipt of petition.

What is a CGR?

6. A CGR can consider a number of things including:
 - creating, merging, altering or abolishing parishes including town councils
 - the naming of parishes and the style of new parishes
 - the grouping of parishes under a common parish council
 - the electoral arrangements for parishes
 - council size ie the number of councillors and parish warding.
7. In undertaking any Review, the Council will be guided by the following legislation:
 - a. Part 4 of the Local Government and Public Involvement in Health Act 2007;
 - b. Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
 - c. Local Government Finance (New Parishes) Regulations 2008 (SI2008/626);
 - d. Relevant parts of the Local Government Act 1972.

Submitted Petitions

8. At the meeting of the Council held on Monday 10 December 2018, the following two petitions were handed in
 - a petition by the residents of Totteridge for a CGR with a view to forming a parish council in Totteridge.
 - a petition by the residents of Micklefield for a CGR with a view to forming a parish council in Micklefield.

9. A robust validation process was carried out, and the signatories to each petition were checked against the electoral register. The result of the validation process was that in both Micklefield and Totteridge the petitions contained the required number of valid signatories to trigger CGRs to be undertaken. The Council must therefore commence a CGR in relation to those wards.

Further Petitions

10. Officers have been informed that a petition calling for a CGR for all wards across the unparished area is currently gathering signatures. In addition, the Council is also aware of a further petition calling for a CGR in the Sands Ward.

Conclusion of Any CGRs

11. The 2007 Act sets out that all CGRs should be completed within 12 months. Elections taking place in May 2020 will require to give effect to reviews completed before 31 March 2020.

Terms of Reference for Reviews

12. Section 81 LG&PIHA 2007 requires a principal council to draw up terms of reference specifying the area under review. There is no legal requirement to consult on the terms of reference. The guidance identifies that:

"the terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities."

13. The 2007 Act requires the terms of reference to specify the area under review and a principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
14. The Government expects terms of reference to set out clearly the matters on which a CGR is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities.
15. The petitions provide some information about the scope of the CGR and principal councils should tailor their terms of reference to reflect those views. Ultimately, the recommendations made in a CGR ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
16. A meeting of Regulatory and Appeals Committee considered some initial proposed Terms of Reference and resolved that it was not happy with the style and content of those Terms of Reference. As a result it is proposed that powers should be delegated to the Regulatory and Appeals Committee to consider revised Terms of Reference. This report seeks approval of the Council to delegate approval of those Terms of Reference to the Regulatory and Appeals Committee.

Options

17. As set out in the report, the Council is in receipt of two community governance petitions which have met the required number of valid signatories. Therefore, the Council has a duty to carry out CGRs.
18. The Council is also under a duty to consider whether to hold a CGR in relation to any area within the District regularly. In the event that a further petition is received and validated the Council will need to consider whether to join that Review with the Review underway. This may have the effect of requiring the Council to change the Terms of Reference for the Review part way through to accommodate areas added.
19. The first step at this stage is to delegate powers to the Regulatory and Appeals Committee to enable it to consider the options available.

Implementation

20. A CGR which is started now will be likely to be completed during the transition period and will therefore be determined by the Shadow Authority. If a decision is made to create a parish council for any area the parish may start to put administrative arrangements in place, but as with the new Buckinghamshire Council, elections will not take place until 7 May 2020.

Consultation

21. The County Council and Shadow Authority will need to be advised and consulted.
22. When reviews are carried out, it will be necessary to carry out stakeholder and public consultation before any decision can be made. The requirements and timescales for consultation are set out in the proposed terms of references at appendix A to the report.
23. Section 93 of the Act sets out how councils must conduct a review - it states amongst other things that councils are required to consult those local government electors in the area under review, and others which appear to the Council to have an interest in the review

Conclusions

24. Members are requested to delegate powers to the Regulatory and Appeals Committee to take the necessary steps to enable the CGR and any other reviews required within the statutory timeframe.