

Community Governance Review

Cabinet Member: Katrina Wood

Ward(s) Affected: Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill, Totteridge,

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PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

1. That Regulatory and Appeals Committee recommends to Council that
 - a) a Community Governance Review is conducted based on the proposed process and timetable options set out in **Appendix A**
 - b) and an informal working group of members is established to carry out the review and report back to Regulatory and Appeals Committee and full Council.

Corporate Implications

2. This report is relevant to the Council's Corporate Plan objectives in relation to helping communities to work well together and achieving good governance and is also designed to ensure that governance is effective and efficient. The applicable law and guidance is set out within the report.

Purpose

3. The purpose of this report is to consider whether the Council should conduct a Community Governance Review in relation to the unparished area of the District.

Executive Summary

4. There has been public interest in considering whether or not a Town Council should be established for the unparished area of the District for some time. The Leader has recently received a request from the Chairman of the High Wycombe Town Committee that a Community Governance Review should be considered by Council. This report requests that members consider whether to conduct a Community Governance Review which is the process which must be followed before any changes can be made to the parish arrangements for the District. The report sets out the process of a review and invites members to consider whether a review should be carried out.

Background

5. A District Council has the power to undertake community governance reviews and make changes to local community governance arrangements. Any review has to be undertaken with regard to the community governance review guidance issued jointly by (the former) Department for Communities and Local

Government (DCLG) and the LGBCE (Local Government Boundary Commission for England) in 2010. This guidance is referenced as a background document to this report.

What is a community governance review?

6. A community governance review 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:
 1. Part 4 of the Local Government and Public Involvement in Health Act 2007;
 2. Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
 3. Local Government Finance (New Parishes) Regulations 2008 (SI2008/626);
 4. Relevant parts of the Local Government Act 1972.
8. Ultimately, the recommendations made in any community governance review should aim to bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services.

Why Undertake a Review

9. Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local issues. The Government has made clear in a 2006 White Paper and in the 2007 Act its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
10. Principal councils should exercise their discretion, but it is good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate. Any changes to parished areas or the creation of new parish or town councils must be preceded by a community governance review and cannot happen without a review.

11. Reviews are normally undertaken because of one or more of the following reasons:

1. Changes in population;
2. Shifts in “natural settlements” caused by new development;
3. In reaction to specific or local issues which have now been raised;
4. In receipt of a valid petition;
5. In advance of a full review of the district or parish electoral arrangements;
6. At a request from the parish council or other interested party.

12. The question of whether or not to hold a Community Governance Review in relation to the unparished area of High Wycombe has been raised several times over the years by elected members and local residents. In 2008 shortly after the implementation of the 2007 Act the new provisions were considered by the High Wycombe Town Committee in the context of the unparished area. At that stage the Committee resolved to receive further information when available. In 2013 there was consideration by the Chartered Trustees of the costs of running a Town Council. However there has not previously been a Community Governance Review of the unparished area. The Council has held Community Governance Reviews in relation to changes to the existing parished areas and one such report appears on this agenda. The purpose of this report is to recommend that there should be a review is to consider a Town Council and the review will report back to this committee to make recommendations to Council to make any final decision.

13. Community governance reviews should be undertaken in advance of other electoral reviews, so that the Local Government Boundary Commission for England in its review of local authority electoral arrangements can take into account any parish boundary changes that are made. The LGBCE can provide advice on its programme of electoral reviews. It is recognised that if a move to any form of unitary arrangements takes place the LGBCE will need to carry out an electoral review; it is not known at this stage if that will happen or when that review will be, but it seems likely to take place after the implementation of unitary arrangements which will be no earlier than 2020.

14. For administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made. However it could take effect on an earlier date if the District Council was prepared to transfer the resources and supporting administration which is already in place through special expenses for the High Wycombe Town Committee. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. This would ordinarily be in May 2019. Orders should be made sufficiently far in advance to allow preparation for the conduct of those elections to be made. In relation to a new parish council, the principal council may wish to consider whether, during the period between 1 April and the first elections to the parish council, it should make interim arrangements for the parish to be represented by councillors who sit on the principal council. For example, in the event that a Town Council was

established the members of the High Wycombe Town Committee could be representatives pending the election.

15. The 2007 Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007. Furthermore if the Council undertakes a community governance review it must notify Buckinghamshire County Council that a review is to be undertaken and of its terms of reference; BCC would also be consulted as part of the review.

Terms of Reference for the Review

16. Section 81 LG&PIHA 2007 requires the 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."

17. The 2007 Act requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
18. The Government expects terms of reference to set out clearly the matters on which a community governance review 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.
19. Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
20. In this case the Terms of Reference would be fairly straightforward because as the area is currently unparished the review would consider only the question of whether or not one or more councils should be established for the unparished area of the Town. It is proposed that if the review concludes that one or more Councils should be established for the unparished area the review should go on to consider the detailed arrangements for the new Council(s). These would include the geographical area and whether the new Council(s) should cover the same area as the current unparished area. It is proposed that the review should also consider the number of Members appropriate to be elected to the Council(s) based on the guidance from the LG BCE on Council size. It is further proposed that the review should consider the appropriate name for the new Council (s). The terms of reference would

also consider what other matters should be considered by the review including the date on which the new arrangements should be effective; the date of the elections and the administrative arrangements for establishing the Council(s) such as any staff or assets required by the new Council(s) if any.

21. Once the terms of reference for the review are published the Council has 12 months to undertake the review. For ease of reference a flowchart of the process is attached at **appendix A**. A draft timetable is attached at **appendix A** as an illustrative example. The timetable outlines the stages required for a review.

Consultation

22. The County Council will need to be advised and consulted.
23. If a review is carried out it will be necessary to carry out public consultation before any decision can be made. The requirements and timescales for consultation are set out in appendix A.
24. 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 appears to the Council to have an interest in the review.

Options

25. There is no duty on the council to carry out a community governance review unless it is petitioned to do so; the Council has not received any petitions to date. There is therefore the option to take no further action. This request has come from the Chairman of the High Wycombe Town Committee and is a request for a review.
26. It is however at the discretion of Council to make a decision to carry out a review. In this case a review is in response to individual requests from the community and members. In order to respond to the public interest in a review the Council can decide to conduct a review. This Council makes decisions on community governance reviews through this Committee.
27. A review allows for an unparished area to become parished in accordance with the guidance, and the option remains not to parish the area. They will also have a range of other matters to consider as detailed in paragraph 20 on which there are options.
28. If the Committee is minded to carry out a Community Governance Review the first step at this stage is to consider making a recommendation to Council that a review should be conducted. In that case, the Committee might also wish to recommend that an informal working group (outside the provisions of s102 LGA 1972) be set up drawn from the membership of the Council who are also members of either the High Wycombe Town Committee or Cabinet to agree the terms of reference for a community governance review giving consideration to the proposed terms of reference set out in this report.

Conclusions

29. Members are requested to consider whether a Community Governance Review should be conducted in relation to the unparished area as set out in the report.
30. Section 93 of the Act sets out how Councils should conduct a review - it states that Councils are required to consult those local government electors in the area under review, and others which appears to the Council to have an interest in the review.

Next Steps

31. To recommend to Council that a Community Governance Review is carried out and that an informal working group is established to carry out the review.

Background Papers

Joint Guidance on Community Governance Reviews from MHCLG and LGBCE.

White Paper 2006