



Regulatory & Appeals Committee

Date: 18 March 2019
Time: 7.00 pm
Venue: Council Chamber
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman: Councillor J A Savage
Vice Chairman: Councillor Mrs L M Clarke OBE

Councillors: M Clarke, A D Collingwood, C Etholen, R Gaffney, M Hussain JP,
D Knights, I L McEnnis, R Raja, D A C Shakespeare OBE and
Ms J D Wassell

Standing Deputies

Councillors K Ahmed, Z Ahmed, A R Green and Mrs G A Jones

Fire Alarm - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

Filming/Recording/Photographing at Meetings – please note that this may take place during the public part of the meeting in accordance with Standing Orders. Notices are displayed within meeting rooms.

Agenda

Item	Page
1. APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2. MINUTES To confirm the minutes of the meeting held on 19 February 2019 (previously circulated).	
3. DECLARATIONS OF INTEREST To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is	

asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

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| 4. | STATUTORY DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES | 1 - 3 |
| 5. | COMMUNITY GOVERNANCE REVIEWS | 4 - 21 |
| 6. | SUPPLEMENTARY ITEMS (IF ANY) | |
| 7. | URGENT ITEMS (IF ANY) | |

For further information, please contact Iram Malik on 01494 421204, or email: committeeservices@wycombe.gov.uk

Agenda Item 4.

SUMMARY



Report For:	Regulatory and Appeals Committee
Meeting Date:	18 March 2019
Part:	Part 1 - Open

Title of Report:	STATUTORY DESIGNATED LIST OF WHEELCHAIR ACCESSIBLE VEHICLES
Officer Contact: Direct Dial: Email:	Caroline Steven 01494 421222 caroline.steven@wycombe.gov.uk
Wards affected:	All
Reason for the Decision:	To comply with statutory guidance. To provide a better service for wheelchair users throughout the district and to provide business opportunities for private hire operators and hackney carriage proprietors.
Proposed Decision:	That a “designated vehicles” list of wheelchair accessible vehicles is adopted under section 167 of the Equality Act 2010, to become effective from the 1 st April 2019 and to be publicised on the Council’s website.
Sustainable Community Strategy/Council Priorities - Implications	Risk: There are equality risks at not taking the proposed action Equalities: The proposed action promotes equality Health & Safety: There are no health and safety considerations
Monitoring Officer/ S.151 Officer Comments	Monitoring Officer: The Equality Act 2010 (Commencement Order No 12) was made on 7 February 2017. It brought into effect sections 165 (passengers in wheelchairs) and 167 (keeping a list of wheelchair accessible vehicles) on 1 st April 2019. The provisions of section 167 are discretionary and the detailed reasoning for maintaining such a list are detailed in the report. S.151 Officer: Any associated cost of Compliance with the Equality Act is contained within the existing budgets.
Consultees:	Consultation has been carried out with all owners of wheelchair accessible vehicles, disability groups and other affected parties.
Options:	The only alternative option would be to not designate a statutory list of Wheelchair Accessible Vehicles, although this would leave the authority open to criticism.
Next Steps:	To designate a “statutory list” of Wheelchair Accessible Vehicles and to publish the list on the Council’s website.
Background Papers:	The Equality Act 2010
Abbreviations:	None

Detailed Report

1. The Equality Act 2010 (Commencement No.12) Order 2017 was made on 7 February 2017, and brought into effect sections 165 (passengers in wheelchairs) and 167 (lists of wheelchair- accessible vehicles) of the Equality 2010 on the 6th April 2017.
2. Section 167 provides that for the purposes of Section 165 of the Act, a licensing authority may maintain a list of vehicles which are either licensed private hire or hackney carriages and which conform to such accessibility requirements as the licensing authority thinks fit.
3. Section 165 of the Act imposes duties upon the drivers of designated vehicles when dealing with disabled persons in wheelchairs or a person who wishes to be accompanied by a disabled person in a wheelchair. Those duties are set out in Section 165(4) as follows:
 - to carry to passenger whilst in the wheelchair;
 - not to make any additional charge for doing so;
 - if the person chooses to sit in a passenger seat, to carry the wheelchair;
 - to take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
4. Section 165(7) of the Act creates an offence where the driver of a designated hackney carriage or private hire vehicle fails to comply with a duty imposed upon them under the section. This is punishable on summary conviction by a fine not exceeding scale 3 on the standard scale (currently £1,000).
5. Section 166 of the Act makes provision for licensing authorities to issue exemptions to drivers where they are satisfied it is appropriate to do so:
 - On medical grounds; or
 - On the ground that the person's physical conditions makes it impossible or unreasonably difficult for the person to comply with those duties.
6. A driver can only be exempt if an exemption certificate has been issued and the notice is exhibited on the vehicle in the prescribed manner. The Equality Act 2010 (Taxis and Private Hire vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 also came into force on 6 April 2017 and prescribes the form of the notice and where and how it should be exhibited.
7. The provisions contained within Section 167 of the Act are discretionary. The Council must therefore determine whether it intends to designate a list of vehicles. Without such a list the duties imposed on drivers will have no effect as it only relates to those private hire vehicles and hackney carriages designated under section 167. It is strongly recommended by Government that authorities exercise this power and it is suggested that the designation of such a list would assist the independence and mobility of disabled persons and increase business opportunities for businesses and individuals.
8. This issue was discussed at a previous meeting of this committee where the creation of such a list was agreed in principle and it was further agreed that consultation should be carried out with affected parties.
9. This process has been carried out, with letters sent to all owners of wheelchair accessible licensed vehicles, disability organisations and other relevant parties.

10. Only one comment was received as a result of the consultation. This comment was made by a private hire company which provides wheelchair accessible vehicles to carry out contracts predominantly for Bucks County Council and which are not therefore available for general use between 07:30 and 17:00 on weekdays. The company requested that this is taken into account when preparing any such list. To prevent inconvenience to prospective users, it is agreed that this should be made clear on any statutory list.
11. There were no negative comments in relation to the creation of such a statutory list and it is believed that the publication of this information would only be of benefit to both users and providers. As a result it is considered appropriate that the Council designates a list of wheelchair accessible vehicles in line with s.167 of the Equality Act 2010 and that such a list should come into effect from the 1st April 2019 and be maintained on the Council's website.

Report For:	Regulatory and Appeals Committee
Meeting Date:	18 March 2019
Part:	Part 1 - Open

Title of Report:	COMMUNITY GOVERNANCE REVIEWS (CGRS)
Officer Contact: Direct Dial: Email:	Catherine Whitehead 01494 421980 Catherine.whitehead@wycombe.gov.uk
Wards affected:	The wards of Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill and Totteridge.
Reason for the Decision:	<p>To review the proposed Terms of Reference (attached at Appendix A) for the required Community Governance Reviews.</p> <p>Four petitions have been submitted all of which have been validated and found to contain the required number of signatures to trigger a Community Governance Review of the relevant area.</p> <p>The petitions fall under the provisions of 2007 Local Government and Public Involvement in Health Act for Community Governance Review petitions. The provisions of that legislation take precedence over the Council's petition scheme.</p> <p>This report presents proposed Terms of Reference for the reviews.</p>
Proposed Recommendations To Full Council:	That Members are invited to recommend Terms of Reference for the required reviews.
Monitoring Officer/ S.151 Officer Comments	Monitoring Officer: Relevant legal provisions and implications, including the need for consultation as part of the Community Governance Review process, are set out in the report. The Local Government and Public Involvement in Health Act 2007 imposes a statutory duty on the Council to conclude a community governance review not later than 12 months from its verification. Accordingly, of the four petitions which have recently been submitted to the Council, two of them, for the Totteridge and Micklefield areas, must be concluded by 10 December 2019. Whilst the anticipated submission of two further CGR petitions, which have now been received and validated, for the Sands area and the whole of the currently unparished area respectively, has

	<p>suggested it may be prudent to await them, so as to allow the Terms of Reference from a practical point of view to consider all four in as comprehensive a way as possible, the timetable for the latter two does not change, or extend, the timetable for the earlier two.</p> <p>S.151 Officer: Financial matters are referenced in the body of the report.</p>
Consultees:	In accordance with the statutory requirements in undertaking community governance reviews, the Council will undertake a consultation with the local government electors in the areas under review, and others which appears to the Council to have an interest in the review.
Options:	Members have a range of options with regard to the proposed Terms of Reference in terms of content.
Next Steps:	The recommendations of this Committee will be presented to the next Full Council meeting on 1 st April 2019.
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>House of Commons Briefing Parish Councils: Recent Issues dated February 2019</p> <p>White Paper 2006</p>
Abbreviations:	<p>CGRs – Community Governance Reviews</p> <p>TORs – Terms of Reference of a Review</p> <p>Reorganisation Order – the Order made if a decision is made at the end of the review to make new local governance arrangements.</p> <p>The Council – Wycombe District Council (the Principal Council).</p>

Appendices to this report are as follows:

Appendix A – proposed terms of reference for the CGR of the unparished area of High Wycombe

Appendix B - Special Expenses revenue budgets for High Wycombe Town Committee for 2019/20

Detailed Report

Corporate Implications

1. 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

2. The purpose of this report is to consider the Terms of Reference attached at Appendix A and decide whether they require amendment before being referred to Council on 1st April 2019.

Executive Summary

3. A district council has the power to undertake community governance reviews and make changes to local community governance arrangements.
4. The Council received petitions for the wards of Micklefield and Totteridge. These petitions were verified in December 2018 which triggered a Community Governance Review of those wards. The Council has an obligation to complete that review within 12 months of the 10th December 2018.
5. The Council has also received a petition for the Sands ward and the whole of the unparished wards of Wycombe District. These petitions have now also been verified. The Council has to consider whether to combine the Review of the whole of the unparished area with the review that was triggered in December in accordance with the legislation and guidance. The wards of Micklefield and Totteridge are within the unparished area. The Sands ward is also in that area.
6. The Council is required to publish the Terms of Reference for any review it carries out.

Background

7. 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?

8. 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 i.e. the number of councillors and parish warding.

9. In undertaking any Review, the Council will be guided by the following legislation:
 - Part 4 of the Local Government and Public Involvement in Health Act 2007;
 - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
 - Local Government Finance (New Parishes) Regulations 2008 (SI2008/626);
 - Relevant parts of the Local Government Act 1972.

Criteria

10. When the CGR is completed it will be presented to the relevant Members for a final decision. If the Structural Changes Order is made before then, the transitional period will have begun and the Shadow Executive will be the relevant member body (see paragraph 31 below).
11. The deciding body will need to consider whether to make a Reorganisation Order. The recommendations of the CGR should aim to bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services.
12. It is for the deciding body to consider whether they accept the recommendations of the CGR. If the CGR recommends that a parish or town council is established then the body will need to be satisfied that this will bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services. If the Structural Changes Order is made, the Members will need to take into consideration the arrangements that will exist in the future i.e. when there is no local district council and when governance for the area will take the form of a single unitary council for Buckinghamshire.

Why Undertake a Review

13. 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 advance of or as part of boundary reviews relating to principal councils. The Government has made clear in a 2006 White Paper and in the 2007 Act its commitment to parish councils and more recently conducted consultation in 2013 which resulted in changes to legislation to make it easier to establish parish councils.
14. The consultation briefing paper said
 - ‘We believe that localism is best achieved when it is led by the local communities themselves. We see town and parish councils as playing a vital role in helping local people to make this happen; it is for this reason we want to support those neighbourhoods who want to set up a parish council.’
15. 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.

16. Reviews are normally undertaken because of one or more of the following reasons:
 - a) Changes in population;
 - b) Shifts in “natural settlements” caused by new development;
 - c) In reaction to specific or local issues which have now been raised;
 - d) In receipt of a valid petition;
 - e) In advance of a full review of the district or parish electoral arrangements;
 - f) At a request from the parish council or other interested party.
17. The Council has held Community Governance Reviews in relation to changes to the existing parished areas but it has not previously conducted a Community Governance Review of the unparished area of High Wycombe.
18. 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 but it is clear that there will be a Boundary Review after vesting day of the new Council and before the 2025 elections.
19. Members will be aware that the proposed Structural Changes Order provides for a reduction in the current number of Members and a change from the current wards to new wards based on the current county. This LGBCE review is likely to result in a further change to ward boundaries in order to ensure a consistent ratio of electorate to Members is achieved across the whole area. This will mean that parish areas are unlikely to align with future ward areas.
20. For administrative and financial purposes (such as setting up the parish council and arranging its first precept), changes resulting from a Community Governance Review will take effect on the 1 April following the date on which the Order is made in the year of an election. 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, however it is likely that an order will be laid which will result in those elections being postponed until 2020.
21. 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, that the relevant Members representing the ward form an interim council.
22. 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 (BCC) that a review is to be undertaken and of its Terms of Reference; BCC would also be consulted as part of the review.

Submitted Petitions

23. At the meeting of the Full Council held on Monday 10 December 2018, the following two petitions were handed in
 - a petition by the residents of Totteridge for a Community Governance Review with a view to forming a parish council in Totteridge.
 - a petition by the residents of Micklefield for a Community Governance Review with a view to forming a parish council in Micklefield.
24. 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 Community Governance Review in relation to those wards.
25. At the Council meeting on 21st February 2019 a further two petitions were handed in:
 - A petition by the residents of Sands Ward for a Community Governance Review with a view to forming a parish council in Sands
 - A petition by the residents of the unparished area i.e. the wards of Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill and Totteridge with a view to forming a town council for the unparished area.
26. These petitions have now been verified through the same thorough process described for the previous petitions and both have now been confirmed as meeting the required number of signatures to trigger a review. The timescale for these petitions is 12 months from 21st February 2019.
27. The Council must therefore carry out Community Governance Reviews of the relevant areas.

Combining Community Governance Reviews

28. Where a review is already taking place and the principal council receives a community governance application or petition, there are certain obligations set out for what the Council must do. The reviews of Micklefield and Totteridge are already triggered and the Council should therefore consider whether to combine those reviews with those triggered by the later petitions. Given that the areas of three of the petitions coincide with a review of the whole of the unparished area it is proposed that a review of the unparished area which considers a number of matters including (but not limited to):
 - Whether a town council should be established for the whole of the unparished area
 - Whether two or more parish councils should be established for the whole of the unparished area (i.e. a patchwork of councils to cover the whole area)
 - Whether parishes should be established for parts of the unparished area (leaving some areas unparished)
 - Whether no parishes or town councils should be established for the area (leaving the whole of the area unparished).
 - It is also possible to consider enlarging the review to include additional adjacent areas. This would require a specific decision of the Council to undertake the review of that area because it is not the subject of a petition which has triggered the review.

29. The timescale of the review if it is to be combined as a single review of the unparished area will run from 10th December as that is the timeframe for the first review to be completed.
30. 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.

Relationship to Local Government Reorganisation

31. The Council has been told by MHLCG that any community governance reviews should be completed prior to the date that this Council is abolished (31 March 2020). The transitional period begins when the Structural Changes Order comes into force. We do not know when that will be but it is likely to be around May 2019.
32. The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations of proposals resulting from the review (including proposals to create new parish councils) during the transitional period will sit with the Shadow Authority. If the review, which will be undertaken by Wycombe District Council, is not completed until the transitional period has begun the Shadow Authority will receive the recommendations of the review. The powers which become those of the Shadow Authority are the powers under s86 and 96 to 100 Local Government and Public Involvement in Health Act 2007 including those which are to make a reorganisation order to give effect to the recommendations of the review.

Charter Trustees

33. The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that:

15.—(1) The following provisions of this regulation apply in any case where, in consequence of a reorganisation order, a city or town for which Charter Trustees have been constituted by or under any enactment becomes wholly comprised in a parish or in two or more parishes.

(2) On the date on which the first parish councillors for the parish or parishes (as the case may be) come into office—

(a) the Charter Trustees shall be dissolved;

(b) the mayor and deputy mayor (if any) shall cease to hold office as such;

(c) the appointment of any local officer of dignity shall be treated as if it had been made by the parish council;

(d) all property, rights and liabilities (of whatever description) of the charter trustees shall become property, rights and liabilities of the parish council; and

If the Shadow Executive decided to make a Reorganisation Order to create one or more parishes/town councils for the whole of the unparished area the Charter Trustee arrangement would therefore come to an end. Where part of the area remains unparished this would not be the case.

Terms of Reference for Reviews

34. 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.'*
35. 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.
36. 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.
37. 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. As stated above 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.'*

Options

38. As set out in the report, the Council are in receipt of four community governance petitions which have met the required number of valid signatories. Therefore, the Council has a duty to carry out community governance reviews and attached to this report as Appendix 'A' is a proposed Terms of Reference for those reviews based on a combined review for all four areas.
39. The options available to Members are therefore:
- To carry out separate reviews relating to each of the four areas
 - To carry out a CGR in relation to the whole of the unparished area to incorporate the areas under the three ward based petitions.
40. Members have a wide range of options in relation to the content of the published Terms of Reference. Proposed Terms of Reference are attached to this report as Appendix 'A'. Members are invited to consider these Terms of References and any amendments they wish to make before the Terms of Reference are recommended to Full Council.
41. The Terms of Reference can include reference to a range of matters these would be likely to address similar matters to those covered by the Structural Change Orders in local government reorganisation and can include:
- Transitional arrangements
 - Electoral arrangements
 - Governance arrangements
 - Finance and assets
 - Staffing and administration
 - Civic and Ceremonial matters (including Mayoralty)

42. It could also address more informal matters such as those relating to local customs such as the weighing of the Mayor (and other officials) ceremony in High Wycombe.
43. The Terms of Reference will also need to specifically address the requirements for the conduct of the review such as consultees, relevant stakeholders and arrangements for overseeing the conduct and progress of the review.

Implementation

44. A Community Governance Review which is started now will likely 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 arrangement in place, but as with the new Council, elections will not take place until 7th May 2020.
45. If the outcome of the CGR is that a town council is created for the unparished area of the town or any new parish council is created for any area within the unparished area there will be a need to establish a new legal entity.

Financial Considerations

46. If the outcome of the CGR is that a town council is created for the unparished area of the town or any new parish council is created for any area within the unparished area there will be a need to establish a new legal entity. Any new local council will reasonably require some resources to ensure compliance with requirements; to support the Members and if necessary to provide some local services. Before the Members can be elected to the new body a budget will need to be set for 2020/21 and during the wider unitary transitional period this will be carried out by the Shadow Authority not Wycombe District Council. As a result there will need to be careful consideration as part of the CGR of the resource implications of establishing a new local council and what resources it will need for the year. A balanced budget will need to be set. For illustrative purposes please see the special expenses for the whole of the unparished area as set out (for the 2019/20 year) in Appendix B.
47. There are also capital resources held by Wycombe District Council through the High Wycombe Town Committee. Consideration will need to be given to whether these assets will transfer and if there is to be a council for an area smaller than the whole High Wycombe area, whether any disaggregation is required. There will also need to be consideration of the financial impacts of any proposed changes to council tax for the whole of the Wycombe district and on the new Buckinghamshire Council as a result of the wider reorganisation. These impacts will need to be considered alongside the impact on the local tax payers of any precept to the unparished area or any area within the unparished area. The balanced budget will want to consider any income generation that the potential new council could generate.
48. It is likely that the wider unitary transition will include a protocol or localism arrangements about the transfer of assets to existing or new parished areas and how these transfers would impact on the new Buckinghamshire Council. As a result the review will need to consult and work with the finance officers supporting unitary transition and understand the interrelationships between the needs of any new local council and the needs of the new Buckinghamshire Council. These matters will need to be considered as part of the CGR. Public consultation will need to reflect potential financial impacts of the proposed new governance arrangements for the area.

Consultation

49. The County Council and the Shadow Authority will need to be advised and consulted.
50. When reviews are 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 the proposed terms of references at Appendix A to the report.
51. 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

Conclusions

52. Members are requested to consider:
 - whether a combined Community Governance Review should be carried out in relation to the four areas which have triggered a review.
 - whether any additional areas should form part of the Review
 - the content and scope of the Terms of Reference

Next Steps

53. Decisions of this committee will be recommended to Full Council on 1st April 2019 for a final decision.

Appendix A

Wycombe District Council Community Governance Review (CGR)

Terms of Reference

To consider whether to create one or more parishes/town councils for the unparished area of High Wycombe

Introduction

In undertaking the CGR, the Council (Wycombe District Council) will be guided by part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the CGR: Local Government (Parished and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

The Terms of Reference (ToR)

Section 81 of the Local government and Public involvement in Health Act 2007 requires the Council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference of the CGR will be published on the Council's website.

Why is the Council Undertaking the Community Governance Review?

Four petitions have been received; one relates to the whole of the unparished area of High Wycombe and the remaining three petitions relate to the individual unparished wards of Micklefield, Sands and Totteridge. This would create four separate reviews, which would necessarily overlap in area.

What is a Community Governance Review?

A CGR is a review of the whole or part of the districts area to consider one or more of the following.

1. Creating, merging, altering or abolishing parishes;
2. The naming of parishes and the style of new parishes;
3. The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council , and parish warding); and
4. Grouping parishes under a common parish council or de-grouping parishes.

Scope of the Community Governance Review

The CGR shall be of the community governance needs of the whole of the unparished area of High Wycombe town including the District Council wards of Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill and Totteridge.

The legislation requires the Council to consider whether to combine reviews which have been triggered by multiple petitions or where the Council itself is already carrying out a review, into a single review. Where a combined review takes place the CGR will

continue to consider the subject of all four petitions. Therefore the CGR must at least consider:

- Whether to establish a parish council for the ward of Mickleton
- Where to establish a parish council for the ward of Totteridge
- Where to establish a parish council for the ward of Sands
- Whether to establish a town council for the whole of the unparished area of High Wycombe

This review will therefore address those specific questions.

Criteria

The CGR has specific criteria set out in statute these are that:

the Council must have regard for the need to secure that community governance within the area under review reflects the identities and interests of the communities in that area; and is effective and convenient.

There is a wider context set out within government guidance and policy which is reflected in the following statement:

Wycombe District Council recognises the important role that parish councils play in community empowerment at a local level, and the Council is keen to ensure that governance continues to be robust, representative and is able to meet the challenges ahead. Furthermore, it wants to ensure that there is clarity and transparency for the areas that the parish council(s) represents, and that the electoral arrangements – including warding pattern and the number of Councillors – are appropriate, equitable and readily understood by the electorate.

Who undertakes the CGR

Wycombe District Council will be undertaking the CGR, if an Order is made to give effect to the Written Ministerial Statement made on 1st November 2018 and the transitional period is triggered implementation will fall to the Shadow Authority and the decision will be made by Shadow Executive.

How the Council intends to conduct the CGR

A Working Group on Community Governance drawn from the Members of the Regulation and Appeals Committee will prepare proposals for consideration by the Regulation and Appeals Committee and then recommendation to the Shadow Executive:

Those recommendations will include:

- initial proposals for consultation including whether or not to establish a new parish(es), the warding pattern, council size (number of councillors) and the name of any proposed new parish(es);
- the electoral arrangements of any new parish council(s) – including the ordinary year of election,
- having taken into account the consultation responses, final recommendations regarding the creation of a new parish(es), the warding pattern, council size (number of councillors), electoral arrangements and the name of any proposed new parish(es).

Consultation

The 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 CGR 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. The Council will conduct the CGR transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.

In accordance with the Act, representations received in connection with the CGR will be taken into account, and steps will be taken to notify consultees of the outcome of the CGR. This will be done in accordance with the Council's communications strategy for the CGR.

As required the Council will also notify Buckinghamshire County Council and if necessary the Shadow Authority that the CGR is being undertaken and provide a copy of the Terms of Reference to the Shadow Authority. Buckinghamshire County Council and any Shadow Authority will also be a consultee in the CGR

The CGR shall invite and take account of submissions from all interested parties, and will be publicised by displaying a notice at the Council offices, placing articles on the Council and Shadow Authority website and by issuing news releases.

The Council will also write to the Buckinghamshire and Milton Keynes Association of Local Councils, the Wycombe District Association of Local Councils, neighbouring Parish Councils, Wycombe District Councillors and the relevant County Councillors, MPs and Buckinghamshire County Council and the Shadow Authority and other interested parties deemed appropriate. These will include but are not limited to the Charter Trustees of High Wycombe, local businesses, local residents' associations, local public and voluntary organisations such as schools or health bodies, Thames Valley Police and High Wycombe BidCo.

The Council will publish all decisions taken in the CGR, together with the reasons for those decisions.

Governance in our area

The CGR relates only to the current unparished areas in High Wycombe town. For completeness however information will be included which shows the existing structures of parish governance in the rest of Wycombe District. This will include details of the parishes, parish wards, ward representation, overall representation, ratios of electors to councillors, rural/urban designation, and Wycombe District Council's wards. The area of High Wycombe town is the only unparished area in the District. The CGR should also have regard to the proposed wards of the new Buckinghamshire Council if the relevant Order is made.

Wycombe District Council area currently has 27 parish councils containing 42 parish wards. There are 10 district wards in the area of the town of High Wycombe that are all unparished. Outside of the town of High Wycombe, all areas are parished. High Wycombe town is the only area in Buckinghamshire that is not parished, with the towns of Aylesbury and Amersham each having a town council.

Previously unparished areas

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenant associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

Details of such arrangements and their effectiveness as a means of community representation and / or community engagement will be sought as part of the introductory stage submissions. The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

Parish Areas

This Review relates to the current unparished areas of High Wycombe. The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area, and
- is effective and convenient, and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Alternative Styles

The 2007 Act has introduced 'alternative styles' for parishes. If adopted, the 'alternative style' would replace the style "parish". However, only one of three prescribed styles can be adopted: "community", "neighbourhood" or "village". In addition, it would be noted that the style of "town" is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a town and vice versa.

Where a new parish is being created, the Council will make recommendations as to the geographical name of the new parish and as to whether or not it would have one of the alternative styles.

A council for a parish

An area can establish a parish meeting in appropriate cases instead of a parish council. The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish, where the number of electors is 1,000 or more – a parish council must be created;

Naming of Parish and Town Wards

If required, the Council will endeavour to reflect existing local or historic place-names, and will give strong presumption in favour of names proposed by local interested

parties. Notwithstanding this, in the interest of effective and convenient local government and for the avoidance of voter confusion, the Council will look for different ward names to those used for principal council areas.

Electoral Arrangements

An important part of the CGR will be determining the Electoral Arrangements for any new parish council. This term covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council (council size);
- The division (or not) of the parish into wards for the purposes of electing councillors;
- The number and boundaries of any such Wards;
- The number of councillors to be elected for any such Wards;
- The name of any such Wards.

The Local Government Act 1972 states that ordinary elections of parish councillors should take place in 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, 2019 etc.), and recognised the importance of ensuring that this coincides with the cycle for other principal council elections so that costs can be shared. The District Council elections have been postponed and future elections are proposed to take place in 2020, 2025 and every fourth year thereafter. The government has indicated that it would want the parish electoral cycle to coincide with the cycle for the new Buckinghamshire Council, so that the costs of elections can be shared.

The Council will use the current Register of Electors of December 2018 in providing the existing district ward electorate figures.

When the Council comes to consider the electoral arrangements of the parishes in its area it is required to consider any change in the number or distribution of the electors which is likely to occur including any demographic trends and influences, such as new development, that may alter the population significantly in the period of five years beginning with the day when the CGR starts. Population projections from the Office for National Statistics will be used.

The Guidance provides that these forecasts should be made available to all interested parties as early as possible in the CGR process, ideally before the formal commencement of the CGR so that they are available to all who may wish to make representations.

The CGR will consider and make recommendations on the proposed Electoral Arrangements including the number of Members to sit on any proposed council.

The CGR will also consider any warding arrangements including the number and pattern of wards having regard to the ratio and aim to achieve electoral ratios with a variance of no greater than 10%.

Council size (number of councillors)

The number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocation of councillors. However, each grouped under a common parish council must have at least one parish councillor.

The recommended number of councillor are:

Electorate	Councillor Allocation
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
Greater than 20,000	13-31

However, the government guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities”, and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes.

In undertaking the CGR, the Council will consider the appropriate council size in relation to the warding pattern that is proposed for any new parish council that might be created. In proposing a council size, the Council will have regard to the important democratic principle that each person’s vote should be of equal weight so far as possible.

Timetable of the CGR

The CGR must be completed with 12 months of the receipt of the petition.

The timetable for the CGR can be found below. This timetable is indicative and may be amended at any time.

Action	Timetable
Publication of Terms of Reference	April 2019
Introductory Stage – Submissions are invited	April - May
Draft proposals are prepared and referred to WDC Members	June - July
Draft proposals are published	July
Consultation on Draft Proposals	July - September
Final Proposals are prepared and referred to WDC Members	October
Final proposals are published & available for comment	November
Council publishes the Recommendations and refers to the Shadow Executive (if necessary a Reorganisation Order is made)	December

Implementation	Jan – March 2020
Any new local parish or town councils come into being with transition Member arrangements in place	1 st April 2020
Elections to new parish or town councils	7 th May 2020

Making a Reorganisation Order

The CGR will be completed when the Council/Shadow Authority adopts the Reorganisation Order.

Copies of this order, the maps that show the effects of the order in detail, and the documents which set out the reasons for the decision that the Council has taken will be deposited at the Council's offices and published on the Council's website.

Reorganisation Order to be sealed once approval received and notification given to:

- The Secretary of State
- The Electoral Commission
- The Office of National Statistics
- The Director General of the Ordnance Survey
- Any other principal council whose area the order relates to.

The Reorganisation Order may cover other consequential matters that appear to the relevant council to be necessary or proper to give effect to the Order.

These should include, but are not limited to: –

- Transitional and interim arrangements
- Civic and Ceremonial matters including the Mayoralty
- Governance arrangements for any new local council
- Provisions with respect to the transfer of any functions, rights and liabilities
- Staffing arrangements
- Budgets, fees and charges, and audit arrangements
- Dowry, property and asset transfer (where applicable)
- The setting of precepts

The Order will take effect, for financial and administrative purposes, on 1 April in the designated year. The electoral arrangements for a new parish council will come into force at the next ordinary elections which is May 2020.

How to Submit Your Views

Initial comments regarding the CGR can be sent to: elections@wycombe.gov.uk

Appendix B

HIGH WYCOMBE TOWN AREA					
Budgets for the year ending 31st March 2020					
SUMMARY					
2018/19	2018/19		2019/20	2019/20	2019/20
Approved	Net		Gross	Income &	Net
Budget	Forecast		Expenditure	Credits	Expenditure
£	£		£	£	£
SPECIAL EXPENSES					
167,500	163,114	Recreational Grounds (Local)	163,500	0	163,500
38,300	19,386	Allotments	19,100	(60)	19,040
166,400	172,994	High Wycombe Cemetery	292,300	(153,600)	138,700
20,500	28,000	Financial Assistance to Vol Groups	28,000	0	28,000
3,000	0	Town Twinning	3,000	0	3,000
20,000	26,700	Community Grants/Financial Assistance	26,800	0	26,800
1,700	0	War Memorial	3,000	0	3,000
2,700	0	Footway Lighting and Bus Shelter	2,700	0	2,700
420,100	410,194	Total Special Expenses	538,400	(153,660)	384,740
(11,700)	(11,700)	Capital charges credit			(11,700)
(4,600)	(4,600)	Interest on balances			(8,200)
(27,428)	(27,428)	Council Tax Support Contribution (CTS Grant)			0
376,372	366,466	Total including Interest, Capital Charges and CTS Grant	538,400	(153,660)	364,840
404,000	0	Queensway Cemetery Phase 1			404,000
780,372	366,466	Net spending for year			768,840
(898,501)	(1,033,138)	Balance b/f			(1,047,981)
780,372	366,466	Net Spending for the year			768,840
(381,309)	(381,309)	Collection Fund precept			(274,320)
(499,438)	(1,047,981)	Balance c/f			(553,461)