



**WYCOMBE**  
**DISTRICT COUNCIL**

Report For:	Regulatory and Appeals Committee
Meeting Date:	17 December 2019
Part:	Part 1 - Open
If Part 2, reason:	N/A
<b>Title of Report:</b>	Community Governance Review of High Wycombe
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Ward(s) 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:	To receive the results of the consultation and the completed Community Governance Review report.
<b>Proposed Recommendations To Full Council:</b>	<b>That Members:</b>  (i) <b>Receive the report from ORS on the results of the consultation</b> (ii) <b>Receive the final review report prepared by Bevan Britten.</b> (iii) <b>Refer the report to the Shadow Executive of Buckinghamshire Council for a decision.</b>
Monitoring Officer/ S.151 Officer Comments	<b>Monitoring Officer:</b>  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.  <b>S.151 Officer:</b> Any recommendations will need to be modelled within the Medium term Financial Planning process and any impact on the Council Tax harmonisation process considered taking account of the impact both on the Buckinghamshire Council but on any new council (if relevant) being created to ensure that they are

	<p>sustainable and the impact on the tax payer is taken into account.</p> <p>Any arrangements for precepting and/or transfer of assets will need appropriate legal advice and consideration of risks.</p>
Consultees:	<p>In accordance with the statutory requirements in undertaking community governance reviews, the Council has undertaken 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. Buckinghamshire County Council and The Shadow Buckinghamshire Council were also statutory consultees.</p>
Options:	<p>The members can receive the review report and decide whether or not to accept it.</p>
Next Steps:	<p>The review report is presented to a meeting of the Shadow Executive.</p>
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. Briefing Paper Number 04827, 25 February 2019</p> <p>White Paper 2006</p>
Abbreviations:	<p><b>CGRs – Community Governance Reviews</b>  <b>TORs – Terms of Reference of a Review</b>  <b>Reorganisation Order – the Order made if a decision is made at the end of the review to make new local governance arrangements.</b>  <b>The Council – Wycombe District Council (the Principal Council).</b></p>

## **Purpose of Report**

1. This report is to present to members the results of the Consultation and the Community Governance Review of the unparished area of High Wycombe.

## **Context**

2. A district council in a two tier area has the power to undertake community governance reviews and make changes to local community governance arrangements i.e. the creation, deletion or changes to existing parish council arrangements. A Community Governance Review has to be undertaken with regard to guidance issued jointly by (the former) Department for Communities and Local Government (DCLG) and the LGBCE (Local Government Boundary Commission for England) in 2010.
3. When a petition is submitted which when verified contains the required number of signatories, the District Council must conduct a Community Governance Review.
4. Once a review has been triggered by a petition, the council must publish terms of reference of the review and carry out a review which must include public consultation as prescribed. The review must be completed within one year from the date of receipt of a valid petition and the final decision on the review report is made by the Shadow Executive.

## **Role of the Shadow Executive**

5. The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations of proposals resulting from a community governance review during the transitional period sit with the Shadow Executive and thereafter with the new Buckinghamshire Council. This means that whilst the District Council has resolved to undertake the review, responsibility for deciding whether to give effect to the recommendations of the review rests with the Shadow Executive (rather than by the predecessor council).

## **CGR Background**

### **Submitted Petitions**

6. Four valid petitions were received in relation to the unparished area of High Wycombe which each triggered a review and the decision was made to combine the four petitions into a single review. The review must be completed by 10<sup>th</sup> December 2019. The Community Governance Review has been subject to public consultation which concluded on 30<sup>th</sup> September 2019.
7. 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.
8. On 21<sup>st</sup> 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.
9. The Council decided through its Regulatory and Appeals Committee to establish a working group and appoint external consultants to prepare an initial report and then to go out to consultation on the options using an external provider ORS to conduct the public consultation.

### **Terms of Reference for Reviews**

10. Section 81 LG&PIHA 2007 requires the principal council to draw up terms of reference specifying the area under review. WDC agreed the Terms of Reference for the CGR at its Regulatory and Appeals Committee held on 18 March 2019. The Terms of Reference stated that the CGR would consider the subject of all four petitions that triggered the Governance Review, namely, to consider:
- Whether to establish a parish council for the ward of Micklefield
  - Whether to establish a parish council for the ward of Totteridge
  - Whether 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
11. In addition to considering whether to establish any new governance the review must consider whether it is appropriate to change existing governance arrangements and also a range of matters relating to the governance, financing, warding and electoral arrangements if any new Council is created.
12. Legal advice has been obtained which has made it clear that the review cannot be deferred indefinitely or delayed for an extended period. However, advice was provided which explained that it was not necessary to make a decision on the outcome of the review during the transition period; it is possible to defer a decision until the new unitary Council is in place and able to consider the review report. It is also possible for a Town/Parish Council(s) to be created at a time other than when the local elections are being carried out. It is therefore possible to defer a review and to reach a decision to create a new Town/Parish Council(s) in 2021 or in a subsequent year. This would enable a longer lead in period to allow consideration of the finances and assets of any new Town/Parish Council if appropriate.

### **Charter Trustees**

13. 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;*

14. If the Shadow Executive decided to make a Reorganisation Order to create a parish or a town council for the whole of the unparished area the Charter Trustee arrangement would therefore come to an end. Where only part of the area remains unparished this would not be the case.

### **Purdah**

15. The review was required to be completed by the 10 December 2019. The review must be published as soon as reasonably practicable after the review is complete. It had been proposed to take the draft review to the Regulatory and Appeals Committee meeting on 3 December and to publish the review and the results report on 9 December 2019. As two of the petitioners are candidates in the election, the Regulatory & Appeals committee has been deferred until after the general election.

### **CGR Report Recommendations**

16. The review report which has been prepared by external legal firm Bevan Britten is attached at **Appendix B**. The recommendations of the Review are as follows:

**Option 1:** Establish a parish council or parish councils for:

- a. the whole of the unparished area of High Wycombe to become a Town Council in due course;
- b. one or more of the wards of Micklefield, Sands or Totteridge, in conjunction with a Town Council for the remainder of the unparished area; or
- c. one or more of the parishes of Micklefield, Sands or Totteridge, leaving the remainder unparished,

**AND** wait to progress the Reorganisation Order until the new Buckinghamshire Council becomes operational as a unitary authority, deferring implementation of the Review until after the transition has been completed.

**OR**

**Option 2:** Defer taking a decision until after the new Buckinghamshire Council is created, recognising that further consultation may be necessary at that stage.

**OR**

**Option 3:** Take no action to create any further parish councils in the unparished area of Wycombe because other means of effective, convenient local governance reflective of community interests and identity will be established through the new Buckinghamshire Unitary Council and the creation of a Community Board and / or an Area Committee.

In section 7 of the Review report, five sub-options are included within the three main recommendations noted above. A detailed analysis of the options and the relevant considerations for members is set out in the Review Report.

### **Consultation**

17. There is a statutory requirement when conducting a review to carry out public consultation. The decision was made to appoint independent experts ORS to conduct the consultation. The consultation was completed on 30<sup>th</sup> September 2019. The results of that consultation

are set out in the attached summary in **Appendix A**. The full report is available on the council's website.

### **Communications Plan**

18. An awareness-raising campaign was undertaken for the duration of the public consultation phase. This included: a targeted (paid for) and organic (not paid for) social media campaign; press releases; a banner on the front of the council offices in High Wycombe; and roller banners and fliers in libraries and community venues within the unparished wards. In addition, all letters were sent to key stakeholders (including all local councillors) inviting them to give their views as part of the consultation. Fliers and posters were also provided to all Wycombe District Council ward councillors in the unparished area.

### **Equalities Implications**

19. Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report. It is anticipated that an Equalities Impact Assessment will be published when the final recommendation has been selected.

### **Data Privacy Implications**

20. A data protection impact assessment must be conducted when proposed processing could result in a high risk to the rights and freedoms of natural persons. The processing of personal data for the purposes of the options in this report is not considered to give rise to such risk and therefore there are no data privacy implications beyond the need to follow normal data protection practices.

### **Next Steps**

21. The review report will be referred to the Shadow Executive meeting on 7<sup>th</sup> January 2019 for a decision.

## **Appendix A– High Wycombe Community Governance Review Final Report**