

Report For:	Regulatory and Appeals Committee
Meeting Date:	31st July 2019
Part:	Part 1 - Open

<b>Title of Report:</b>	<b>COMMUNITY GOVERNANCE REVIEWS OF HIGH WYCOMBE</b>
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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:	To enable the Council to carry out the Community Governance Review statutory consultation.
<b>Proposed Decision:</b>	<p><b>That Members:</b></p> <ul style="list-style-type: none"> <li>(i) <b>Receive the report from LGRC on the initial fact finding exercise;</b></li> <li>(ii) <b>Agree the proposed options for consultation; and</b></li> <li>(iii) <b>Agree the consultation process to be followed.</b></li> </ul>
Monitoring Officer/ S.151 Officer Comments	<p><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. Accordingly, of the four petitions which have been submitted to the Council, two of them, for the Totteridge and Micklefield areas, must be concluded by 10 December 2019. A decision must therefore be made within that timescale.</p> <p><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 sustainable and the impact on the tax payer is taken into account.</p>

	Any arrangements for precepting and/or transfer of assets will need appropriate legal advice and consideration of risks.
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. Buckinghamshire County Council and The Shadow Buckinghamshire Council are also statutory consultees.
Options:	The Members must carry out consultation but there are a range of options as to how this can be done.
Next Steps:	The consultation will be carried out and the results of that consultation will be reviewed before a final review report is presented to a meeting of the Shadow Executive.
Background Papers:	Minutes of Full Council meeting 10 December 2018;  2007 Local Government and Public Involvement in Health Act  Joint Guidance on Community Governance Reviews from MHCLG and LGBCE.  House of Commons Briefing - Parish Councils: Recent Issues. Briefing Paper Number 04827, 25 February 2019  White Paper 2006
Abbreviations:	<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>

Appendices to this report are as follows:

Appendix A – the Terms of Reference of the Community Governance Review

Appendix B - the report of LGRC

Appendix C – Consultation Format

Appendix D – Financial Information

## **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 local 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 receive the report and recommendations from LGRC and to consider the proposed options to be put out to public consultation. It is also to note the appointment of ORS as consultation partners and to consider their recommendations on conduct of the consultation.

### **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 10<sup>th</sup> 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 were also verified and the Council decided 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.
6. The Council has published the terms of reference for the review and these are attached at Appendix A

### **Background**

7. A district council has the power to undertake community governance reviews and make changes to local community governance arrangements. 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:
  - a) Part 4 of the Local Government and Public Involvement in Health Act 2007;
  - b) Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
  - c) Local Government Finance (New Parishes) Regulations 2008 (SI2008/626);
  - d) Relevant parts of the Local Government Act 1972.

## **Criteria**

10. When the CGR is completed it will be presented to the relevant members for a final decision. The Shadow Executive is the relevant body to make the final decision.
11. The Shadow Executive will need to consider whether to make a Reorganisation Order in conducting the review and reaching a decision the Principal Council and Shadow Executive;

*must have regard to the need to secure that community governance within the area under review–*

  - a) *reflects the identities and interests of the community in that area, and*
  - b) *is effective and convenient.*

12. 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. A 2006 White Paper and in the 2007 Act expressed commitment to parish councils and more recently in 2013 changes to legislation were introduced 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.
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 that a review is to be undertaken and of its terms of reference; Buckinghamshire County Council and the Shadow Buckinghamshire Council will 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.
25. At the Council meeting on 21<sup>st</sup> February 2019 a further two petitions were handed in which have subsequently also been verified:
  - 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 ie 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. The Council must therefore carry out Community Governance Reviews of the relevant areas. On 1<sup>st</sup> April 2019 the Wycombe District Council decided to combine the reviews into a single review of the whole of the unparished area.

## **Terms of Reference for Reviews**

27. 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.'*
28. 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.
29. 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.
30. 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.'*
31. The Terms of Reference of the Review were approved and have been published and are attached at **Appendix A**.

## **Relationship to Local Government Reorganisation**

32. The Council has been told by MHLG that any community governance reviews should be completed prior to the date that this Council is abolished (31 March 2020). The transitional period began on 23<sup>rd</sup> May 2019 when the Structural Changes Order came into force. If the Order had been made and the transitional period had already started when the review was triggered then the power would exist to defer the review but that was not available in this case as the transitional period had not started at the time the review was triggered. The provision recognises the potential impact of a CGR at a time of transition.
33. 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 Executive. The powers which become those of the Shadow Executive 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**

34. 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

35. 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.

## **The Conduct of the Review**

36. Due to the capacity required for the delivery of transition and the short period for completion of the review, Members agreed to appoint external consultants to conduct the review. A number of options were considered, including considering expressions of interest from individuals in the form of CVs and companies to conduct the review. The working group of Members opted to appoint a company over individuals and interviewed representatives from LGRC before appointing them to conduct the review.
37. LGRC were tasked with conducting an initial fact finding exercise and contacting key stakeholders to gather information relevant to the review. Details of the responses they received are contained within their report.
38. LGRC were also provided with and gathered data from a number of available data sets to provide background about the community, together with maps and financial information.

This information was used to carry out an initial analysis of the key criteria set out above and reached initial conclusions supported by the information.

39. The report of LGRC is attached at **Appendix B**.

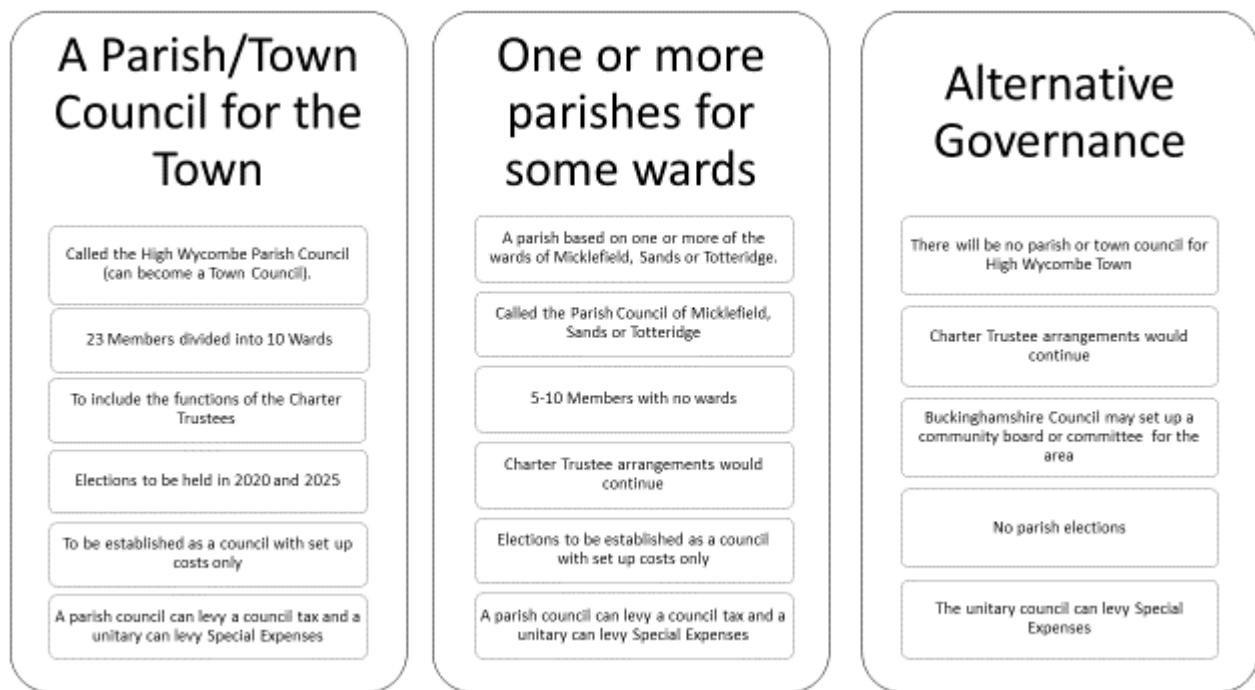
## **Options**

40. In accordance with the Terms of Reference this review is consulting local residents on whether or not they would like three separate courses of action to be decided upon, namely:
  - a) To establish a new town council for the unparished area of High Wycombe that contains the wards of Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill and Totteridge.
  - b) To establish one or more new parish councils that will each cover just the ward areas of Sands, Micklefield and/or Totteridge.
  - c) To do neither of the above.

The LGRC report recommends option a) and provides the required detail about the form that option should take. The graphic below provides the form for a parish for one of the wards which were also the subject of the petition. It is also proposed that the public should be consulted on an option which does not involve a parish council, and which assumes arrangements that exist under Wycombe District Council, although the future Council governance depends on decisions which are yet to be made about the arrangements for Localism within the new Buckinghamshire Council.

## **Summary of Options**

41. The chart below summarises the proposed options for consultation, although the questionnaire and consultation material will need to be simple and clear and will be designed by ORS:



## **Consultation:**

42. Section 93 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) allows principal councils, in this case Wycombe District Council, to decide how to undertake a community governance review, provided that they comply with the duties in that Act which apply to councils undertaking community governance reviews.
43. The 2007 Act sets out that the principal council will need to consult local people and take account of any representations received in connection with the review. When undertaking the review they must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.
44. Under the 2007 Act, principal councils are required to consult both those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. Other bodies might include local businesses, local public and voluntary
45. Under the 2007 Act, principal councils are required to consult both those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

46. Through a competitive tendering process which invited six companies to quote, the council has appointed an experienced, independent market research company, Opinion Research Services (ORS), to develop and run the public consultation part of the community governance review.
47. The purpose of the consultation is to understand the views about the proposal set from a broad range of interested stakeholders, including but not limited to:
  - Local residents living within the ten unparished wards of High Wycombe
  - Local residents living within the parished area of the Wycombe district
  - Businesses and business representatives within High Wycombe
  - Town and parish councils within the Wycombe district, particularly those bordering High Wycombe
  - Local district and county councillors
  - Local resident associations within High Wycombe
  - Buckinghamshire County Council
  - Health
  - Thames Valley Police
  - Buckinghamshire Fire and Rescue Authority
  - Education authorities within High Wycombe
48. ORS have been appointed to: design a questionnaire; provide an online platform to host the questionnaire; to provide a hard copy questionnaire for those without access to the internet; to conduct a representative sample survey; to run some workshops and to provide an analytical report of the responses at the end of the consultation period.
49. It is proposed that the public consultation runs for eight weeks, from Monday 5<sup>th</sup> August until Monday 30 September 2019. The public consultation report will inform the final recommendation.

### **The open, self-selecting questionnaire**

50. The online questionnaire will be hosted by ORS and accessed via the Wycombe District Council website. It will be open to everyone to complete, after identifying which stakeholder they are, for example resident in an unparished ward, resident of the district, business, organisation, town and parish council.

ORS have indicated that they have techniques to help identify intentional attempts to influence results.

The survey will also be available as a hard copy, on request, to those without access to the internet.

ORS attended a meeting of the Member working group on Monday 8<sup>th</sup> July and gave a presentation on the proposed consultation exercise.

## **Representative sample survey**

51. ORS will be conducting targeted sampling of residents specifically within the unparished wards of High Wycombe. This will be conducted through a telephone survey. The purpose of a representative sample survey is to ensure that the views of residents within the unparished wards of High Wycombe, who will be most affected by the proposal, are heard. There will also be some workshops arranged to conduct a more detailed analysis of public views.

## **Promotion of the public consultation**

52. We are proposing to promote the public consultation in a variety of ways, including through the council's social media channels (Facebook, Twitter and Instagram), reaching out to local Facebook groups and through paid for advertising to target residents who are not members of Facebook community groups. In addition, we will: work with local media; contact stakeholder organisations and groups directly to encourage participation; provide leaflets and posters for local members who wish to raise awareness within their wards; have a banner on the front of the council building; roller banners in local community buildings; and pop up events within the unparished area.
53. An item referring to the consultation has been prepared for the Council's magazine. The questionnaire can also be promoted through the annual canvass forms sent to households in August. Details of the process for consultation are attached at **Appendix C**.

## **Recommendations and Implementation**

54. The results of the consultation will be collated into a comprehensive report which will be available for consideration in order to inform the final recommendations being drawn up. The final report will be presented to a meeting of the Shadow Executive. If any form of parish council order is to be created, a reorganisation order will be made. This will set out the interim arrangements which will exist between the date when the council comes into being on 1<sup>st</sup> April 2020 and the elections to the parish council in May 2020. The new Council will then be elected, it will have powers to decide the functions it wishes to carry out, including whether it accepts any devolved powers from other authorities. It will also have the power to set its own council tax and budget.
55. A timetable for the conduct of the review is attached at Appendix A.

## **Financial Considerations**

56. 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) and the chart of comparative Town Councils in Appendix D.

57. 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.
58. It is likely that the wider unitary transition will include localism arrangements and this may also include details of any arrangements for 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 final report. Public consultation will need to reflect potential financial impacts of the proposed new governance arrangements for the area where these are known.

## **Consultation**

59. The County Council and the Shadow Authority will need to be consulted and this report has therefore been shared with the County Council and the Shadow Executive.
60. 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.
61. 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**

62. Members are requested to consider the options on which they wish to consult and also the proposals in relation to the conduct of the consultation.

## **Next Steps**

63. Public consultation will begin on 5<sup>th</sup> August 2019 and go through until 30<sup>th</sup> September 2019. A final decision will be made before 10<sup>th</sup> December 2019.