

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