



Standards and General Purposes Committee agenda

Date: Thursday 24 August 2023

Time: 2.00 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

D Goss (Chairman), B Chapple OBE (Vice-Chairman), M Baldwin, P Brazier, R Carington, S Chhokar, P Gomm, T Green, S Lambert, H Mordue, C Oliver, L Smith BEM, M Smith and D Thompson

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| 1 Appointment of Vice-Chairman | |
| 2 Apologies | |
| 3 Minutes | 5 - 14 |
| To approve as a correct record the Minutes of the meeting held on 13 April and 17 May 2023, copies attached. | |

| | | |
|-----------|--|------------------|
| 4 | Declarations of Interest Members to declare any interests. | |
| 5 | Buckinghamshire Electoral Review To consider the report. Contact Officer: Glenn Watson | 15 - 26 |
| 6 | Community Governance Reviews – Wycombe Area To consider the report. Contact Officer: Glenn Watson | 27 - 58 |
| 7 | Community Governance Reviews - Parishes To consider the report. Contact Officer: Mat Bloxham | 59 - 70 |
| 8 | Polling District Review To consider the report. Contact Officer: Mat Bloxham | 71 - 76 |
| 9 | Complaints and Improvements Annual Report and Ombudsman Update To consider the report. Contact Officer: Jennifer Griffin | 77 - 92 |
| 10 | Member Code of Conduct Complaints – Quarter 1 Review To consider the report. Contact Officer: Glenn Watson | 93 - 100 |
| 11 | Member Code of Conduct Complaints – Hearings Sub-Committee Protocol To consider the report. Contact Officer: Glenn Watson | 101 - 108 |
| 12 | Work Programme | 109 - 110 |
| 13 | Date of Next Meeting 19 October 2023 at 2pm | |

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For further information please contact: Clare Gray - democracy@buckinghamshire.gov.uk
democracy@buckinghamshire.gov.uk

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Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 13 April 2023 in The Paralympic Room, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 2.00 pm and concluding at 3.40 pm.

Members present

T Broom, B Chapple OBE, M Baldwin, P Brazier, R Carington, S Chhokar, P Gomm, S Lambert, H Mordue, C Oliver, L Smith BEM and M Smith

Apologies

T Green and D Thompson

Agenda Item

1 Apologies

Apologies were received from Cllrs Green and Thompson.

2 Minutes

RESOLVED –

That the Minutes of the meeting held on 17 November 2022 be approved as a correct record.

3 Declarations of Interest

Cllr Smith declared a personal interest in item 4 as Local Member for Chalfont St Peter.

4 Electoral Review - response to consultation on four wards in South Buckinghamshire

The Commission had launched a limited further consultation on revised proposals for four wards in the south-east of the county relating to the Buckinghamshire Electoral Review. These amendments were made by the Commission in response to a significant number of objections to their previous proposals in this area. The Commission believed their revisions achieve the best balance of their criteria: community identity, acceptable electoral variance, effective local government and their wish to minimise the number of parishes which would be split across Buckinghamshire wards.

The Commission had not indicated what position it had taken on the remainder of the county. Instead, it now intended to publish the final recommendations on all

wards on 30 May. The consultation officially ended on 11 April but the Commission had given this authority an extension to 26 April to enable Council to consider the matter on that date, in the meantime noting the decision of this Committee. The report attached to the agenda included the views of the Members Working Group which met on 23 March which were considered by this Committee.

The Principal Governance Officer summarised some of the changes proposed by the Commission:-

- To reverse the proposed extension of Chalfont St Peter southwards into Gerrards Cross Parish: based on “strong community-based evidence”
- Consequently, to reduce the number of Chalfont St Peter councillors by one: to achieve acceptable electoral variance for that ward (10%)
- To restore New Denham from Iver to Gerrards Cross & Denham: based on feedback that there were no “strong community or geographic links” between New Denham and Iver Parish. (The revision now aligned with the Council’s original submission)
- To place Hedgerley and Fulmer within Farnhams & Stoke Poges: restoring Denham wholly to Gerrards Cross & Denham would result in that ward being out of variance; however, placing Fulmer & Hedgerley within the Farnhams & Stoke Poges Ward would achieve balance for both wards but would do so by expanding the latter from two members to three.
- To pluralise ‘Farnham’ to demonstrate that both Farnham Royal and Farnham Common are included in the name “Farnhams & Stoke Poges”.
- One fewer councillor overall, 97 instead of the previously proposed 98. The Commission had indicated, throughout the review, that the “98” number could marginally increase or decrease depending on the final balance of criteria for each ward.

The Working Group had agreed to endorse the Commission’s proposed changes. One alternative proposal was put to the Working Group from Chalfont St Peter ward members, which following a vote, was not supported.

The recommendations in the report were proposed by Cllr Chapple and seconded by Cllr Chokkar. A Member then asked that an amended proposal be put forward for Chalfont St Peter, proposed by Cllr L Smith and seconded by Cllr Oliver, “to create a new single member ward for Gerrards Cross North and Chalfont St Peter South which better reflected their community identity”.

Cllr L Smith commented that CSP Local Members were concerned about the loss of community identity and drop in Members to 97. The amended proposal would introduce a new single Member ward for Gerrards Cross North and Chalfont St Peter South. This would mean that the total number of councillors would be restored to 98 again. The Member commented that the amended proposal was in keeping with community identity as residents would become confused about which parish they were in. Having the one single Member ward would ensure that residents from

Chalfont St Peter and Gerrards Cross would be happy to be associated with both areas and would not feel split from their original community.

Members then discussed the amended proposal . A comment was made that many electoral wards had been impacted by this review and that it was difficult to divide up wards neatly. Other Members had sympathy with the amended proposal and a suggestion was made about putting both proposals to the Boundary Commission so that they could make a choice. A comment was made that it was important for the Council to put their preferred option forward only. The Service Director confirmed that Full Council was expecting this Committee to make a specific recommendation to Full Council on 26 April which, if agreed would be the Council's formal response to the Boundary Commission.

A vote was taken on the amendment which was not agreed. The meeting then discussed the substantive motion and several members argued that the Commission's proposals represented the most workable balance of the criteria, having regard to the constraints of geography in the area and the interlocking implications for each ward. Following a vote on the substantive motion it was:-

RESOLVED that the Electoral Review Working Group recommendations that the proposals set out by the Local Government Boundary Commission in their further consultation (and summarised at Annex 1) be accepted; and

RECOMMENDED to Council that the Commission's proposed wards be endorsed and to inform the Commission accordingly.

5 Election Act Implementation

The Committee received an update on the implementation of Elections Act 2022 in Buckinghamshire. The Act changed the way UK parliamentary elections, local elections, referendums and police and crime commissioner elections and electoral registration was administered. The headline change was the new requirement for electors to show identification when they vote at a polling station from 4 May 2023, however the more technical changes to electoral registration, being implemented in phases, were also significant. Some of the Act's forthcoming changes were subject to Statutory Instruments being made.

The Electoral Services Manager reported that the main changes were as follows:-

- For elections held on 4 May 2023 onwards, electors would be required to show an approved form of photographic identification before voting in a polling station. For example, a passport, driving license, immigration document, a PASS card, Ministry of Defence Form 90, concessionary travel pass (excluding railcards) and national ID card were acceptable. It did not matter if the photo ID had expired, provided that the photo remained a true likeness of the person.
- For elections taking place from May 2023, the Returning Officer would have a general duty to take all reasonable steps to support voters with disabilities.

Whilst there was already a requirement to provide support to electors with disabilities this was being widened to move away from prescribed measures. From May 2023, voters would also be able to receive assistance from a companion over the age of 18.

- A polling district and polling places review would be carried out later in the year once the new boundaries for both Parliamentary constituencies and the new wards for Buckinghamshire Council have been published. This review would include another assessment of accessibility.
- From October 2023, electors would be able to apply for an absent vote (postal & one off proxy) online. Electors could already register to vote via gov.uk, and this would be extended to include absent vote applications. Absent vote applications could continue to be made on a paper form. The applicant's identity would be checked as part of the absent vote application. This was already in place for new applications to register to vote.
- From May 2024, EU citizens would no longer automatically be eligible to register to vote, vote and stand for election. This would apply for all local elections, referendums, Police and Crime Commissioner elections and those where the local election franchise was used. Going forward voting and candidacy eligibility for EU citizens would depend on the date of the citizen's residency in the UK and any bilateral agreements in place between the UK and EU member states.
- From January 2024, the current 15-year limit on voting rights for British citizens living overseas would be removed, and overseas electors would be able to register at an address where they were previously registered, or if they were never registered, where they were last resident.

During discussion the following points were noted:-

- A Member referred to an upcoming Neighbourhood Referendum and asked what communications were taking place to alert local residents about voter ID requirements. The Electoral Services Manager reported that poll cards would be sent to registered electors before polling day and would include information about the new photo ID requirements. There would be additional publicity such as social media, flyers and notices leading up to the poll. A communications strategy had been developed for raising awareness across the whole of Buckinghamshire which would include utilising social media.
- Concern was expressed by a Member if a voter did not have photo ID especially those from hard to reach groups. In response it was noted that any elector who did not have any of the acceptable forms of photo ID could apply for a voter identity document free of charge. This was known as a Voter Authority Certificate (VAC). A VAC shall remain valid as long as the photo remains a true likeness of the elector. They were expected to last around 10 years. Electors could apply for a VAC online <https://www.gov.uk/apply-for-photo-id-voter-authority-certificate>. Just under 100 electors have applied for a VAC in Buckinghamshire since the service went live in January. The deadline to apply for a VAC was 5pm six working days before polling day. A

further question was asked about people where English was not their first language. The Electoral Services Manager replied that they had been working with Communications and the Communities teams to identify where to focus particular publicity. For example, flyers would be produced in different languages and guidance from the Electoral Commission on how to target hard to reach groups would be followed. If Members were aware of any particular hard to reach groups and had suggestions on raising awareness they were invited to contact the Electoral Services Manager.

- Another Member expressed concern about the legislation itself in terms of it potentially disenfranchising some residents who did not have valid photo ID. He also referred to the new fees and charges and what additional costs these new processes would incur to Councils and once clarified that Members should be informed. Members noted that the Department for Levelling Up Housing and Communities (DLUHC) have advised that they would shortly be issuing new guidance on the fees to pay polling staff in light of the Election Act changes. The current fees paid to election staff were set out in the Council's Fees and Charges Order which was agreed before the combined local and Police and Crime Commissioner Elections held on 6 May 2021. It would therefore be necessary to review the fees currently paid to election staff, and to keep these under review, in light of new responsibilities for polling staff, changes to neighbouring Council's fees and any updated guidance from the DLUHC. A further Member was also concerned about the cost involved particularly when there had only been a small number of allegations put forward regarding personation (election fraud) and the impact this would have on voters who had no access to the internet, photo ID or had language issues. The Electoral Services Manager commented that the Electoral Services Team could assist residents completing VAC applications which included taking the photo for them if required. Applying for a VAC was a similar process to registering to vote and voter ID requirements would be highlighted during the next annual canvass during the summer.
- Further guidance on polling staff fees was expected from Government imminently. When reviewing polling staff fees officers would work closely with neighbouring councils such as Milton Keynes Council who had set their fees for their elections this May and our officers also took part in a Working Group with DLUHC.
- Postal votes were not directly affected by the new Voter ID requirements but there would be new processes brought in place for these. For example, from October 2023 residents could apply for a postal vote online which would include having the voter's identity checked and would apply for a maximum period of 3 years. To reduce the risk of fraud further new restrictions were also being introduced by legislation such as limiting the total number of postal votes that one person could hand deliver to Council offices and polling stations. From 1 December 2023, there would be a ban on campaigners handling postal votes.

On a vote being taken on the recommendation (proposed by Cllr Chapple, seconded

by Cllr Mordue) it was:-

RESOLVED

- 1) That the changes to electoral registration and election processes arising from the Elections Act 2022, including the requirement for electors to show valid photo ID when voting in person at a polling station from May 2023, be noted.**
- 2) That the Head of Democratic & Electoral Services; Electoral Services Manager, Deputy Electoral Services Manager; and Senior Electoral Services Officer be appointed Deputy Electoral Registration Officers with powers to issue Temporary Voter Authority Certificates.**
- 3) In light of the additional responsibilities and implications arising from the Elections Act, authority be delegated to the Returning Officer to review, keep under review, and amend as necessary the Fees and Charges Order for all future elections, having regard to guidance issued by the Department for Levelling Up, Housing & Communities.**

6 Annual Review of Code of Conduct and Complaints

This report provided the Committee with a review of the Member Code of Conduct complaints dealt with during 2022/23. It also outlined the effectiveness of the procedure; reports on the training given by the Monitoring Officer; and highlighted emerging best practice in ethical governance. The report also updated the Committee on the outcome of a Stage 3 Hearing Sub-Committee into three complaints about a Hughenden parish councillor.

The Principal Governance Officer highlighted the following information to Members:-

- Nine individual Buckinghamshire Councillors were the subject of a complaint in 2022/23. However, while 18 people made complaints, in 10 cases these related to three particular circumstances.
- Nine individual parish and town councillors were the subject of a complaint in 2022/23. However, while 15 people made complaints, two complainants make a complaint about the same incident. One parish councillor was the subject of seven (nearly 50%) of the complaints received, covering six different circumstances.
- The most commonly alleged breach of the Code was Respect. Overall, perceived disrespect was a cause of complaint in 25 of the 33 (76%) complaints received. It was equally the case for both tiers of council. This reflected the national picture. The second most common allegation was 'bullying' at parish level and 'bias and predetermination' at Buckinghamshire Council.
- The Civility and Respect Project was a joint initiative between the National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC) and county associations. The Project was conceived in response to growing concerns about the impact bullying, harassment, and intimidation on local (parish and town) councils, councillors, clerks and council staff and the resulting effectiveness of local councils. It appeared only a small number of

- Buckinghamshire local councils had so far signed up to the pledge.
- During 2022/23, the Buckinghamshire Council complaints were all considered within the timeframes apart from one: in that case, the Initial Assessment took 19 days rather than 15 while certain evidence was checked with the complainant.
 - 52% of cases (17 complaints) were concluded at Initial Assessment as the Code was not sufficiently engaged. A further 36% (12 complaints) were closed at Stage 1 (Informal Resolution) with either no or minor action necessary. 88% of complaints were resolved without recourse to further escalation.
 - Three complaints (regarding the same councillor) were considered to be serious enough to warrant a Stage 3 investigation. Subsequently, a Hearing Sub-Committee of this Committee was convened. The outcome was that Cllr Derrick was found to have breached the 'Respect' provision in each case, and the 'Bullying' provision in two of them. In the interests of transparency, about the Council's processes, a press release was issued at the request of the Sub-Committee to draw attention to the Council's Decision Notice.
 - During 2022/23, and in fulfilment of the Council's duty to promote and maintain good standards of conduct, the Monitoring Officer's team delivered training through the Buckinghamshire and Milton Keynes Association of Local Councils in July 2022 and January 2023. The training covered member code and complaints arrangements. Two further sessions on the code were delivered, on request, to specific councils, Buckingham Town Council (in October 2022) and Hughenden Parish Council (January 2023).

During discussion the following points were noted:-

- With reference to the Hearing Sub-Committee a Member asked why the membership had not been proportional. In response it was noted that the political balance calculations did not result in a clear right to representation for each group (for a Committee of 3, 2 Conservatives, 0 Alliance Group and 0 IMPACT Alliance with a remainder of 1). The Council's procedures for hearing complaints expected that a Sub-Committee would consist of three members of this Committee, without further specification. A Member made the point that some Members of the Committee might be particularly interested in serving on a Hearings Sub-Committee and this expertise should be used where possible. The Chairman confirmed that he had initially asked for volunteers to come forward for this Sub-Committee. However, he was intending that following the Annual Council Meeting in May there would be a formal agenda item for this Committee to agree a protocol for managing the membership of a Hearing Sub-Committee. This would take account of achieving a range of representation and would have regard to a person's interest and willingness to be involved. It was also important to be clear on the approach to take where Members, potentially sitting on the Sub-Committee, may represent the area serviced by the council subject to the complaint. Members also noted that there was an independent Investigating Officer and also an Independent Person who sat on the Sub-Committee.
- Reference was made to the Civility and Respect Project particularly in view of the fact that there was no strict governance guidance for Parish and Town

Councils. It would be helpful to push this pledge so that it was adopted by more Parish Councils. Members also noted that top tier Councils had very limited powers to impose sanctions on Parish Councillors who had breached the code of conduct.

- In terms of benchmarking, a question was asked about whether Buckinghamshire had received a low level of complaints. The Principal Governance Officer reported that most Councils did not publish their complaint numbers although some research could be done to find them out. However reference was made to paragraph 2.10 of the report which referred to the national picture in terms of types of complaints received. The Service Director reported that the standard of conduct amongst councillors was high generally.

Members agreed that it would be helpful to agree a protocol for handling Hearing Sub-Committee membership following the Annual Council in May and also to bring attention to the Civility and Respect Project at a future meeting of Full Council.

RESOLVED that:-

- 1) the annual review of the Member Code of Conduct Complaints for 2022/23 be noted**
- 2) the decision of the Stage 3 Hearing Sub-Committee with regard to three complaints about a Hughenden Parish Councillor be noted.**
- 3) the Committee consider agreeing a protocol, at its first full meeting of the new council year, as to the appointment of members to future meetings of the Hearing Sub-Committee.**

7 Constitutional Working Group - verbal update

The Service Director Legal and Democratic reported that the next Constitutional Working Group was on 27 April 2023 and if any Members wanted to put forward any suggestions to contact the Chairman or himself.

8 Draft Work Programme 2023/4

The draft Work Programme 2023/24 was agreed. A question was asked about the Polling District Review and it was noted that the review must be carried out to make sure that all electors have such reasonable facilities for voting as are practicable in the circumstances and this would take into account accessibility.

9 Date of Next Meeting

17 May (following the Annual Council meeting) and 13 July 2023.



Buckinghamshire Council

Standards and General Purposes Committee

Minutes

MINUTES OF THE MEETING OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE HELD ON WEDNESDAY 17 MAY 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 5.50 PM AND CONCLUDING AT 6.00 PM

MEMBERS PRESENT

B Chapple OBE, M Baldwin, P Brazier, R Carington, S Chhokar, P Gomm, T Green, S Lambert, C Oliver, L Smith BEM, M Smith, D Thompson and D Goss

OTHERS IN ATTENDANCE

P Birchley (Chairman of Council)

Agenda Item

1 APOLOGIES

Apologies were received from Cllr H Mordue.

2 ELECTION OF CHAIRMAN

RESOLVED – That Councillor D Goss be elected Chairman of the Standards and General Purposes Committee for the ensuing year.

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Report to Standards and General Purposes Committee

| | |
|---------------------------------------|---|
| Date: | 24 August 2023 |
| Title: | Buckinghamshire Electoral Review |
| Relevant councillor(s): | All |
| Author and/or contact officer: | Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer. |
| Ward(s) affected: | All |

Recommendations: to note the final outcome of the Buckinghamshire Electoral Review.

Reason for decision:

This Committee had the primary responsibility for developing the Council's response to the Buckinghamshire Electoral Review at each stage. This report updates the Committee on the final outcome of the review.

1. Background:

1.1 The Buckinghamshire Electoral Review took place over the past two years. Its aim was to deliver electoral arrangements for Buckinghamshire Council which reflect electoral equality for all electors across the county. The stages of the review involved consultations on councillor numbers ('council size') and the future pattern of wards. The Council responded to each consultation, taking advice from this Committee. In May 2023, the Local Government Boundary Commission for England concluded its review and published the final recommendations which now go forward to Parliament. The outcomes will come into effect at the May 2025 elections.

2. The Commission's proposals

2.1 The Commission's [final recommendations](#) are:

- a) **Council Size:** residents should be represented by 97 councillors (50 fewer than now)
- b) **Pattern of Wards:** 49 wards (as now) but represented by a variable number of councillors (rather than the currently uniform three members per ward):
 - ten three-councillor wards
 - 28 two-councillor wards and
 - eleven single-councillor wards

2.2 Overall the Commission received 985 comments from local people and organisations in response to the review.

The Council's engagement

2.3 An electoral review requires the balancing of several factors:

- a) Community identity
- b) Electoral equality (i.e. that councillors should represent the same number of electors so far as possible)
- c) Effective and convenient local government

2.4 Bearing these principles in mind, this Committee appointed a cross-party Electoral Review working Group of the whole committee to work up the detail of the Council's potential responses at each stage. The Group's recommendations came to this Committee which in turn recommended proposals to Council. Consultation took place with all councillors and as needed with individual ward members.

2.5 This Council had originally proposed a council size of 120 councillors. Once the Commission had determined a council size approximating to 97/98 councillors the Council proposed a largely uniform pattern of two-member wards. The Commission did not accept that pattern. However over the next rounds of consultation (on the draft and final proposals), the Council engaged fully again with the Commission which then followed 18 of the Council's suggestions either in full or in part.

2.6 For example, the Commission accepted the Council's view for: New Denham remaining within the proposed Denham & Gerrards Cross Ward; an arrangement of parishes around Chesham, for community identity and equality reasons; and the merging of wards which the Commission would otherwise have proposed as smaller, single-member wards (e.g. the final Grendon Underwood & The Claydons ward). **Annex 1** to this report indicates the instances where the Commission's outcome matched a preference of this Council.

2.7 **Annex 2** to this report is a Table extracted from the Commission's final report. This lists the new ward names, their electorate and the number of councillors to represent each as from the May 2025 elections.

3. Next steps

3.1 The Commission's final proposals have now been laid as an Order in Parliament. Once approved, they will become operational at the next scheduled election in 2025.

4. Legal and financial implications

4.1 This report does not contain any legal implications. The financial implications of the reduction in the number of councillors by 50 represents a saving of £540k which is currently included in the MTFP from 2025/26. However, on latest member allowance rates and taking into account inflation, it is expected that this figure may increase to £710k.

5. Corporate implications

5.1 The outcome of the electoral review will shape the nature of the Council's elected member representation from the May 2025 elections and as such will have significant corporate implications which will be considered over the coming months.

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ELECTORAL REVIEW – THE COMMISSION’S PROPOSALS

Key:

Grey = 18 changes that were made at suggestion of this Council or confirming proposals that the Council already supported

* = Council’s proposals not followed in 2nd consultation

| Proposed Ward | Summary of Commission’s Comment |
|---|---|
| Abbey | Maintain the draft proposal |
| Amersham & Chesham Bois | We therefore confirm our Amersham & Chesham Bois ward as final. |
| Aston Clinton & Weston Turville | Maintain the draft proposal |
| Aylesbury East | We received no further submissions for this ward, so we are confirming it as final |
| Aylesbury North | Given the support we have received for this ward during consultation, we are confirming our draft Aylesbury North ward as final. |
| Aylesbury North West | We therefore confirm our draft recommendations for the ward as final. |
| Aylesbury South East | Maintain the draft proposal |
| Aylesbury South West | Maintain the draft proposal |
| Aylesbury West | Maintain the draft proposal |
| Beaconsfield *BC supported their original proposal (here confirmed), but suggested a tweak in later round (not accepted) | Maintain the draft proposal |
| Berryfields, Buckingham Park & Watermead | Maintain the draft proposal |
| Bierton, Kingsbrook & Wing | We merged our Bierton & Kingsbrook and <u>Wing</u> wards into a two-councillor ward...We are satisfied that a two-councillor ward here will better reflect our statutory criteria, reflecting the submissions made to place Bierton parish with the rural parishes of Aston Abbots, Cublington, Wingrave with Rowsham and Wing. |
| Booker & Cressex | Maintain the draft proposal |
| Buckingham | We have been persuaded by the evidence received and have placed the parish of Leckhampstead in Buckingham ward under our final recommendations. |

| Proposed Ward | Summary of Commission's Comment |
|--|---|
| Burnham | We are recommending no changes to our proposed Burnham ward, confirming it as part of our final recommendations. |
| Castlefield & Oakridge | Maintain the draft proposal |
| Chalfont St Giles & Little Chalfont | Confirmed draft proposal with inclusion of Chenies parish in our Chalfont St Giles ward |
| Chalfont St Peter | We are confirming our further draft recommendations for a two-councillor Chalfont St Peter ward as final. |
| Chesham North | We have transferred Ashley Green, Chartridge, Cholesbury-cum-St Leonards and The Lee parishes into an enlarged Chesham North ward |
| Chesham South | We have placed Latimer & Ley Hill parish in our revised Chesham South ward. |
| Chiltern Ridges | Proposal dropped – proposed ward disaggregated: see Chesham North, South and Chalfont St Giles |
| Chiltern Villages | We are recommending a single-councillor Chiltern Villages ward and a single-councillor West Wycombe & Lane End ward as part of our final recommendations |
| Disraeli | Maintain the draft proposal [to divide current Downley ward into two single member wards of Downley and Disraeli] |
| Downley | Maintain the draft proposal [to divide current Downley ward into two single member wards of Downley and Disraeli] |
| Farnham & Stoke Poges | While accepting that our recommendations for this area may be contentious [because of including Fulmer Parish, which is opposed], on balance, we have decided to confirm our further draft recommendations for this ward as final |
| Flackwell Heath & The Wooburns * <i>Partial acceptance of Council proposal i.e. kept Little Marlow Parish whole</i> | We consider it appropriate to adopt the proposal made by the Council and a local resident which places the entirety of the parish [of Little Marlow] in a Chiltern Villages ward. While this means we are not placing the parish in the ward that many respondents expressed a preference for, we are ensuring that the entirety of the parish is in a single ward which is preferable to our draft recommendations |
| Gerrards Cross & Denham | We are confirming the ward as final. |

| Proposed Ward | Summary of Commission's Comment |
|----------------------------------|--|
| Grendon Underwood & the Claydons | We have decided to merge the two single-councillor wards to form a larger two-councillor Grendon Underwood & The Claydons ward. We were persuaded that community identities would be best reflected by merging these two wards together |
| Haddenham & Stone | We received no further submissions. We therefore confirm our draft recommendations for Haddenham & Stone ward as final. |
| Hazlemere | Terriers Drive and De Havilland Court should be included in the ward, thereby making the boundary between our Hazlemere and Terriers & Amersham Hill wards follow Kingshill Road and Amersham Road. We agree that this boundary is clearer and more identifiable, and have adopted this relatively minor modification as part of our final recommendations |
| Horwood | We maintain the view outlined in our draft recommendations that Winslow town is distinct from the surrounding rural parishes that compose our Horwood ward and we have therefore decided to retain our two single-councillor wards as part of our final recommendations |
| Iver | Our final Iver ward is represented by two councillors |
| Ivinghoe | We received no further submissions that related directly to this ward. Therefore, we confirm our draft Ivinghoe ward (two member) as final. |
| Long Crendon | We received no submissions in relation to this ward during consultation. We therefore confirm our draft recommendations for Long Crendon ward as final |
| Marlow | With no alternative arrangement suggested that better reflects our statutory criteria, we have decided to recommend no changes to this ward as part of our final recommendations. |
| Marsh & Micklefield | Maintain the draft proposal |
| Newton Longville * | We are confirming our draft recommendations for a two-councillor Newton Longville ward as final. |
| Penn, Tylers Green & Loudwater * | While we note the opposition received regarding our decision to ward Penn parish with Tylers Green and Loudwater, we consider it preferable to combine distinct communities in the same ward, rather than dividing them between wards. |
| Princes Risborough | We received no submissions in relation to this ward during consultation. We therefore confirm our draft recommendations for Princes Risborough ward as final |
| Quainton * | Maintain the proposal for single member ward |
| Ridgeway East | We are confirming Ridgeway East ward as final |
| Ridgeway West | We received no further submissions, so we therefore confirm our Ridgeway West ward as final. |

| Proposed Ward | Summary of Commission's Comment |
|-------------------------------------|---|
| Sands | Maintain the draft proposal |
| Steeple Claydon | We have decided to merge the two single-councillor wards to form a larger two-councillor Grendon Underwood & The Claydons ward. We were persuaded that community identities would be best reflected by merging these two wards together |
| Terriers & Amersham Hill * | Maintain draft proposal [with slight modification that Terriers Drive and De Havilland Court should be included in Hazlemere ward, thereby making the boundary between our Hazlemere and Terriers & Amersham Hill wards follow Kingshill Road and Amersham Road...as clearer and more identifiable boundary] |
| The Missendens | As indicated in our draft recommendations, we consider placing the entirety of Great Missenden and Little Missenden parishes in our proposed The Missendens ward will be more conducive to effective and convenient local government, s |
| Totteridge & Bowerdean * | Maintain draft proposal |
| Waddesdon | We received no further submissions relating to this ward. We are therefore confirming our draft recommendations for Waddesdon ward as final. |
| Wendover, Halton & Stoke Mandeville | With no further submissions received, we confirm our draft recommendations for Wendover, Halton & Stoke Mandeville ward as final. |
| West Wycombe & Lane End | NEW We are recommending a single-councillor Chiltern Villages ward and [creating the other part of the formerly proposed Chiltern Villages] a single councillor West Wycombe & Lane End ward |
| Wing | See Bierton, Kingsbrook and Wing [we merged our Bierton & Kingsbrook and Wing wards into a two-councillor ward...We are satisfied that a two-councillor ward here will better reflect our statutory criteria, reflecting the submissions made to place Bierton parish with the rural parishes of Aston Abbots, Cublington, Wingrave with Rowsham and Wing.] |
| Winslow * | We maintain the view outlined in our draft recommendations that Winslow town is distinct from the surrounding rural parishes that compose our Horwood ward and we have therefore decided to retain our two single-councillor wards as part of our final recommendations |

BUCKINGHAMSHIRE ELECTORAL REVIEW

FINAL OUTCOME – extract from Commission’s report

| | Ward name | Number of councillors | Electorate (2021) | Number of electors per councillor | Variance from average % | Electorate (2028) | Number of electors per councillor | Variance from average % |
|----|--|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 1 | Abbey | 2 | 8,486 | 4,243 | 0% | 9,730 | 4,865 | 7% |
| 2 | Amersham & Chesham Bois | 3 | 13,736 | 4,579 | 8% | 14,213 | 4,738 | 4% |
| 3 | Aston Clinton & Weston Turville | 2 | 7,068 | 3,534 | -17% | 9,508 | 4,754 | 4% |
| 4 | Aylesbury East | 2 | 8,885 | 4,443 | 5% | 9,764 | 4,882 | 7% |
| 5 | Aylesbury North | 2 | 9,270 | 4,635 | 9% | 9,821 | 4,911 | 8% |
| 6 | Aylesbury North West | 2 | 7,855 | 3,928 | -7% | 8,358 | 4,179 | -9% |
| 7 | Aylesbury South East | 2 | 9,014 | 4,507 | 6% | 9,741 | 4,870 | 7% |
| 8 | Aylesbury South West | 2 | 8,452 | 4,226 | 0% | 9,068 | 4,534 | -1% |
| 9 | Aylesbury West | 2 | 9,238 | 4,619 | 9% | 9,857 | 4,928 | 8% |
| 10 | Beaconsfield | 2 | 9,082 | 4,541 | 7% | 9,330 | 4,665 | 2% |
| 11 | Berryfields, Buckingham Park & Watermead | 2 | 8,939 | 4,470 | 6% | 9,444 | 4,722 | 3% |

| Ward name | Number of councillors | Electorate (2021) | Number of electors per councillor | Variance from average % | Electorate (2028) | Number of electors per councillor | Variance from average % |
|--|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 12 Berton, Kingsbrook & Wing | 2 | 7,109 | 3,555 | -16% | 8,467 | 4,233 | -7% |
| 13 Booker & Cressex | 1 | 4,430 | 4,430 | 5% | 4,643 | 4,643 | 2% |
| 14 Buckingham | 3 | 13,427 | 4,476 | 6% | 15,100 | 5,033 | 10% |
| 15 Burnham | 3 | 11,753 | 3,918 | -7% | 12,248 | 4,083 | -11% |
| 16 Castlefield & Oakridge | 2 | 7,328 | 3,664 | -13% | 8,345 | 4,172 | -9% |
| 17 Chalfont St Giles & Little Chalfont | 3 | 12,307 | 4,102 | -3% | 12,734 | 4,245 | -7% |
| 18 Chalfont St Peter | 2 | 9,434 | 4,717 | 11% | 10,069 | 5,035 | 10% |
| 19 Chesham North | 3 | 11,982 | 3,994 | -6% | 12,573 | 4,191 | -8% |
| 20 Chesham South | 2 | 9,135 | 4,568 | 8% | 9,659 | 4,829 | 6% |
| 21 Chiltern Villages | 1 | 4,530 | 4,530 | 7% | 4,896 | 4,896 | 7% |
| 22 Disraeli | 1 | 4,081 | 4,081 | -4% | 4,185 | 4,185 | -8% |
| 23 Downley | 1 | 4,531 | 4,531 | 7% | 4,608 | 4,608 | 1% |
| 24 Farnhams & Stoke Poges | 3 | 11,571 | 3,857 | -9% | 11,990 | 3,997 | -12% |
| 25 Flackwell Heath & The Wooburns | 3 | 13,032 | 4,344 | 3% | 14,056 | 4,685 | 3% |
| 26 Gerrards Cross & Denham | 3 | 13,440 | 4,480 | 6% | 14,304 | 4,768 | 4% |

| Ward name | Number of councillors | Electorate (2021) | Number of electors per councillor | Variance from average % | Electorate (2028) | Number of electors per councillor | Variance from average % |
|-------------------------------------|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 27 Grendon Underwood & The Claydons | 2 | 8,084 | 4,042 | -5% | 8,584 | 4,292 | -6% |
| 28 Haddenham & Stone | 2 | 8,160 | 4,080 | -4% | 9,138 | 4,569 | 0% |
| 29 Hazlemere | 2 | 7,483 | 3,742 | -12% | 8,818 | 4,409 | -3% |
| 30 Horwood | 1 | 3,918 | 3,918 | -7% | 4,642 | 4,642 | 2% |
| 31 Iver | 2 | 9,011 | 4,506 | 6% | 9,308 | 4,654 | 2% |
| 32 Ivinghoe | 2 | 8,663 | 4,332 | 2% | 8,947 | 4,473 | -2% |
| 33 Long Crendon | 1 | 4,163 | 4,163 | -2% | 4,400 | 4,400 | -4% |
| 34 Marlow | 3 | 13,623 | 4,541 | 7% | 14,108 | 4,703 | 3% |
| 35 Marsh & Micklefield | 2 | 8,373 | 4,187 | -1% | 9,283 | 4,641 | 2% |
| 36 Newton Longville | 2 | 7,300 | 3,650 | -14% | 9,086 | 4,543 | -1% |
| 37 Penn, Tylers Green & Loudwater | 2 | 9,752 | 4,876 | 15% | 10,204 | 5,102 | 12% |
| 38 Princes Risborough | 2 | 8,118 | 4,059 | -4% | 9,293 | 4,646 | 2% |
| 39 Quainton | 1 | 3,942 | 3,942 | -7% | 4,314 | 4,314 | -6% |
| 40 Ridgeway East | 2 | 8,421 | 4,211 | -1% | 8,910 | 4,455 | -2% |
| 41 Ridgeway West | 2 | 8,638 | 4,319 | 2% | 9,149 | 4,575 | 0% |

| Ward name | Number of councillors | Electorate (2021) | Number of electors per councillor | Variance from average % | Electorate (2028) | Number of electors per councillor | Variance from average % |
|--|-----------------------|-------------------|-----------------------------------|-------------------------|-------------------|-----------------------------------|-------------------------|
| 42 Sands | 1 | 4,595 | 4,595 | 9% | 4,762 | 4,762 | 4% |
| 43 Terriers & Amersham Hill | 2 | 7,958 | 3,979 | -6% | 8,406 | 4,203 | -8% |
| 44 The Missendens | 3 | 13,024 | 4,341 | 3% | 13,523 | 4,508 | -1% |
| 45 Totteridge & Bowerdean | 2 | 8,172 | 4,086 | -4% | 8,411 | 4,205 | -8% |
| 46 Waddesdon | 1 | 4,669 | 4,669 | 10% | 4,846 | 4,846 | 6% |
| 47 Wendover, Halton & Stoke Mandeville | 2 | 8,172 | 4,086 | -4% | 9,139 | 4,569 | 0% |
| 48 West Wycombe & Lane End | 1 | 4,340 | 4,340 | 2% | 4,493 | 4,493 | -2% |
| 49 Winslow | 1 | 4,095 | 4,095 | -3% | 4,592 | 4,592 | 1% |
| Totals | 97 | 410,789 | – | – | 443,064 | – | – |
| Averages | – | – | 4,235 | – | – | 4,568 | – |

Source: Electorate figures are based on information provided by Buckinghamshire Council.



Report to Standards and General Purposes Committee

Date: 24 August 2023

Title: **Community Governance Review – Wycombe Area**

Relevant councillor(s):

Author and/or contact officer: Nick Graham, Service Director, Legal and Democratic.
Contact officer Glenn Watson, Principal Governance Officer.

Ward(s) affected:

Recommendations:

- 1) To agree that the recommendations of the former Wycombe area Community Governance Review be not taken forward; and**
- 2) To undertake a new Community Governance Review for the Wycombe area in the light of changed circumstances; and**
- 3) To set up a Community Governance Working Group of this Committee chaired by its Chairman, as in Annex 2, to:

 - a) recommend draft Terms of Reference to this Committee for a new Community Governance Review for the Wycombe area; and**
 - b) recommend a Consultation Plan that will fully engage community views once any Terms of Reference are adopted and are published by the Committee; and consequently****
- 3) To receive the recommended Terms of Reference from the Working Group in January 2024 with a view to commencing the statutory consultation in January/February 2024.**

1. Reason for decision:

1.1 This Committee has responsibility for considering electoral arrangements and also for exercising functions in relation to parish and town councils. Consequently, it falls to this Committee to consider Community Governance Reviews. Community governance

reviews provide the opportunity for principal councils to review and make changes to community governance: that is, to suggest changes such as the creation of new parishes, the establishment of parish councils, making changes to parish boundaries and to parish electoral arrangements.

- 1.2 During the recent electoral review of Buckinghamshire, the Council deferred consideration of Community Governance Reviews (CGRs) as advised by the Local Government Boundary Commission for England. Now that the electoral review has concluded, the Council can resume consideration. Prior to the electoral review, a CGR for the Wycombe area had been undertaken by a legacy Council.
- 1.3 This report invites the Committee to determine a way forward for the community governance of the High Wycombe area.

2. Community Governance Reviews – key principles

2.1 The outcome of a Community Governance Review must, in law:

- (a) reflect the identities and interests of the community in that area, and
- (b) be effective and convenient.

2.2 Any CGR must secure these objectives. It follows that the recommendations arising from a CGR must be current, must have regard to the future of the area, and must be a necessary improvement on the status quo. Statutory guidance has been produced to help apply these principles.

3. Background – the ‘High Wycombe’ Review

3.1 During 2019, the former Wycombe District Council undertook a Community Governance Review of the High Wycombe area. High Wycombe remains unparished. The review assessed whether there was any support for establishing a council for the town of High Wycombe and parish councils for the communities of Micklefield, Sands or Totteridge. In January 2020, the final report was produced (Annex 1 to this report).

3.2 The report was mindful of two imminent events: firstly, that local government reorganisation was about to occur with the abolition of the district council and the establishment of Buckinghamshire Council; and secondly that an electoral review of Buckinghamshire Council would then follow shortly after reorganisation. Both would have implications for local governance.

3.3 The recommendations were framed as three Options:

- 1) Establish new councils – for High Wycombe and perhaps for Micklefield, Sands or Totteridge, with no Reorganisation Order happening until the new Buckinghamshire Council was established;
- 2) Deferral of any decision until the new Council was in place, recognising that further consultation may then be necessary;
- 3) Take no action - because other means of effective and convenient local governance, reflective of community interests and identity, would be established through the new unitary council, its community boards and the local Town Committee, with a further CGR occurring following the electoral review.

3.4 The publication of the recommendations effectively ended the formal CGR process (begun with the publication of the original Terms of Reference). Considering the recommendations in April 2020, the new Buckinghamshire Council deferred any decision until after the electoral review.

3.5 Consequently, the Council is now able to revisit the matter and to determine if and how to proceed.

4. Proposal – a new review for the Wycombe area

The original review

4.1 Any outcome must reflect community identities, the interests of the area and must reflect effective and convenient local government. The original Option 3 (undertake a new review) anticipated that the establishment of Buckinghamshire Council would impact local governance. Community Boards were indeed established and the High Wycombe Town Committee has continued. The electoral review of Buckinghamshire has taken place and from May 2025 will see a large-scale change to the pattern of wards, including a reduction from 147 to 97 councillors.

4.2 There are several reasons why the original consultation and the recommended options may no longer be said to meet the statutory criteria:

- there has been a considerable lapse of time since the original CGR and consultation;
- there was a relatively small response to the original consultation ;
- the original petitions were based largely on the Wycombe District Council wards pertaining at the time, rather than Buckinghamshire Council’s wards as the successor authority;
- there has been an electoral review undertaken by the Local Government Boundary Commission;

- a High Wycombe Town Committee continues and this is responsible for the services traditionally associated with a Town Council. (The Town Committee recommends to Cabinet an amount of Special Expenses to run these services to be added to the Council tax precept for the Wycombe area.);
- Buckinghamshire Council has established a Community Board for High Wycombe (as with 15 other areas of the County) which provides local governance for community engagement, place shaping, and leading numerous locality-based activities;
- there will have been changes to the population since 2019.

4.3 Consequently, it is not possible to say with confidence that the statutory criteria would still be met by adopting any of the previous options. Nor is it necessary for the Council to adopt them; it can, instead, decide not to take forward any of the previous options and/or undertake a new review.

A new review

4.4 This report recommends that it may be more pragmatic to commission a new CGR for the whole of the Wycombe area based on fresh terms of reference and on an up-to-date public consultation, to determine whether new councils should be established.

Community Governance Working Group

4.5 Recommendation 3) advises that a Community Governance Working Group be established, comprising the whole of the Committee (as with the former Electoral Review Working Group), chaired by its Chairman and that it be asked to develop Terms of Reference for the Review. Further, the Working Group should also recommend a Consultation Plan for engaging fully with the community once any Terms of Reference are approved and published by the Committee.

4.6 Suggested terms of reference of such a Working Group are included as **Annex 2**.

Outcomes into effect

4.7 As suggested in the Working Group's terms of reference (Annex 2), it would be for the Working Group to recommend the appropriate timeframe for conducting and concluding the review. Any timeframe should be consistent with the requirement for effective consultation at all stages, and the need to ensure that any resulting council was sustainably planned and resourced. A CGR is said to 'begin' when its Terms of Reference are first published. It 'concludes' when the recommendations arising from it are published. The statutory guidance suggests a review commissioned by a principal Council should be 'concluded' within a year, although this is not mandated and would depend on the levels of consultation and consideration needed.

5. Next steps and review

5.1 If the Committee adopts the Recommendations, the next immediate steps would be:

- a) The Working Group meeting to draw up potential terms of reference, and a timeline, for the 'Wycombe Review'- July to December 2023
- b) This Committee formally adopting, and publishing, Terms of Reference for the Review – January/February 2024
- c) Formal consultation begins – January/February to March 2024

5.2 The statutory stages thereafter would involve consideration of the consultation responses and the framing of draft recommendations (i.e. draft outcomes). The draft recommendations would then be consulted upon and the responses considered. This Committee would then approve any final recommendations before Full Council approves the final Order.

5.3 Under this arrangement, for example, if a new council is recommended following the Community Governance Review, and an election to it were to be held in May 2026, councillors would serve a shortened term of three years rather than four. As envisaged in the statutory guidance, elections would then fall back into line with the normal pattern from May 2029.

6. Legal and financial implications

6.1 Section 82 of the Local Government and Public Involvement in Health Act 2007 authorises a principal council to commission a community governance review. It must have regard to the statutory guidance when doing so. Where a council has published Terms of Reference for a review, it may amend them to accommodate reviews on related or other areas.

6.2 There are a number of financial implications for a Wycombe Area review that would need to be considered as part of the process. These include changes to the current 'Special Expenses' precepts, the creation of a new Town or Parish Council precept, and implications around assets, reserves and staff. The 'Special Expenses' precept for the area forms part of the Council Tax Referendum threshold for Buckinghamshire Council, and financial implications of any proposed change will be considered in due course, depending on the approach taken and guidance and advice from the Department of Levelling Up, Housing and Communities.

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WYCOMBE DISTRICT COUNCIL**HIGH WYCOMBE COMMUNITY GOVERNANCE REVIEW – FINAL REPORT****1 PURPOSE OF REPORT**

To consider the results of the second stage consultation and set out final recommendations in relation to parish arrangements in the unparished area of the Wycombe district following the Community Governance Review.

2 RECOMMENDATIONS

2.1 This review report recommends that the Council:

2.1.1 Establishes a parish council or parish councils for:

- 1A the whole of the unparished area of High Wycombe to become a Town Council in due course;
- 1B 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
- 1C one or more of the parishes of Micklefield, Sands or Totteridge leaving the remainder unparished.

Should members decide to create any new parish councils it is proposed that:

- (i) there be no alteration to existing parish areas and that such parish councils reflect the existing parish areas;
- (ii) the name of such parish council(s) be the name of the parish and High Wycombe in respect of a parish council for the whole of the unparished area or the whole of the unparished area except for Micklefield, Totteridge and/or Sands; and
- (iii) the electoral arrangements be based on current parish and ward boundaries, with no warding except for the parish council of High Wycombe which would be based on current ward boundaries.

AND waits to progress the Reorganisation Order until the transition has been completed and the new Buckinghamshire Council becomes operational as a unitary authority. Implementation of the Review may be delayed with the expectation that a new local Council or Councils could be in place by May 2021 (recognising that there is significant work that would need to be undertaken);

2.1.2 **OR:** Defers taking a decision until after the new Buckinghamshire Council is created, to enable the new Council to decide the arrangements, recognising that further consultation may be necessary at that stage;

2.1.3 **OR:** Takes 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, and a further CGR will be undertaken following a Boundary Review of the new Buckinghamshire Council.

3 BACKGROUND

3.1 The Council received four valid petitions to undertake a Community Governance Review (“**CGR**”) of the unparished area of High Wycombe, pursuant to the Local Government and Public Involvement in Health Act 2007 (the “**2007 Act**”). The Regulatory and Appeals Committee decided on 18 March 2019 to combine the four petitions into a single review (“**the Review**”), as four single CGRs for each petition would necessarily overlap in area. CGRs must be concluded within 12 months of receiving a valid petition, therefore the Review must be completed by 10 December 2019.

3.2 The two petitions submitted on 10 December 2018 respectively requested:

3.2.1 a CGR with a view to forming a parish council in the ward of Totteridge; and

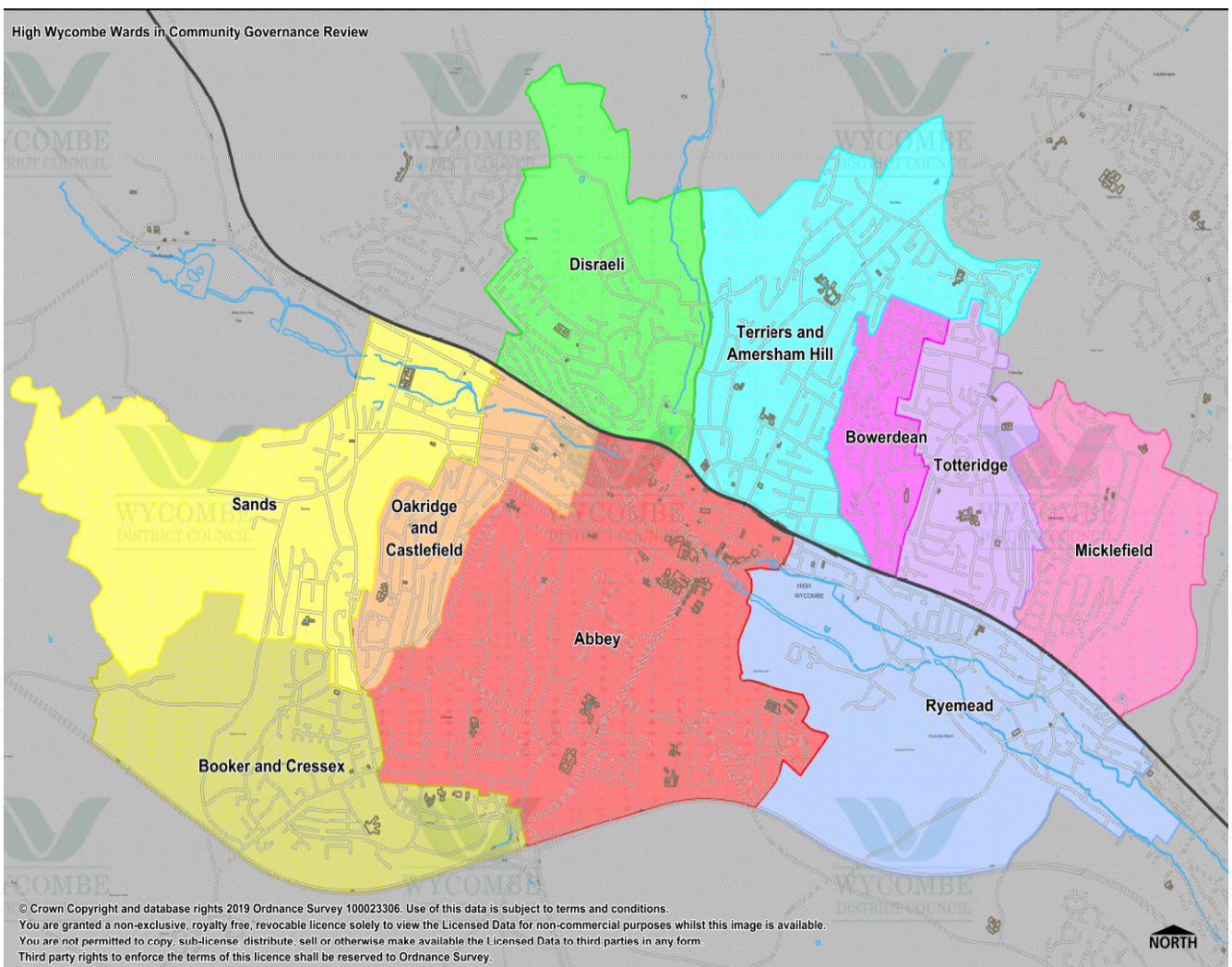
3.2.2 a CGR with a view to forming a parish council in the ward of Micklefield.

3.3 The two petitions submitted on 21 February 2019 respectively requested:

3.3.1 a CGR with a view to forming a parish council in the Sands ward; and

3.3.2 a CGR with a view to forming a town council for the whole 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.

3.4 The ten wards are shown geographically on the high level map below:



- 3.5 Previously, the ten wards of High Wycombe did not have a town or parish council because they were represented by the Wycombe District Council and the High Wycombe Town Committee. However, the Council will be abolished on reorganisation and any services and assets will transfer to the new Buckinghamshire Council in April 2020, with the exception of the historic property etc. held by the Charter Trustees.
- 3.6 A Working Group, drawn from Members of the Regulatory and Appeals Committee, was established to oversee the Review. External consultants were appointed to prepare an initial report (Local Government Resource Centre (**LGRC**)), following which a different external provider (Opinion Research Services (**ORS**)) conducted the public consultation exercise which concluded on 30 September 2019.
- 3.7 The process for carrying out a CGR is set out in the 2007 Act and associated statutory instruments and guidance issued jointly by (the former) Department for Communities and Local Government (**DCLG**) and the Local Government Boundary Commission for England (**LGBCE**) in 2010 (the “**2010 guidance**”). Appropriate consultation has been undertaken; the views of the electors and other stakeholders in the area have been sought, and this report represents the final element of the Review.
- 3.8 As part of the reorganisation of local governance in the area, Wycombe District Council will be abolished as of 1 April 2020 and, accordingly, the outcome of the Review will be decided by the Shadow Executive of the new Buckinghamshire Council, and then implemented by the new unitary council.
- 3.9 The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations of proposals resulting from a review during the transitional period sit with the Shadow Executive and thereafter with the new Buckinghamshire Council. The powers which will be carried out by the Shadow Executive are the powers under s86 and 96 to 100 of the 2007 Act including those which authorise making a reorganisation order to give effect to the recommendations of any review.

4 COMMUNITY GOVERNANCE REVIEW PROCESS

- 4.1 The process for undertaking the Review was as follows:

| Action | Date |
|---|------------------------------------|
| Two petitions received in relation to Totteridge and Micklefield parish councils, triggering the CGR | 10 December 2018 |
| Two petitions received in relation to Sands parish council and a town council | 21 February 2019 |
| Terms of Reference published | 8 March 2019 |
| The Regulatory and Appeals Committee: <ol style="list-style-type: none"> 1. Approved the Terms of Reference for the Review 2. Made the decision to combine the four petitioned CGRs into one Review | 18 March 2019 |
| Initial proposals considered and report prepared by Local Government Resource Centre | 12 July 2019 |
| Formal consultation on proposals conducted by Opinion Research Services | 5 August 2019 to 30 September 2019 |

| Action | Date |
|---|-------------------------|
| Submissions of consultation considered and Final Recommendations prepared | October – November 2019 |
| Final Review Report published | 13 December 2019 |
| Results considered at Regulatory and Appeals Committee meeting | 17 December 2019 |
| Draft Final Report and Final Recommendations considered by Shadow Executive | 7 January 2020 |

4.2 The Terms of Reference for the review were agreed 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:

4.2.1 Whether to establish a parish council for the ward of Micklefield

4.2.2 Whether to establish a parish council for the ward of Totteridge

4.2.3 Whether to establish a parish council for the ward of Sands

4.2.4 Whether to establish a town council for the whole of the unparished area of High Wycombe

4.3 In addition to considering whether to establish any new governance, the Review must also 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 of any new council if created.

Consultation Questions

4.4 The Consultation sought views on the following questions:

- Would the creation of a new democratically elected town council for all ten wards protect High Wycombe's identity and heritage, promote the interests of the town, and represent local residents democratically?
- If a town council for all ten wards is not created, should Micklefield and/or Sands and/or Totteridge wards each form democratically elected parish councils (that is, up to three separate parish councils)?
- Is some other option more appropriate for any or all of the ten High Wycombe wards?

4.5 The consultation, conducted ORS, comprised four methods of seeking feedback from residents, businesses, surrounding town and parish councils, and other interested organisations:

4.5.1 a consultation questionnaire, which attracted 681 responses;

4.5.2 a telephone residents' survey, which comprised 803 interviews;

4.5.3 three focus groups made up of 23 participants, and

4.5.4 written submissions, of which six were received.

Methodology

- 4.6 For the consultation questionnaire, residents were able to submit a questionnaire response online via a link which was readily available on the Council's website. The Council also printed and distributed 1,000 copies of the postal consultation questionnaire – including in the Council's libraries – to ensure that the consultation questionnaire was available to all. Paper versions could also be requested from ORS or via a Freephone telephone number.
- 4.7 The telephone survey was conducted from ORS's social research call centre. A short summary of the proposals was included to be 'read out' within the survey for respondents who had not had the opportunity to read the consultation document.
- 4.8 The focus groups were recruited and facilitated by ORS, and were designed to be attended by a representative cross section of High Wycombe residents by age, gender, social grade, ethnicity, limiting illness / disability and geographical area.
- 4.9 The ORS report includes breakdowns of respondent profiles and some of the tables are replicated in section 5 below.

Findings of Consultation

- 4.10 The chief findings of the consultation are set out below; the full report can be found in the background documents (see paragraph 13 below), and the presentation of consultation findings is attached at **Appendix 1**, which sets out responses to specific questions, and also gives detail of other comments received.
- 4.11 As an overarching conclusion from the ORS report, it is clear that the "vast majority" of residents identify strongly with High Wycombe as a town, and there is most support among residents – overall, more than two-thirds of respondents – for a Town Council for High Wycombe.
- 4.12 As regards the three petitioned wards, the results understandably show that residents of Micklefield, Sands and Totteridge are more likely to each want their own parish council. However, we would also note that respondents from Totteridge and Micklefield are also more likely to identify strongly with High Wycombe than those living in the other wards. Sands also had a high majority of strong identification with High Wycombe.
- 4.13 When asked if residents identified with other areas of Buckinghamshire (which could also include their own ward), the results were as follows:
- 4.13.1 Micklefield: 44% of questionnaire respondents (4 of the 9 electors in the ward who responded to this question) expressed their attachment to Micklefield, and 8% of residents surveyed (2 of 23 electors) feel attached to their own area of Micklefield;
- 4.13.2 Sands: 44% of questionnaire respondents (22 of 50 electors) expressed their attachment to Sands, and 1% of residents surveyed (3 of 36 electors) feel attached to their own area of Sands; and
- 4.13.3 Totteridge: 16% of questionnaire respondents (1 of 6 electors) expressed their attachment to Totteridge; the ORS report does not confirm how many of residents surveyed in Totteridge feel attached to their own area.

In our view, this could indicate that, while three petitions were submitted with a view to forming parish councils for these three wards, the residents of the petitioned wards would also be content with a town council for High Wycombe, given their strong attachment to High Wycombe as a whole, compared to the relatively weak attachment to their own wards.

- 4.14 The consultation revealed the following:
- 4.14.1 89% of questionnaire respondents, and 86% of the residents surveyed identify strongly with High Wycombe.
 - 4.14.2 31% of questionnaire respondents and 21% of residents surveyed feel attached to other areas of Buckinghamshire.
 - 4.14.3 The principle of a town council or parish councils is generally supported, and is felt to be important within the “more remote” unitary local government structure to represent residents; give them a voice on a local level, as well as protect High Wycombe's identity, history and heritage.
- 4.15 Almost half (47%) of those who supported the creation of a town council for High Wycombe did so because they wanted to see more local decision-making, or they wanted their area's local needs to be taken into account.
- 4.16 The data shows that residents feel it is important to have a town or parish council, because it:
- 4.16.1 promotes the interests of the town;
 - 4.16.2 has democratically elected local representatives;
 - 4.16.3 preserves the town or area's identity and heritage; and
 - 4.16.4 delivers some local services.
- 4.17 There were some dissenting voices raised (for example in the focus groups) in objection to the idea of a town or parish council(s), on the basis that: they would represent unnecessary bureaucratic duplication; influence at a unitary level would be minimal, and it could cost residents more money in council tax precept rises. Some expressed the view that it would be ‘unfair’ if parish councils were created for some wards but not others.
- 4.18 Of the nine organisations that responded to the consultation questionnaire, six preferred the option of creating a new town council for High Wycombe, whereas two preferred an alternative option, and one did not state a preference.
- 4.19 Six written submissions were received in response to the consultation. Four of these six responses were generally supportive of a local tier of government for High Wycombe. One group, the Pimms Action Group, supported the idea of a ‘unified’ town council but expressed the view that parish councils would lead to a “fragmented” High Wycombe. Downley Parish Council objected to any change to current ward boundaries and responsibilities because in their view, this would impact the ward of Disraeli disproportionately.
- 4.20 ORS noted in its conclusions that the level of response was not significant (i.e. 1513 responses out of an electorate of c.55,600 adults (based on 2011 census statistics)), despite strong efforts by the Council to raise awareness of the consultation. In ORS' view this could indicate that the public does not consider the creation of a local council to be a high priority. On the other side of the coin, however, we would observe that the Council received four petitions to undertake CGRs in the space of two months, which demonstrates a strong current of support for creating local councils.

5 CRITERIA

- 5.1 The 2007 Act and the 2010 guidance require the decision-maker to 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.

Identities and Interests of the Community

- 5.2 The Guidance on Community Governance Reviews from CLG says the following in relation to the criteria:

“The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people’s day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity”.

- 5.3 A parish council which covers too large an area may not satisfy these criteria. However, there are no statutory upper or lower limits on the size of a parish. The 2010 guidance identifies that most parish councils contain fewer than 12,000 electors, although it notes that some are larger. Currently the largest parish council is Sutton Coldfield, with over 100,000 electors. The 2010 guidance notes that in some cases it might not be appropriate to divide a cohesive area into smaller parts, and makes explicit reference to Charter Trustee towns as potential examples of this. The LGRC report considered the communities of interest and this also comes out of the consultation undertaken by ORS (see background documents – paragraph 13 below).
- 5.4 LGRC considered that there was no particular community identity to any of the specific parish areas which were seeking a parish council for the area. That report considered a number of factors including access to services, population and geography in reaching that conclusion. These conclusions, however, were based on the information available from a desk-based analysis before the consultation was undertaken. The ORS consultation suggests that there is stronger sense of community identity than the paper analysis suggested, although this is stronger for the wider town of High Wycombe than for any particular pockets of robust community identity in the unparished wards.

“Place” Indices

- 5.5 The table given below shows a range of indices covering relative deprivation; income; employment; education, skills and training; health deprivation; crime; barriers to housing and services and living environment. This analysis shows that High Wycombe as a community entity is relatively prosperous, enjoying overall high health indices and high living environment indices. There are few indices that are very low which arguably helps evidence that High Wycombe is generally a successful community which is thriving.

| Ward / Overall Rank and score | Index of Multiple Deprivation | Income | Employment | Education Skills and Training | Health | Crime | Barriers to Housing and Services | Living Environment |
|-------------------------------|-------------------------------|--------|------------|-------------------------------|--------|-------|----------------------------------|--------------------|
| Abbey 1 (7.18) | 8 | 7 | 8 | 7.5 | 9 | 6 | 5 | 7 |
| Booker and Cressex 5= (5.88) | 6 | 5 | 5 | 5 | 7 | 5 | 4 | 10 |
| Bowerdean 6 (5.75) | 6 | 4 | 5 | 4 | 8 | 6 | 5 | 8 |
| Disraeli 4= (6.56) | 7 | 5.5 | 6 | 4.5 | 8.5 | 6 | 6 | 9 |
| Micklefield 7 (5.31) | 5 | 3.5 | 4 | 3 | 8 | 5 | 5 | 9 |

| | | | | | | | | |
|------------------------------------|-----|-----|-----|---|-----|---|---|-----|
| Oakridge and Castlefield – 8 (4.5) | 4 | 3 | 4 | 2 | 7 | 4 | 5 | 7 |
| Ryemead 5= (5.88) | 6 | 5 | 7 | 6 | 9 | 6 | 3 | 5 |
| Sands 3 (6.63) | 7 | 6 | 6.5 | 5 | 9 | 5 | 7 | 7.5 |
| Terriers and Amersham Hill 2 (7) | 7.5 | 6.5 | 7 | 8 | 9 | 6 | 6 | 6 |
| Totteridge 4= (6.56) | 6.5 | 5 | 6.5 | 4 | 8.5 | 7 | 6 | 9 |

Age

- 5.6 The table below shows a breakdown of age ranges for each of the ten wards in the unparished area of High Wycombe. The statistics included below are from the Office for National Statistics from the 2011 Census.

| Ward / Total Population | Ages 0-9 | Ages 10-17 | Ages 18-29 | Ages 30-64 | Age 65+ |
|------------------------------------|--------------|--------------|---------------|---------------|--------------|
| Abbey – 10,365 | 1,094 | 1,344 | 2,577 | 4,172 | 1,178 |
| Booker and Cressex – 4,974 | 489 | 447 | 678 | 2,287 | 1,073 |
| Bowerdean – 5,574 | 833 | 691 | 1,163 | 2,420 | 467 |
| Disraeli – 5,891 | 804 | 568 | 1,339 | 2,594 | 586 |
| Micklefield – 5,807 | 956 | 628 | 960 | 2,618 | 645 |
| Oakridge and Castlefield – 9,406 | 1,656 | 994 | 2,355 | 3,696 | 705 |
| Ryemead – 7,088 | 1,050 | 515 | 1,571 | 3,269 | 683 |
| Sands – 6,214 | 895 | 601 | 1,188 | 2,947 | 583 |
| Terriers and Amersham Hill – 9,181 | 1,066 | 939 | 1,949 | 4,120 | 1,107 |
| Totteridge – 6,562 | 983 | 637 | 1,194 | 2,843 | 905 |
| Total: 71,062 | 9,826 | 7,364 | 14,974 | 30,966 | 7,932 |

- 5.7 These statistics show that the age demographic in High Wycombe is fairly evenly spread. Across all wards, the highest concentration of age population is within the 30-64 age bracket, with no ward

showing a particularly high concentration of either older or younger populations. Totteridge has a slightly higher percentage of older residents than Sands and Micklefield, and Micklefield has a slightly higher percentage of 17 year-olds and below, but neither difference could be deemed significant and there is little evidence to show that age could be a factor in determining a separate community identity for any of the three focus wards.

- 5.8 In relation to the Review, the respondents to the consultation questionnaire were also similarly spread in age; the lowest number of respondents were in the under 35 age bracket (11%) and the 75+ age bracket (6%). The lowest number of respondents to the telephone survey were the 65 – 74 and 75+ age groups (9% and 8% respectively). This reflects the LGRC analysis above.

Ethnicity

- 5.9 The table below shows the demographics of High Wycombe broken down into percentages of white, mixed multiple ethnic groups, Asian/British Asian, Black/African/Caribbean/Black British and Other Ethnic groups.

| Ward | White % | Mixed/multiple ethnic groups % | Asian/Asian British % | Black/African/Caribbean/Black British % | Other ethnic group % |
|----------------------------|---------|--------------------------------|-----------------------|---|----------------------|
| Abbey | 62 | 4 | 27 | 6 | 1 |
| Booker and Cressex | 75 | 3 | 15 | 7 | 0 |
| Bowerdean | 46 | 4 | 42 | 8 | 0 |
| Disraeli | 65 | 4 | 24 | 7 | 0 |
| Micklefield | 71 | 6 | 13 | 10 | 0 |
| Oakridge and Castlefield | 35 | 4 | 51 | 9 | 1 |
| Ryemead | 79 | 5 | 10 | 6 | 0 |
| Sands | 66 | 5 | 23 | 5 | 1 |
| Terriers and Amersham Hill | 75 | 4 | 15 | 5 | 1 |
| Totteridge | 70 | 5 | 17 | 7 | 1 |

- 5.10 Ethnic population breakdowns, or communities of interest, are an important focus in CGRs since building or maintaining community cohesion is important if local governance arrangements are changing, as they are in Buckinghamshire. The figures above clearly show that High Wycombe enjoys a varied multi-cultural population and there are two wards with higher percentages of Asian/Asian British population. The wards of Bowerdean and Oakridge and Castlefield have a relatively high percentage of Asian/Asian British residents when compared with other wards. However, the wards of Sands, Micklefield and Totteridge do not have any particular differences which would indicate that they are separate communities to other parts of the town in relation to demographics.

- 5.11 This provides further evidence that there is no particular evidence in favour of establishing separate parish councils for these wards and thereby different governance arrangements from the rest of High Wycombe. It may even be divisive and have a negative impact on community cohesion if specific wards are singled out and separated from the wider community which currently appears to be a stable community within the High Wycombe area. Indeed, this was raised by respondents to the consultation (as detailed further in the 'options' tables), who considered that it would be 'unfair' if some – but not all – wards were parished with their own parish councils.
- 5.12 The existence of other neighbourhood and community organisations may assist in meeting the needs of different ethnic communities, for example the Micklefield Mosque.
- 5.13 As regards the respondent profiles of the consultation questionnaire, it is noted that the percentage of white respondents far outweighed the other ethnic groups: 89% of respondents were white; 8% of respondents were Asian, and 3% of respondents were black, mixed and other.

Effective and Convenient Local Government

- 5.14 In deciding what is effective and convenient local government, the decision-maker should have regard to existing case law and recognised understanding of these terms. The concept has been long understood in the context of a local authority's ability to deliver quality local services conveniently, economically, efficiently and effectively, and to give local people a democratic voice in the decisions that affect them.
- 5.15 This requires consideration of existing governance arrangements and, in the case of High Wycombe, consideration of the impact of the new unitary Council on local governance, which would make decisions more remotely, unless local arrangements are put in place, for example with the creation of a community board or area committee.
- 5.16 The LGRC project team undertook an analysis of relevant financial, legislative, benchmarking and other information that would help inform the specific tasks. They also considered the impact of economy, efficiency and effectiveness in ensuring the continuous improvement in the delivery of the Council's corporate priorities and outcomes, both at a strategic and local level.
- 5.17 The High Wycombe Town Committee is an advisory committee on which all High Wycombe Town councillors serve. Its remit is to consider and advise the Council, the Cabinet, or any relevant committee on any issues affecting the High Wycombe Town area. These issues include, amongst others: the Wycombe Transport Strategy; High Wycombe Cemetery matters such as security and Muslim burial vaults; renaming of Library Gardens, and on street parking.
- 5.18 Consideration should also be given to the proposed localism plans set out in the County Council's business case. This involves the creation of Community Boards across the whole of Buckinghamshire. The County Council's business case is a document which the law requires the Shadow Executive to have regard to when it reaches a decision about the creation of the Town Council in accordance with the Buckinghamshire (Structural Changes) Order 2019.
- 5.19 Buckinghamshire Council also completed a public consultation between 12 August and 30 September 2015, in relation to its proposed approach for the establishment of Community Boards. This consultation found that a clear majority of respondents agreed with the proposed aims and objectives for Community Boards, as set out below.
- 5.20 As a result of this consultation, the Shadow Executive has decided – while this Review report was being prepared – that 16 Community Boards will be created in the new unitary authority, to consider a range of matters relating to the local area and make recommendations in relation to funding. The Community Boards would not themselves have more delegated powers to act. For all services, Community Boards provide an opportunity to enable:
- Consultation on major service changes;
 - Local input into the design and development of local commissioning arrangements; and

- A mechanism for facilitating partnership working on solving local issues.

- 5.21 The Community Board areas will be allocated funding to support local projects in accordance with the funding framework. Under the current plans being put forward by Buckinghamshire Council, the unparished area of High Wycombe will have a discrete Community Board which covers the unparished wards. The introduction of Community Boards will deliver a £5.17m gross investment and a net additional investment within the Medium Term Financial Plan (MTFP) of £1.5m in 2020/21 and £2m from 2021/22, after taking into account existing resources that can be re-allocated. This net additional investment can be accommodated within the MTFP. Full details of the Buckinghamshire Council reports on Community Boards can be found at paragraph 13.6 below.
- 5.22 This means that whichever of the options (set out below in paragraph 7) is ultimately implemented will run alongside the Community Boards. The Community Boards did not exist when the petitions were submitted, and could prove to be effective in fulfilling the residents' desire for local representation and efficient, effective and convenient local governance.
- 5.23 Such a Community Board for the unparished area of High Wycombe could potentially operate in a similar manner to the existing High Wycombe Town Committee. Whilst the local issues considered by each Community Board will vary, the core governance rules will apply to all. For example, the High Wycombe Community Board will provide a mechanism for Buckinghamshire Council councillors to collectively discuss and make recommendations on local issues. This would carry out the functions of the previous separate bodies in Wycombe of the Wycombe Community Partnership (Local Area Forum), run by the County Council, and the High Wycombe Town Committee, run by the District Council.
- 5.24 Alternatively, a new area committee could be established within Buckinghamshire Council. An area committee, if established, could be formed to carry out Executive functions, unlike the current High Wycombe Town Committee, as the total population of the new Buckinghamshire Council will be larger.
- 5.25 The main feature of a parish or town council is that it is independent and would be a new form of governance for the area. This would provide local governance at a tier below the new unitary council. A parish council is a separate legal entity which gives it the power to enter into contractual arrangements, employ staff and raise revenue which enables it to fund and manage local services in its area. It can also generate income and use that income to pay for services. Revenue generated or raised by the parish council must be used in the local area and be directed to the service of the local area. A town or parish council would give more local control over actions.

Current Arrangements

- 5.26 The current arrangements include Charter Trustees which deal with the historical and ceremonial aspects of the area. They precept to raise revenue to provide for this and employ a clerk to support the Trustees and the Mayor. There is also a committee within Wycombe District Council which is used to consider needs of the local area. Wycombe District Council also raises revenue through Special Expenses which is spent in the local area following consultation with the High Wycombe Town Committee. With the abolition of Wycombe District Council there is an option for the new unitary Council to create a similar local governance arrangement and to operate in a way that serves the local community through an area based board, as considered above.
- 5.27 In deciding what recommendations to make, consideration must be given to any other arrangements that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review. The guidance notes that "Place" matters, and that parish councils can play a central role in community leadership. It is necessary to consider also whether the same or better outcomes might be achieved by other forms of non-parish local governance. There are examples across the nation of other forms of local governance which are not based on democratically elected representatives. These include Area Committees, Neighbourhood Management, Area/Community Forums, Tenant Management Organisations, Residents and Tenants Associations and Community Associations. All such groups could exist in areas within High Wycombe and the Council could decide to recommend the formation or recognition of any of these types of local groups. Indeed, such groups could exist alongside a new parish council structure, as for instance is

the case in Wiltshire that operates an Area Committee structure as part of the Unitary Authority that functions alongside fully parished governance arrangements.

5.28 The table submitted at **Appendix 2** illustrates the list of alternative community and neighbourhood bodies in the area and in High Wycombe there is also the Town Committee. Particularly in the High Wycombe area there are a number of groups that undertake activities within the Town, including:

- The High Wycombe Business Improvement District company (“**Bidco**”) that supports business in the Town to thrive and grow, holds events and festivals including Frogfest. However, whilst it undertakes some activities that a parish council could undertake, it is only focussed on the Town centre and does not cover the wider residential areas, nor are residents represented on the Bidco, since it comprises representatives of business ratepayers. .
- Most of the ten wards are served by some form of community centre, (e.g. Micklefield Community Centre and Micklefield Community Association) and there is a main museum located in the centre of town. There are several places of worship for various faiths across High Wycombe.
- There is a High Wycombe Local Area Forum and Local Community Partnerships, the role of which is to strengthen local democratic accountability by empowering locally elected councillors to take decisions, shape and influence service delivery and Council priorities in the local community area. It is noted that the Local Area Forums will be abolished as part of the reorganisation.
- Wycombe Projects, focussing on housing homeless people, based in the Old Tea Warehouse and supporting them to move on positively and independently in life.

5.29 Whilst there is a patchwork of more local governance which differs from ward to ward, the representation of smaller community organisations in the unparished area is relatively patchy and inconsistent across the wards, and none of the groups listed above appear to have a comprehensive coverage nor breadth of functions that a parish council would be able to offer to address local needs. This reflects the LGRC report, which does not suggest that there are any strong community or neighbourhood organisations that could fulfil the role of a Parish Council instead of creating new parish councils. Indeed the petitions in three wards would suggest that such neighbourhood and community interests are insufficiently strong.

5.30 It is important to stress that all other forms of local governance arrangements can and do run alongside parished governance, so it is not necessarily an either/or consideration.

6 ELECTORAL ARRANGEMENTS

6.1 In deciding whether or not to create any new parish councils, members need to consider whether there should be any alteration to the existing parish boundaries in the area of the Review. There was no case from the ORS report supporting a change in existing ward boundaries, and furthermore it was the unanimous view of Downley Parish Council (which is adjacent to the Disraeli ward but which did not form part of the Review) that Downley’s boundaries should remain unchanged. It is therefore recommended that no change be made to existing parish areas and boundaries.

6.2 The size of the parishes should be taken into account, particularly in determining whether the arrangements would be practical and convenient. Members also need to consider any likely population growth within the next five years – the population numbers currently available for each ward, along with estimated population growth, are set out in paragraph 7.4.

6.3 In terms of the number of councillors to be elected for parish wards, the 2010 guidance advises that, while there is no provision in legislation that each parish councillor should represent the same number of electors, the LG BCE believes it is not in the interests of effective and convenient local government to have significant differences in levels of representation between different parish wards.

6.4 The recommended number of councillors, by size of the respective electorate, are:

12

| 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 |

6.5 Therefore, on the basis of the table above, the size of the electorates (as per the table at paragraph 7.4), and the 2010 guidance, it is recommended that the councillor numbers for a Town Council / parish councils are as follows:

6.5.1 Town Council for whole unparished area: 23 councillors;

6.5.2 Parish Councils for Micklefield, Sands and Totteridge would currently have [9 or 10] councillors each, although based on the current population growth expected of the Sands ward, Sands may require [13 – 27] councillors in future; and

6.5.3 Town Council for remainder of unparished area (if all three parish councils established): 17 councillors.

6.6 Should members wish to create any new parish councils it is proposed that the electoral arrangements be based on current parish and ward boundaries, with no warding except for the parish council of High Wycombe, which would be based on current ward boundaries.

6.7 The earliest that an election could realistically take place for any new parish council would be May 2021, and the Reorganisation Order can make provision for this (or 2022), rather than 2020 or 2025.

Future Boundary reviews

6.8 The Buckinghamshire Structural Changes Order provides for 147 members to be elected to the new Buckinghamshire Council. It is recognised that it will be necessary within a fairly short timescale after vesting day and certainly to be completed before 2025, to conduct a Boundary Review across the whole of the area of the new Buckinghamshire Council.

6.9 The new Buckinghamshire Council electoral arrangements will be based on county divisions, not districts and wards. As a result, they don't align with parish and ward boundaries, and therefore will be looked at by the Boundary Commission when undertaking the Boundary Review. This is similar to the steps that were taken in counties like Cornwall and Wiltshire, and those reviews led to a significant reduction in numbers and a change to the warding arrangements for the whole of the area. Parish Council elections are conducted on very similar boundaries to the wards of local authorities. For this reason, the usual practice after a Boundary Review is complete is to conduct a CGR of the area to align the parish areas to the new warding arrangements. This happened in both Cornwall and Wiltshire. This would usually also take place before the 2025 elections in order to regularise the areas at the same time and before the elections. This would mean that a further boundary review of the area of High Wycombe is likely to take place within a few years of the current Review.

7 OPTIONS IDENTIFIED FROM REVIEW

7.1 As a result of the public consultation conducted by ORS, there are three main options (and further sub-options therein) identified for the unparished area of High Wycombe, namely:

7.1.1 To establish one or more parish councils for the unparished area.

- 7.1.2 To make no change to the existing arrangements, but create a Community Board or area committee.
- 7.1.3 To defer a decision implementing an outcome of the Review until after the Buckinghamshire Council is established.

ORS Consultation Report

- 7.2 The ORS Report and Presentation of Findings (in the Background Documents) demonstrate that there is significant support for a Town Council, and strong identification with High Wycombe as a town. Furthermore, the results show that residents of Micklefield, Sands and Totteridge are significantly more likely to each want their own parish council, which is understandable as these were the three wards that petitioned for a parish council. It is noted that there was some opposition to the creation of local governance on the basis that it was unnecessary and possibly more expensive. As such, there will be some residents who will be disappointed whatever the outcome of the Review, but this is to be expected of any public consultation exercise.
- 7.3 Although the Terms of Reference considered each of the four petitions, it did not extend the geography to consider whether the parished area of Downley which forms part of the town community area (though, as stated above, this parish has no desire to change the existing ward boundaries or responsibilities), and so this option ought not to be considered further.
- 7.4 The LGRC report observes that – as the map contained in paragraph 3.4 shows – the wards of Micklefield, Sands and Totteridge do not stand out as discrete geographical areas and visually the wards appear to be established within the town of High Wycombe. Furthermore, the population sizes of Micklefield, Sands and Totteridge do not make them stand out as being remarkable in the unparished area, nor do the sizes of electorate, as can be seen from the table below.

Population Size and Estimated Growth

| Ward | Population 2011 ¹ | Electorate ² | Population 2017 ³ | % Difference from 2011 Census | Population 2024 ⁴ |
|----------------------------|------------------------------|-------------------------|------------------------------|-------------------------------|------------------------------|
| Abbey | 10,365 | 7,716 | 11,081 | 6% | 11,746 |
| Booker and Cressex | 4,974 | 3,751 | 4,861 | -2% | 4,764 |
| Bowerdean | 5,574 | 4,014 | 5,630 | 1% | 5,686 |
| Disraeli | 5,891 | 4,668 | 5,605 | 5% | 5,885 |
| Micklefield | 5,807 | 3,969 | 5,750 | -1% | 5,693 |
| Oakridge and Castlefield | 9,406 | 6,496 | 9,738 | 3% | 10,030 |
| Ryemead | 7,088 | 5,728 | 8,195 | 14% | 9,342 |
| Sands | 6,214 | 4,733 | 9,780 | 6% | 10,367 |
| Terriers and Amersham Hill | 9,181 | 7,103 | 7,004 | 11% | 7,774 |
| Totteridge | 6,562 | 4,887 | 7,000 | 6% | 7,420 |
| Total | 71,062 | 56,065 | 74,644 | - | 78,707 |

- 7.5 There has also been no attempt to examine alternative patterns of parishes than the three proposed.

¹ Source: ONS Statistics for 2011 Census

² Source: WDC 2019 Electoral register

³ ONS Mid-2017 Population Estimates for 2017 Wards

⁴ Population estimates for 2024 based on same rate of change between 2011 Census and 2017 Population Estimates

7.6 This report goes on to consider the options identified in further detail, as well as the pros and cons and legal implications of the same.

7.7 **Option 1A: Establish a town council for the whole of the unparished area.**

| Details | |
|--|---|
| <p>Parish and town councils vary enormously in size across the country, and continue to have two main roles: community representation and local administration. It is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity.</p> | |
| Pros | Cons |
| <ul style="list-style-type: none"> • The residents feel it is important to have either a town or parish council, particularly within a “more remote” unitary local government structure in order to have representation that takes into account residents’ needs and wishes, as well as protecting High Wycombe’s identity and heritage. Example consultee response: <ul style="list-style-type: none"> - <i>“Each year it (Wycombe) holds a ceremony unique in the world – the weighing in of the mayor and councillors, and again they are all weighed after their year in office. All these historic facts are our heritage and must be preserved and built upon for future generations”.</i> • The majority of consultees associated with High Wycombe rather than other areas. • Simpler to create one local council rather than multiple (Options 2 and 3 below). • The parish council would have the unfettered right to raise money by precept and the ability to take action independently of the new Buckinghamshire Council in order to meet local needs. • More efficient and effective local governance. | <ul style="list-style-type: none"> • Extra costs of precept for local electors, particularly following council tax harmonisation for unitary governance. • Extra layer of unnecessary governance. • The most common reasons for consultation respondents who did not want a town council related to concerns over wasting money, a rise in council tax and concerns over too much bureaucracy, for example: <ul style="list-style-type: none"> - <i>“Extra layers of governance are expensive, and economies of scale increasingly decide the best option for service delivery”.</i> - <i>“Town councils are expensive and a poor use of taxpayers money [...] Any change will only cost the residents of Wycombe more money and offer an inferior service”.</i> - <i>“[It] would deliver [...] greater saving to taxpayers by eliminating repetition of bureaucracies and allow a larger regional body to have a greater buying power for services and supplies”.</i> |

7.8 **Option 1B: Establish a parish council for one or more of the wards of Micklefield, Sands or Totteridge, in conjunction with a Town Council for the remainder of the unparished area.**

| Details | |
|---|---|
| <p>➤ The name(s) and number of members of the parish council(s) would need to be agreed after further consideration.</p> | |
| Pros | Cons |
| <ul style="list-style-type: none"> • This option is the most closely aligned with the requests contained in the petitions. | <ul style="list-style-type: none"> • This would involve the creation of many bodies rather than just one as in the first option, making local governance potentially less efficient and effective. |

| | |
|---|---|
| <ul style="list-style-type: none"> • The residents feel it is important to have either a town or parish council, particularly within a “more remote” unitary council. • The parish council(s) would have the unfettered right to raise money by precept and the ability to take action independently of the new Buckinghamshire Council in order to meet local needs. • More efficient and effective local governance. | <ul style="list-style-type: none"> • Extra costs of precept for local electors, particularly following council tax harmonisation for unitary governance. |
|---|---|

7.9 Option 1C: Establish a parish council for one or more of the wards of Micklefield, Sands or Totteridge, independent of the rest of the unparished area.

| | |
|---|---|
| Details | |
| As per Option 1A. | |
| Pros | Cons |
| <ul style="list-style-type: none"> • The residents feel it is important to have either a town or parish council, particularly within a “more remote” unitary council. Example consultee responses: <ul style="list-style-type: none"> - <i>“A Parish Council is essential for the future... a voice, locally to raise issues”.</i> - <i>“I do think it’s important having someone look after the area.. it’s important to have a voice to represent us”.</i> • Parish councils act as sounding boards for local opinion, and have an important role in providing and improving local services and amenities – which, as above, was identified as an important aspect to the local electors during the consultation. • The parish council(s) would have the unfettered right to raise money by precept and the ability to take action independently of the new Buckinghamshire Council in order to meet local needs. | <ul style="list-style-type: none"> • A number of the responses to the consultation felt that it would be ‘unfair’ for only some of the wards to have a parish council, not all – for example: <ul style="list-style-type: none"> - <i>“I feel quite strongly that every parish should have representation and that there should be some channel that allows the local people to have a voice. Why anyone would think that it’s right to give that to three and not to the res; it’s bonkers?!”</i> • This would involve the creation of many bodies rather than just one as in the first option, making local governance potentially less efficient and effective. • Extra costs of precept for local electors, particularly following council tax harmonisation for unitary governance. |

7.1 Option 2: No proposed change to existing arrangements; to include the creation of a Community Board or Area Committee for High Wycombe with powers to advise on the spending of Special Expenses.

| |
|--|
| Details |
| <p>The creation of a Community Board would be followed by a further Community Governance Review of the whole area of Buckinghamshire after the Local Government Boundary Review.</p> <p>Community Boards provide an opportunity to enable:</p> |

| <ul style="list-style-type: none"> ➤ Consultation on major service changes; ➤ Local input into the design and development of local commissioning arrangements by residents, community organisations and partners; and ➤ A mechanism for facilitating partnership working on solving local issues. <p>Budgets would be allocated to each Community Board, but spending decisions would be reserved to executive decision-makers and partners.</p> <ul style="list-style-type: none"> ➤ The creation of an Area Committee would be followed by a further Community Governance Review of the whole area of Buckinghamshire after the Local Government Boundary Review. ➤ Under the Local Government Act 2000, councils can delegate to Area Committees those functions and executive decision-making that pertain to their area. Only councillors elected for the area covered can make decisions. | |
|--|--|
| Pros | Cons |
| <ul style="list-style-type: none"> • Consistency of structure across the whole of Buckinghamshire • Could offer convenient and efficient local governance • Community Boards: >£5m resources available across Buckinghamshire • Area Committees can have considerable delegated executive powers • Clear link with and can influence mainstream priorities and budget of the principal council • Could offer convenient and efficient local governance | <ul style="list-style-type: none"> • Uncertainty as to how such boards will work and how the involvement of local people in decision-making would be facilitated • Leaves part of Wycombe district unparished Ward councillors may not have much influence with the Cabinet • Potentially no involvement of local people in decision-making |

7.2 **Option 3: A decision to defer implementing the outcome of the Review until June / July 2020 and make no decision until after the new Buckinghamshire Council has acquired unitary status and the new Members have been elected.**

| Pros | Cons |
|---|--|
| <ul style="list-style-type: none"> • Deferral would mean that the Shadow Executive's decision is not rushed, and would allow more time for further consultation (if desired), now that the initial proposals have been refined. • The extra time would enable the stakeholders in the area involved to take stock following the transition to the unitary council. • It remains to be seen what the functions responsibilities and assets of the parish council would be – this would be clearer following the transition. | <ul style="list-style-type: none"> • Delay in implementation of some months following completion of the Review. |

8 FINANCIAL IMPLICATIONS

- 8.1 Parish councils have a wide range of powers under different acts of Parliament, and have the unfettered right to raise money by precept. Therefore the parish council(s) would have the ability to take action independently of the new Buckinghamshire Council in order to meet local needs.
- 8.2 In addition to the precept levied by the Charter Trustees, Wycombe District Council also levies Special Expenses in the High Wycombe area. The current (2019/2020) charge for a Band D property is made up of Special Expenses of £11.82 and the Charter Trustee precept of £2.62, totalling £14.50. This charge goes towards funding the delivery of some specific services in High Wycombe such as High Wycombe Cemetery. Special expenses are different to the council tax charged by parish councils, the amount of which is determined exclusively by the parish council. One of the main concerns about the creation of new governance that was voiced during the consultation was whether it is cost effective to put in place an additional tier of governance and to levy further tax within the area to pay for the governance. Parish councils can generate additional revenue by raising income themselves by charging for local services that they may provide such as burial services or charges for allotments provision.
- 8.3 Included below is the High Wycombe Town Committee Special Expenses budget for the year ending 31 March 2020:

| HIGH WYCOMBE TOWN AREA | | | | | |
|---|---------------------------------|--|--------------------------------------|-------------------------------------|------------------------------------|
| Budgets for the year ending 31st March 2020 | | | | | |
| SUMMARY | | | | | |
| 2018/19 Approved Budget £ | 2018/19 Net Forecast £ | | 2019/20 Gross Expenditure £ | 2019/20 Income & Credits £ | 2019/20 Net 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) |

- 8.4 It is unlikely that an annual council tax charge based on the current Special Expenses and Charter Trustee rate only would continue if a new Council is established. If services were transferred to a new parish council for High Wycombe, the new parish council would incur additional expenses other than those required for delivering the services provided through the District Council and the Town Committee. The new council may have to fund infrastructure such as premises, support functions such as HR and accountancy and they would have to employ a 'Proper Officer' (a clerk or chief executive) and a 'Responsible Financial Officer' as a minimum. The likelihood of establishing a new parish council for High Wycombe on the illustrative council tax charge of £14.50 as shown above would therefore be unlikely. It is likely that creation of a new parish council would result in an increase to the current tax charge. The council tax precepts for parish councils in the Wycombe area range from £15 to £115.
- 8.5 The table below shows the following to help illustrate the difference in income a parish council can generate depending on its tax base:

- 2018/19 Band D tax base for the unparished area of High Wycombe;
- Indicative tax bases for the ten wards of High Wycombe based on the current special expenses charge, and the precept generated by this; and
- Indicative tax bases for the ten wards of High Wycombe, based on a £50 indicative charge and the precept generated by this. There is a significant variation covering other parish council charges in the area but £50 would be less than half of the highest (£115). This gives a more realistic idea of the amount that would be levied by a new parish or Town Council.

| Ward | Indicative Tax Base (based on Band D properties) | Indicative Council tax charge (based on current special expenses and Charter Trustee charge) | Precept (income generated by the council tax charge) | Indicative Council tax charge (based on other Wycombe parish councils) | Precept (income generated by the council tax charge) |
|---|--|---|--|--|--|
| Abbey | 3,374.66 | £14.50 | £48,932.57 | £50.00 | £168,733.00 |
| Booker and Cressex | 1,640.53 | £14.50 | £23,787.69 | £50.00 | £82,026.50 |
| Bowerdean | 1,755.56 | £14.50 | £25,455.62 | £50.00 | £87,778.00 |
| Disraeli | 2,041.59 | £14.50 | £29,603.06 | £50.00 | £102,079.50 |
| Micklefield | 1,735.88 | £14.50 | £25,170.26 | £50.00 | £86,794.00 |
| Oakridge & Castlefield | 2,841.08 | £14.50 | £41,195.66 | £50.00 | £142,054.00 |
| Ryemead | 2,505.19 | £14.50 | £36,325.26 | £50.00 | £125,259.50 |
| Sands | 2,070.02 | £14.50 | £30,015.29 | £50.00 | £103,501.00 |
| Terriers and Amersham Hill | 3,106.56 | £14.50 | £45,045.12 | £50.00 | £155,328.00 |
| Totteridge | 2,137.37 | £14.50 | £30,991.87 | £50.00 | £106,868.50 |
| Whole of unparished area of High Wycombe | 23,208.46 | £14.50 | £336,522.67 | £50.00 | £1,160,422.00 |

- 8.6 In addition to the Charter Trustee levy and the Special Expenses, the Bidco also levies tax which is also applied in the Town of High Wycombe, although it is dedicated to the business area in the centre of the unparished area, and funds are provided by non-domestic ratepayers.
- 8.7 It will also be important to look at the way in which the Special Expenses for the High Wycombe area are currently applied and the method by which decisions are made about the spending in relation to the unparished area.
- 8.8 While it is possible for the principal council to establish a parish council and to determine its first year precept, in subsequent years new members would have the opportunity to take independent decisions about revenue charges, which is likely to see some increase to local tax payers over time.

Local Government Re-organisation

- 8.9 The transition that is underway in Buckinghamshire is the most significant governance change in the area for over forty years. The size and significance of the transition programme together with the delivery of existing services within the area is fully absorbing the available resource. It has also been necessary to recruit significant additional resource from outside the area to deliver transition.

- 8.10 The creation of a new council – particularly a Town Council of the size proposed for the whole of the unparished area of High Wycombe – is a significant undertaking. It will necessarily require a review and decisions about a range of other matters, including the name of the new parish or town; the electoral arrangements; the number of members and the proposed staffing structure of the new Council as well as the financing arrangements referred to above. The creation of a Town Council would also lead to the dissolution of the Charter Trustees and the transfer of their assets and any liabilities to the new Council. This would all be required to establish the most basic of parish or Town Councils. The impact of this work on the wider transition could be significant. It would present challenges if this was to be delivered at the current time, with all the work required to implement the new unitary authority.
- 8.11 If the new parish council(s) takes over responsibility for both functions then the funding of £14.50 for the Special Expenses and the Charter Trustees arrangements could enable the current level of funding to the area to continue, including to the Cemetery and to meet other local needs.

9 LEGAL IMPLICATIONS AND CONSIDERATIONS

- 9.1 As noted in paragraph 3.1, the Review ought to be concluded by 10 December 2019 and published as soon as practicable, however a decision to implement the recommendations is not required to be made during the transition to the unitary authority structure.
- 9.2 Advice from Leading Counsel states that the Review should make a recommendation, *“but the recommendation could be to decide between identified options, with the pros and cons of each identified. These options could include a deferral of a substantive decision”*. Furthermore, *“the conclusion can be not to make any change at this time. But this would entail further consultation at a later time and a decision in all the circumstances then prevailing”*. Further consultation would be required at that stage, which would be based on any preferred option of the new Buckinghamshire Council.
- 9.3 Leading Counsel further advises that *“it could be reasonable to delay the making of the Reorganisation Order until after the first business meeting of the New Council, notwithstanding that this will be well after the CGR review has been completed and the ordinary election date of parish councils will have passed”*. The delay should be for a reasonable period, before the results of the consultation and advice provided on the same become obsolete, following which the process would effectively need to start afresh, rather than being consultation being refreshed in the event that deferral was only for a reasonable period after the new Buckinghamshire Council is operational.
- 9.4 In making any decision the Shadow Executive needs to take into account all relevant considerations, ignore irrelevant considerations and not come to a decision that no reasonable authority could come to. Regard must be had to the Council’s fiduciary duties to Council Tax payers and other contributors to the Council’s finances.
- 9.5 Relevant considerations include:
- 9.5.1 The outcome of the consultation process which must be conscientiously taken into account. The consultation outcome does not need to be followed, particularly in light of the relatively small response, but must be properly considered alongside other relevant considerations.
- 9.5.2 The other ongoing changes to local governance including the effects of transition to unitary governance on representation, access to services and support from the new authority and existing organisations.
- 9.5.3 The financial impact of tax harmonisation between all of the district councils across Buckinghamshire, which may adversely affect Wycombe residents, and the effect of harmonising in one year.
- 9.5.4 The likelihood of the new Buckinghamshire Council undertaking a CGR itself following transition.

- 9.5.5 The capacity of the new Council to address the implementation of the review in the near future due to limited resources.
- 9.5.6 Consideration should also be given to the localism plans set out in the Buckinghamshire County Council business case and the proposed creation of Community Boards and their potential to create more effective and convenient local governance. The business case is a document to which the law requires the Shadow Executive to have regard when it reaches a decision about the creation of the Town/parish Councils in accordance with the Buckinghamshire (Structural Changes) Order 2019.
- 9.5.7 Alternative governance is possible within the area which could continue to provide effective and convenient local governance, and there is the additional option under the unitary Council (not previously available in Wycombe) for the Town Committee to continue to carry out functions, potentially with delegated powers as an Area Committee.
- 9.6 Where a reasoned decision is taken explaining the rationale for departing from statutory guidance that is reasonable and not perverse, then a court will not usually overturn any decision made by that authority (provided it is Wednesbury reasonable in all of the circumstances). The court does not substitute its own judgement in place of the authority's judgement as to the relevance and impact of particular considerations – it decides whether the decision-maker has properly been advised and addressed its mind to all relevant considerations.
- 9.7 The 2007 Act also prescribes when a CGR must make certain recommendations as to whether a newly constituted parish should have a parish council:
- 9.7.1 If a parish has fewer than 150 electors it must not have a parish council; and
- 9.7.2 If it has more than 1000 electors, it should have a parish council.
- 9.8 Therefore, if the Shadow Executive proceeds with any of the first three options, they must also recommend that the new parish should have a parish council, given the size of the electorates of the wards and area as a whole.
- 9.9 The 2010 guidance notes that the aim of these thresholds is to extend the more direct participatory form of governance provided by parish meetings to a larger numbers of electors. Equally, the thresholds help to ensure that both the population of a new parish for which a council is to be established is of sufficient size to justify its establishment and also that local people are adequately represented.
- 9.10 Charter Trustees were originally created by s.246 of the Local Government Act 1972 to maintain the continuity of town charters and city charters on the abolition of districts with borough status. Duties of charter trustees are ceremonial, rather than administrative, and include the election of a Mayor.
- 9.11 Creating a town or parish council for the whole or part of the unparished area of High Wycombe would dissolve the Charter Trustees, and the 2010 guidance notes that proposals for doing this need to be judged against the following considerations:
- 9.11.1 the effect on the historic cohesiveness of the area; and
- 9.11.2 what are the other community interests in the area?
- 9.11.3 Is there a demonstrable sense of community identity encompassing the charter trustee area?
- 9.12 From the ORS report it does not appear as though there are particularly strong community interests in the High Wycombe area, although one resident specifically expressed opposition in a written submission to the dissolution of the Charter Trustees in the event of a new town council being created, and concern was raised about preserving the heritage of High Wycombe.

- 9.13 If it is recommended that a new parish is constituted, the recommendations must include:
- 9.13.1 the suggested name of the parish;
 - 9.13.2 whether or not the new parish should have a parish council (see paragraph 9.6.2 above); and
 - 9.13.3 whether or not the new parish should have one of the alternative styles (i.e. community, neighbourhood, or village).
- 9.14 The 2010 guidance explains that the 'alternative styles' of parish are available in recognition that, where a new parish is being created, people living there may wish for the style of their parish council to reflect the local community in a different way and may prefer one of the alternative styles.
- 9.15 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.

10 RECOMMENDATIONS

- 10.1 This review report recommends that the Council:
- 10.1.1 Establishes a parish council or parish councils for:
 - 1A the whole of the unparished area of High Wycombe to become a Town Council in due course;
 - 1B 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
 - 1C one or more of the parishes of Micklefield, Sands or Totteridge leaving the remainder unparished.

Should members decide to create any new parish councils it is proposed that:

- (i) there be no alteration to existing parish areas and that such parish councils reflect the existing parish areas;
- (ii) the name of such parish council(s) be the name of the parish and High Wycombe in respect of a parish council for the whole of the unparished area or the whole of the unparished area except for Micklefield, Totteridge and/or Sands; and
- (iii) the electoral arrangements be based on current parish and ward boundaries, with no warding except for the parish council of High Wycombe which would be based on current ward boundaries.

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 with the expectation that new local Councils could be in place by May 2021 at the earliest;

- 10.1.2 **OR:** Defers taking a decision until after the new Buckinghamshire Council is created, to enable the new Council to decide the arrangements, recognising that further consultation may be necessary at that stage;
- 10.1.3 **OR:** Takes 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, and a further CGR will be undertaken following a Boundary Review of the new Buckinghamshire Council

11 NEXT STEPS

- 11.1 If the Shadow Executive chooses to accept the final recommendations to create a new town council and /or parish councils, a Reorganisation Order will be drafted and this will be published together with the reasons for the changes, making maps available for public inspection. The Order may also include provisions with respect to the transfer of staff and assets. There are also various bodies that must be notified of the changes including the Local Government Boundary Committee for England.
- 11.2 The Shadow Executive will also need to consider the transfer of services, assets and staff to any new parish council(s). This separate piece of work will need to be undertaken outside of the CGR process.
- 11.3 If the Shadow Executive elects to defer implementation until the new Buckinghamshire Council has acquired unitary status, a timeline for implementing the results of the Review will be drawn up and this will be published together with the reasons for the deferral.

12 APPENDICES

- 12.1 Appendix 1: ORS Presentation of Consultation Findings
- 12.2 Appendix 2: Community and Neighbourhood Organisations
- 12.3 Appendix 3: Map of High Wycombe wards in the Review, showing the current number of councillors

13 BACKGROUND DOCUMENTS

- 13.1 Local Government and Public Involvement in Health Act 2007, Part 4.
- 13.2 Department for Communities and Local Government (DCLG) and the Local Government Boundary Commission for England (LGBCE) – Guidance on Community Governance Reviews 2010
- 13.3 LGRC Report: www.wycombe.gov.uk/highwycombeCGR
- 13.4 ORS Report: Consultation on Findings: www.wycombe.gov.uk/highwycombeCGR
- 13.5 Pack of public documents, including the Terms of Reference, is available here: www.wycombe.gov.uk/highwycombeCGR
- 13.6 Community Board Reports can be found via this link, in Agenda item 7: <https://shadow-buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=136&MId=135>

Bevan Brittan LLP

12 December 2019

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Community Governance Review Working Group

Terms of Reference

Purpose of the Group

1. The Community Governance Review Working Group (CGRWG) is a cross-party member working group of the whole of the Standards & General Purposes Committee, chaired by the Committee Chairman. It has been established to make recommendations to the Committee about Community Governance Reviews (CGRs), including the specific review for the Wycombe area and for any other review that may potentially take place.
2. The Working Group is advisory only, with no formal decision-making powers.

Roles

3. The Group will be called upon, as requested by the Committee, to work up proposals, sift responses and generally advise the Committee on any aspect of a CGR. This includes:
 - 1) Considering requests or petitions for a CGR and drafting potential Terms of Reference for such CGRs, as appropriate, for recommendation to the Committee
 - 2) Suggesting amendments to existing Terms of Reference for a CGR to accommodate any new CGR request or petition affecting some or all of the same communities
 - 3) Suggesting the appropriate timeline for conducting and completing a review
 - 4) Working up the scope of any proposed consultations at each stage of a Community Governance Review, for recommendation to the Committee
 - 5) Reviewing responses to the consultations at each stage, and making recommendations to the Committee on potential next step, based on the outcomes
 - 6) Making recommendations to the Committee on the implementation of a CGR and, as requested, the content of an appropriate Order

Scope of a CGR

4. A principal council must make recommendations as to:
 - a) whether a new parish or any new parishes should be constituted
 - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
 - c) what the electoral arrangements for new or existing parishes, which are to have parish councils
5. It may also make recommendations about:
 - d) the grouping or degrouping of parishes

- e) adding parishes to an existing group of parishes or
- f) making related alterations to the boundaries of a principal councils' electoral areas

6. The CGRWG will assist the Committee in fulfilling these responsibilities.

Guiding principles

7. In carrying out its work, the CGRWG's recommendations must accord with the relevant legislation and [statutory guidance](#). The Group will also bear in mind that the outcome of any CGR must:

- (a) reflect the identities and interests of the community in that area, and
- (b) be effective and convenient.

Membership

8. The CGRWG is an informal cross-party group of the whole of the Standards & General Purposes Committee and so will necessarily be politically proportional. The quorum will be a quarter of the group's membership.

Chairmanship

9. At its first meeting, the CGRWG will appoint a person to be the Vice-Chairman of the Group, for the council year

Voting

10. It is intended that the CGRWG will achieve its recommendations through consensus. Where a vote is necessary, the Chairman will have a second or casting vote.

Status

11. The CGRWG is an informal working group and as such its meetings are not open to the public. This is to enable free and frank exchanges of views. Its recommendations will be made public at Committee in any case. Nevertheless, the CGRWG may at its discretion invite stakeholders or other persons to appear before it to give views or evidence if this would better aid the Group in framing its recommendations.

Frequency

12. The CGRWG will meet as frequently as required to enable it to deliver its recommendations in a timely manner within the timescales established for each CGR. Meetings of the CGRWG may be held in person or online.

August 2023



Report to Standards and General Purposes Committee

Date: 24 August 2023

Title: **Community Governance Reviews - parishes**

Relevant councillor(s): **All councillors**

Author and/or contact officer: Nick Graham, Service Director, Legal and Democratic.
Contact officer Glenn Watson, Principal Governance Officer.

Ward(s) affected: **Buckingham East, Buckingham West, Cliveden, Hazlemere, The Risboroughs**

Recommendations: **1) To set up a Community Governance Review Working Group (if not already established under a previous item on this agenda) with a view to:**

a) recommending draft Terms of Reference, as appropriate, for the review of any areas (other than the Wycombe area) where expressions of interest may have been made; and

b) recommend a Consultation Plan that will fully engage the relevant communities once any Terms of Reference are adopted and published by the Committee; and

2) To receive the recommendations of the Working Group on 18 January 2024 with a view to commencing consultation on approved Terms of Reference in February 2024.

1. Reason for decision:

- 1.1 This Committee has responsibility for considering electoral arrangements and also for exercising functions in relation to parish councils. Consequently, it falls to this Committee to consider Community Governance Reviews. Community governance reviews provide the opportunity for principal councils to review and make changes to community governance: that is, to suggest changes such as the creation of new parishes, the establishment of parish councils, making changes to parish boundaries and to parish electoral arrangements.
- 1.2 Elsewhere on the agenda, the Committee is invited to determine Community Governance Review arrangements for the Wycombe area.
- 1.3 Now that the Buckinghamshire Electoral Review is over, this report invites the Committee to determine a means of considering community governance reviews for any other communities.

2. Community Governance Reviews – key principles

- 2.1 The outcome of a Community Governance Review must, in law:
 - (a) reflect the identities and interests of the community in that area, and
 - (b) be effective and convenient.
- 2.2 Any CGR must secure these objectives. It follows that the recommendations must be current, have regard to the future of the area, and be a necessary improvement on the status quo. Statutory guidance has been produced to help apply the principles.

3. Proposal – other communities

- 3.1 Now that the electoral review has concluded, it is likely that the Council will receive expressions of interest from various communities for changes to their governance arrangements. The Council does not simply have to respond to a formal petition. It can consider requests for the Council to use its own powers to commission a review, where these are reasonably based.
- 3.2 16 queries have been received to date e.g. for increases in the number of parish councillors or for changes to parish boundaries. Not all of these enquires will necessarily lead to a request being made. Everyone who has raised a community governance query to date was requested to confirm the details of their proposal by 4 August. The table below summarises the confirmed requests received.

| Requestor | Summary of request |
|---------------------------------------|--|
| Buckingham Town Council | <p>a) merge Highlands & Watchcroft ward into Buckingham North, thereby increasing the number of councillors for this ward from 8 to 9.</p> <p>b) merge Fisher’s Field ward into Buckingham South, thereby increasing the number of councillors for this ward from 7 to 8. The wards retain the current names of Buckingham South and Buckingham North.</p> <p>No proposed change to council size. The proposals are requested to better reflect community identity, electoral equality and promote efficient and effective local government.</p> <p>A map showing the current and proposed wards is attached as Appendix 1.</p> <p>From May 2025 all of Buckingham Town Council’s wards are in the Buckinghamshire Council ward of Buckingham. Buckingham Town Council will be in the new parliamentary constituency Buckingham & Bletchley.</p> |
| Electors from Lake End Road, Lake End | <p>To change the parish boundary between Burnham and Dorney to align with the M4 to better reflect community identity. The proposal will affect 7 houses.</p> <p>A map showing the current and proposed boundary is attached as Appendix 2.</p> <p>From May 2025 Burnham, Dorney and Taplow Parish Councils will be in the Buckinghamshire Council ward of Burnham. All three parish councils will be in the new parliamentary constituency Beaconsfield.</p> <p>The proposal would increase the tax base for Dorney Parish Council by 7 households and reduce the tax base for Burnham Parish Council by 7 households.</p> |
| Hazlemere Parish Council | <p>To increase the number of councillors from 12 to 16 due to the increased workload and increase in housing and electorate in Hazlemere in the coming years. No changes to the parish boundary are being requested. The parish currently has two wards (North and South) with 6 councillors for each ward.</p> |

| Requestor | Summary of request |
|-----------------------------------|---|
| Longwick cum Ilmer Parish Council | <p>To increase the number of councillors from 7 to 9 to reflect the increase in housing and population. No changes to the parish boundary are being requested.</p> <p><i>This request was considered by this Committee in July 2020. It was agreed that consideration of this request be deferred until the completion of the Electoral Review.</i></p> |

3.3 It is recommended that the Community Governance Review Working Group should also have the role of considering any expressions of interest from such local communities. This would enable the Group to recommend Terms of Reference, as appropriate, to this Committee in January. In the meantime, officers can liaise with communities where enquiries have been received to understand the nature of the changes envisaged.

3.4 Enabling the Working Group to assess such queries and report to Committee would provide the Council with clear governance for dealing with community governance reviews.

4. Next steps and review

4.1 If the Committee agrees the recommendations, the next immediate steps would be:

- a) The Working Group meets to consider any expressions of interests or requests received and to draw up the potential terms of reference and undertake any consultation in doing so - August to November 2023
- b) This Committee formally adopts, and publishes, Terms of Reference on 18 January 2024
- c) Formal consultation begins in February to March 2024

4.2 The statutory stages thereafter will involve consideration of the consultation responses and the framing of draft recommendations (i.e. draft outcomes) to this Committee. The approved draft recommendations would then be consulted upon and the responses considered. This Committee would then approve any final recommendations before Full Council approves the final Order.

4.3 The proposal is that any agreed changes would take effect in May 2025, to coincide with the next scheduled local elections.

5. Legal and financial implications

5.1 Section 82 of the Local Government and Public Involvement in Health Act 2007 authorises a principal council to commission a community governance review. It must

have regard to the statutory guidance when doing so. Where a council has published Terms of Reference for a review, it may also amend them to accommodate reviews on similar or other areas. For example, this would be useful if the Committee chooses to undertake a Wycombe area review and requests are then received from communities which impact the same area. The ability to amend such Terms of Reference avoids duplication and enables a joined-up consideration of all relevant factors.

- 5.2 Changes to Parish boundaries could impact on the Parish precept for individual households, however this will not have an impact on the Council's finances. It is the decision of the Committee, expected on 18 January 2024, as to the scope of any formal public consultation recommendations that would be likely to incur a cost, however this will be managed within existing budgets.

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Buckingham Town Council Current Wards

Buckingham Town Council for Highlands & Watchcroft ward

Buckingham Town Council for North ward

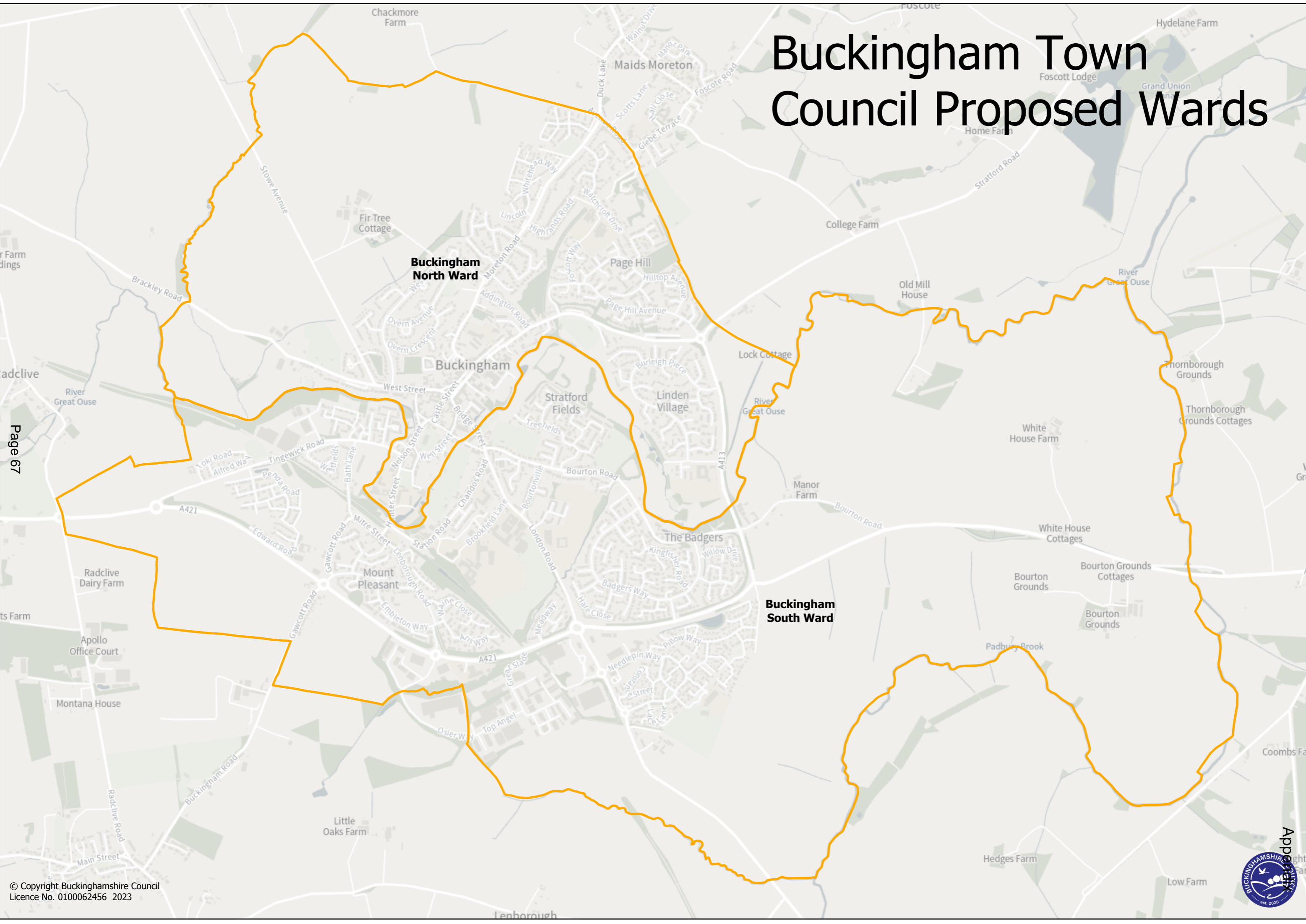
Buckingham Town Council for Fishers Field ward

Buckingham Town Council for South ward



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Buckingham Town Council Proposed Wards



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Appendix 2: Current and proposed Dorney and Burnham parish boundary

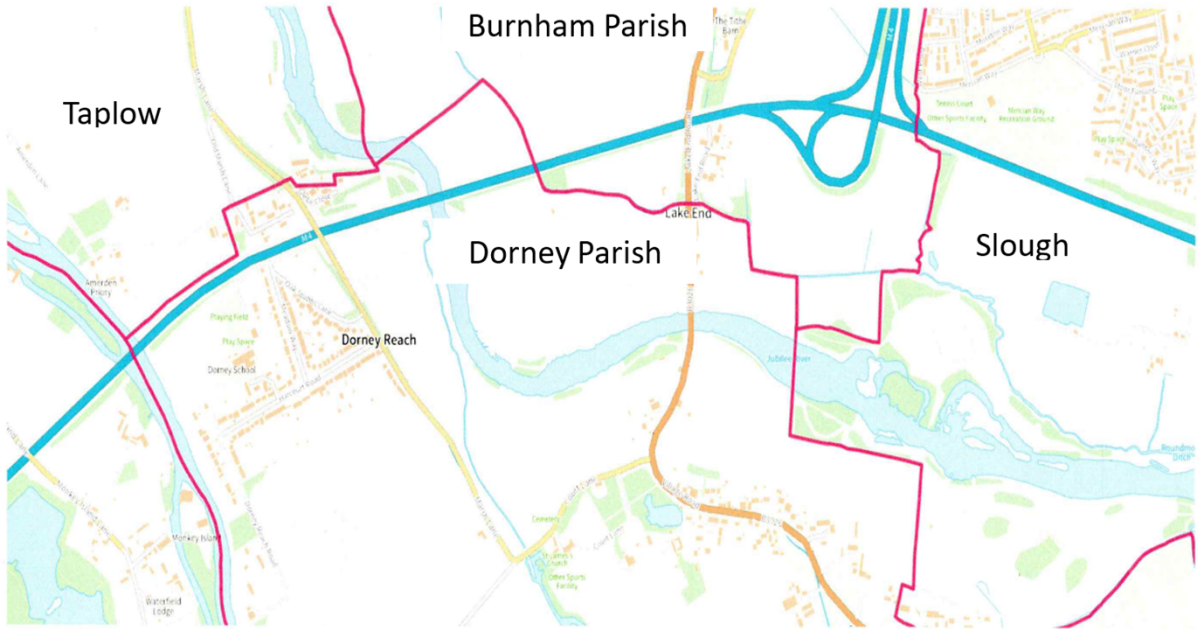


Figure 1 Existing Parish Boundaries

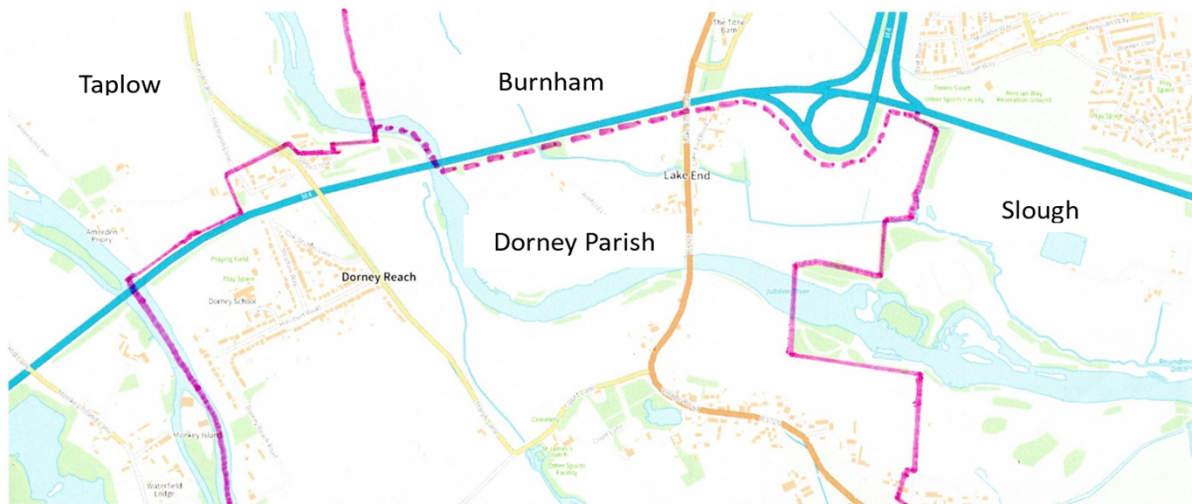


Figure 2 Proposed new Parish Boundaries (shown in dashed line)

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Report to Standards and General Purposes Committee

| | |
|---------------------------------|---|
| Date: | 24 August 2023 |
| Title: | Review of Polling Districts, Polling Places and Polling Stations |
| Relevant councillor(s): | All |
| Author/contact officers: | Nick Graham, Service Director, Legal and Democratic Jo Hart, Deputy Electoral Services Manager |
| Wards affected: | All |

Recommendation:

To endorse the proposed timetable for the review of polling districts, polling places and polling stations in Buckinghamshire which the Council and Returning Officer are required to undertake.

1. Reason for decision:

- 1.1 The Council and Returning Officer are required to undertake a compulsory review of the polling districts, polling places and polling stations within Buckinghamshire between October 2023 and January 2025. There is an ongoing duty to keep these under review and a review may be carried out at any other time. It is proposed that the review in Buckinghamshire commences on 2 October 2023 with the publication of notice and concludes on 1 February 2024 with publication of the revised register. This will enable any necessary changes to be made to polling districts so that they are ready to implement the outcome of the electoral review of Buckinghamshire Council's wards for May 2025 and the review of Parliamentary constituencies following Parliamentary approval. There may also be changes to some polling stations due to changes to the availability of premises.

2. Background

- 2.1 The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places.

Compulsory reviews must be started and completed within the period of 16 months that starts on 1 October every fifth year after October 2013. This means that the next review in Buckinghamshire must commence between October 2023 and January 2025. It is proposed that the review commences on 2 October 2023 and concludes on 1 February 2024. This timescale will enable any consequential changes to polling districts, polling places and polling stations arising from the parliamentary and local government boundary reviews to be ready in time from when new boundaries take effect.

2.2 The Local Government Boundary Commission (LGBC) has been undertaking a review of unitary wards within Buckinghamshire Council and their [final report](#) was published on 30 May 2023. The polling district review provides an opportunity to identify consequential changes to polling districts, polling places or polling stations arising from the final report's recommendations. The Council's new wards take effect May 2025 when the next scheduled local elections will be held. Any by elections held between now and May 2025 will use the current wards. Any changes to polling districts arising from the polling district review will need to be compatible with both the current and new unitary wards.

2.3 A Parliamentary Boundary Review has also been undertaken by the Boundary Commission for England. The Committee received a report on the [Parliamentary Boundary Review on 17 November 2022](#). The Commission's final recommendations have been published and are available to view online (links below). The Government will now need to draft an Order containing the recommendations of all four Parliamentary Boundary Commissions: once that draft Order is approved by the Privy Council (no later than November 2023), the new constituencies will be used for the next General election following that date (for any by-election that may take place beforehand, existing constituencies are used).

Final report:

<https://boundarycommissionforengland.independent.gov.uk/2023-review/>

Interactive

map:

<https://boundarycommissionforengland.independent.gov.uk/interactive-map/>

2.4 Due to the above boundary reviews, the polling district review will commence on 2 October 2023. The proposed timetable would also mean that the polling district review concludes, and any changes to polling districts would then take effect from 1 February 2024. Any changes to polling districts as part of this polling district review will need to be compatible with the current and new unitary wards, and consequential changes to some parish wards (which take effect May 2025), and the new Parliamentary constituencies once those take effect (no later than November 2023). The outcome of the polling district review will also mean that changes to some polling

stations, required for example due to changes to venue availability ect, can take effect ready for the next scheduled Police and Crime Commissioner election on 3 May 2024.

- 2.5 Polling districts are made up from a geographical area created by the sub-division of a UK Parliamentary constituency for the purposes of a UK Parliamentary election. For consistency the same polling districts are used for both local government and national elections. A polling place is the building or area in which a poll takes place and will be selected by the Returning Officer. The polling station is the actual room or building where the poll takes place.
- 2.6 This polling district review does not change the boundaries of unitary wards, parishes or parliamentary constituencies which must be dealt with through separate processes.
- 2.7 The Council currently has 366 polling stations and 309 polling districts. Most polling districts, polling places and polling stations will remain as they are now. Changes to polling district boundaries will only need to be made where they are no longer co-terminus with the new unitary ward or parish ward (where amended) and parliamentary constituency boundaries. Some polling places may need to change to take account of changes to venue availability, for example where new community buildings have been built or where previous venues are no longer available. New venues will be surveyed and assessed for their suitability.

3. Next steps and review

- 3.1 The first step is to give notice of the review and invite representations on proposals. All Members, Town and Parish Councils, political parties and residents of Buckinghamshire Council will be given the opportunity to comment and make representations on the proposals. Views from residents with disabilities and local access groups will also be sought. Responses will be considered by the Committee on 18 January 2024.
- 3.2 On completion of the review, reasons for the decisions will be published. A copy of the proposed timetable is shown below detailing the schedule of work and commencement of the review on 2 October 2023. The final proposals will be considered by the Committee on 18 January 2024 and will take effect on publication of the revised register on 1 February 2024.

| Stage | What happens | Timescale | Dates |
|--|--|--|-------------------------|
| Buckinghamshire Council Electoral Review concludes | | | 30 May 2023 |
| UK Parliamentary constituency proposals published | final report and recommendations to Parliament by 1 July 2023 | The Government to prepare an order to implement the new constituencies for the whole UK. This should be provided to the Privy Council for approval within four months of the Government receiving the last report of the four Parliamentary Boundary Commissions for the UK. The new constituencies will then take effect at the next general election thereafter. | 1 July 2023 |
| Report to Standards & General Purposes Committee | Timetable & process noted | Standards & General Purposes Committee | 24 August 2023 |
| Proposals drafted & notice prepared | | | August - September 2023 |
| Publication of notice and commencement of the review | Start of public consultation period. Stakeholders contacted via email. Web page published. | No earlier than 1 October 2023 | 2 October 2023 |

| Stage | What happens | Timescale | Dates |
|--|---|---|-----------------|
| Publication of the (Acting) Returning Officer's comments and proposals | | Within 30 days of receipt of ARO's comments | 6 November 2023 |
| Public consultation period closes | | 9 weeks | 4 December 2023 |
| Draft Standards & General Purposes Committee report | Review consultation responses and draft recommendations for Standards & General Purposes Committee | | December 2023 |
| Standards & General Purposes Committee | Review consultation responses and agree recommendations on revised polling districts and polling places and that authority be delegated to the RO to make temporary changes, if required. | | 18 January 2024 |
| Publication of the revised register – conclusion of the review | Register publication on 1 February | | 1 February 2024 |

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Report to The Standards and General Purposes Committee

Date: 24 August 2023

Title: Complaints and Improvements Annual Report and Ombudsman Update

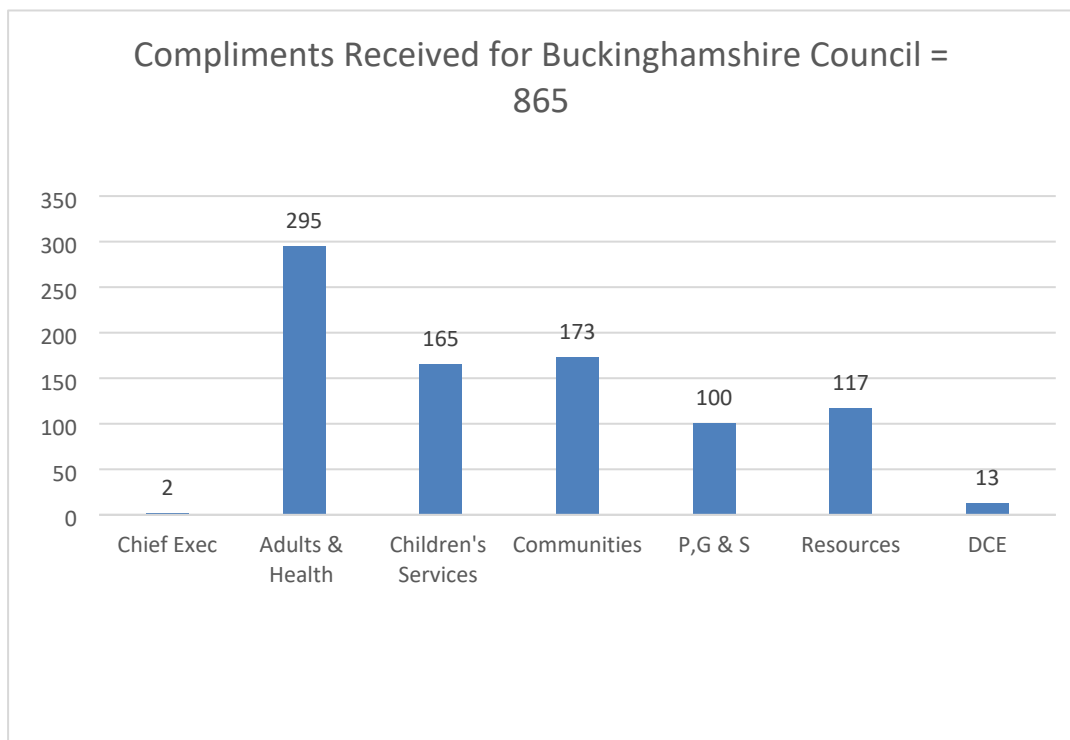
Author: Kate Mitchelmore

Recommendations: This report is presented for consideration by the Committee and once signed off will be published on the Council's website as is required.

1. Background

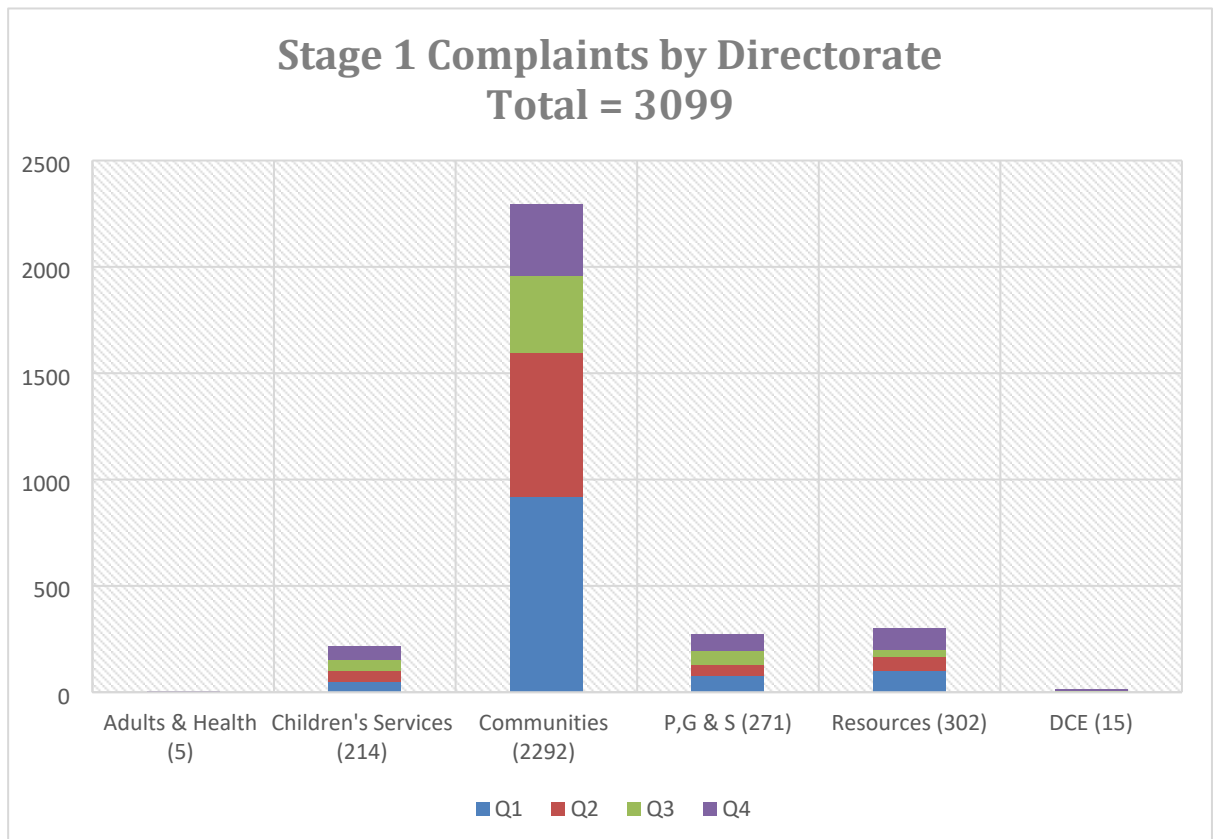
- 1.1 This is the third annual report for Buckinghamshire Council and gives a summary of the Council's complaints and compliments. The report also includes a summary of the Local Government and Social Care Ombudsman's annual review of complaints.
- 1.2 The information contained in this report is for the period 1 April 2022 to 31 March 2023.
- 1.3 The first part of the report, points one to eight, cover complaints received by the Council that have been managed through the corporate complaints process and the two statutory processes for Adult and Children's Social Care.
- 1.4 From point eight onwards discussion moves to the Local Government and Social Care Ombudsman annual review of complaints they have received about the Council.
- 1.5 Appendix 1 is the Ombudsman's annual review letter sent to the Chief Executive each year.

2. Compliments



- 2.1 The above graph shows the number of compliments received by each directorate. The overall total is less than the amount for 2021/22 which was 912.
- 2.2 Adults and Health have received the highest number of compliments and the majority of these are from customers who are grateful for the good service they have received from the Social Care and Occupational Therapy Teams.
- 2.3 Children's Services also have a relatively high number of compliments, and these are spread mainly across SEND (100) and the various teams in Social Care. Some compliments are from schools about the work done by SEND and others are from parents thanking the teams for their support.
- 2.4 Communities also have a relatively high number of compliments with the majority of these being for Waste and Recycling (North and South Teams) as well as some for Transport for Buckinghamshire.
- 2.5 The majority of compliments for Planning, Growth and Sustainability are for Housing and Planning.
- 2.6 Resources compliments are split between Business Operations, the Customer Service Centre and the Blue Badge Team. In addition, a number were received for Revenues and Benefits.

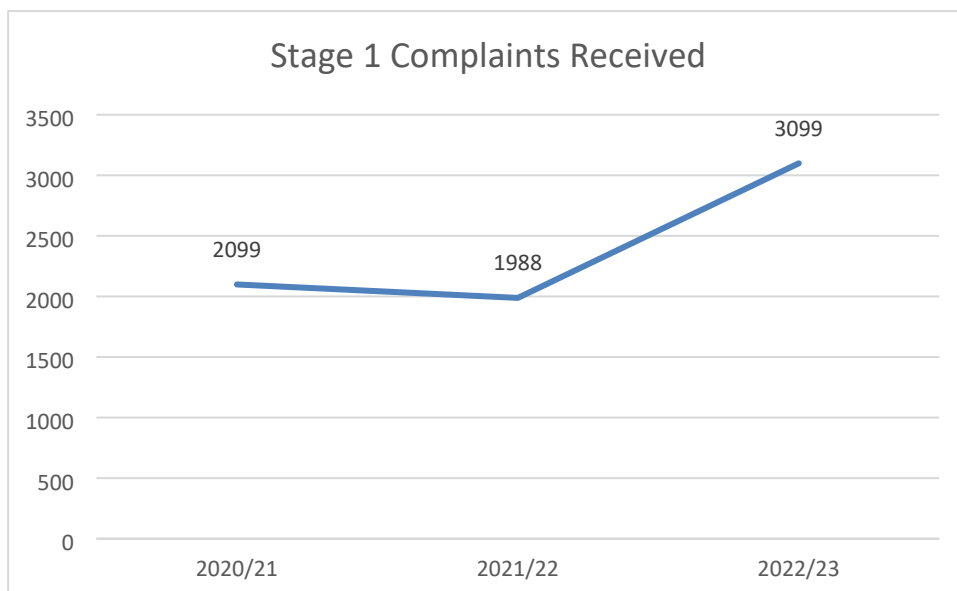
3. Stage 1 Corporate Complaints



3.1 The graph above shows the stage 1 corporate complaints received by directorate. 3099 cases were seen at stage 1 of the complaints process with a further 500 contacts made with the Complaints and Improvements Team that were dealt with outside the complaints process.

3.2 The Council experienced a large increase in the number of stage 1 complaints due to issues experienced by residents following the round reorganisation for Southern Waste during May/June 2022. When these 1788 complaints are removed the total number of complaints received reduces the number to 1311 complaints received for the other areas of the Council. As a comparator for 2021/22 the corresponding figure was 1129.

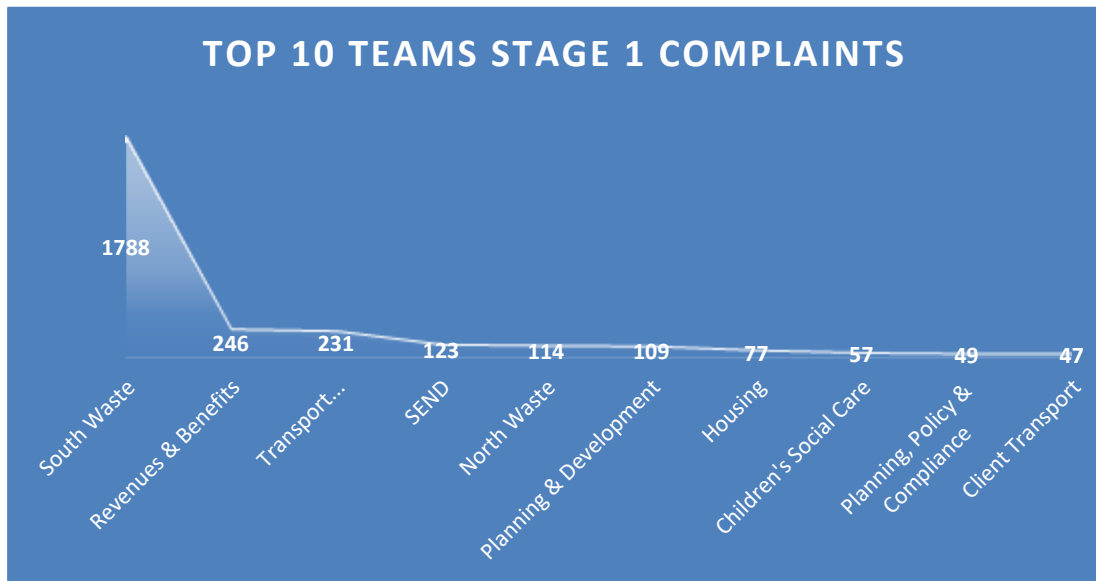
3.3 The graph below shows the number of stage 1 complaints received since the inception of Buckinghamshire Council.



- 3.4 April to June (Q1) was the busiest period for complaints with the total number received at 1148. This is followed by July to September (Q2) at 854. For the last two quarters of the year when the totals were 514 and 583 respectively.
- 3.5 The highest number of complaints was for Communities for the second year in a row and specifically for the South Waste Team who received 1788 stage 1 complaints for the year which is more than double the amount received during 2021/22. The reason for the increase particularly in the first half of the year was the round reorganisation for South Waste which caused more customers to make complaints about various aspects of their collection cycle, missed bin collections was the underlying problem here. To provide some context in the south of the county the Waste and Recycling Service deal with approximately 97,000 collections each day.
- 3.6 The second highest directorate for complaints was Resources with a total of 302 which is more than the total for 2021/22 of 176. Of the total for this year 246 were for Revenues and Benefits. There was a system upgrade during quarter 2 and quarter 3 which led to an increase in complaints predominantly in quarter 4. For context we issue 23500 council tax bills and 15500 business rates bills in a year.
- 3.7 Planning, Growth and Sustainability (P,G&S) were the third highest for complaints with 271 which is only 4 more than 2021/22. 77 of these complaints were for Housing and 109 were for Planning and Development. It is helpful to note that the Council received 6,472 planning applications for 2022/23 and that the total number of decisions made during this period was 5,793.
- 3.8 Children's Services had a total of 214 complaints during 2022/23 which is a little less than 2021/22 figure of 229. SEND had 123 stage 1 complaints compared to 129 for 2021/22 and for context during 2022/23 the number of Education, Health & Care Plans maintained by Buckinghamshire increased by 10% (for the second year in a row) to 6034. Children's Social Care had 57 corporate complaints and this is in

addition to the statutory complaints received and documented in section 5 of this document.

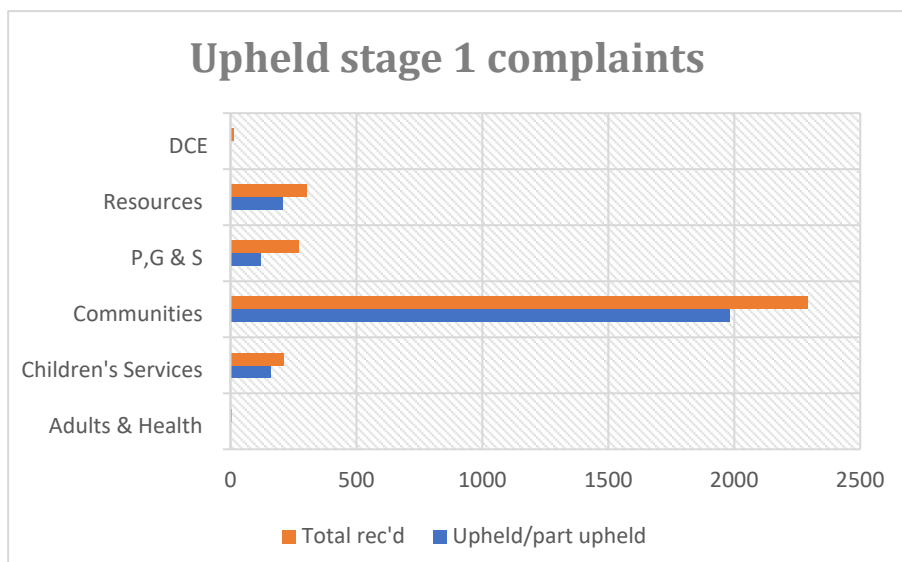
3.9 The graph below shows the ten teams with the highest number of complaints for 2022/23.



3.10 Where a complaint takes longer than 20 working days to answer the Complaints and Improvements Team will write to the complainant and explain that there is a delay. For 2022/23 62% of stage 1 complaints were responded to within the timeframe. The overall average response time was 25 days.

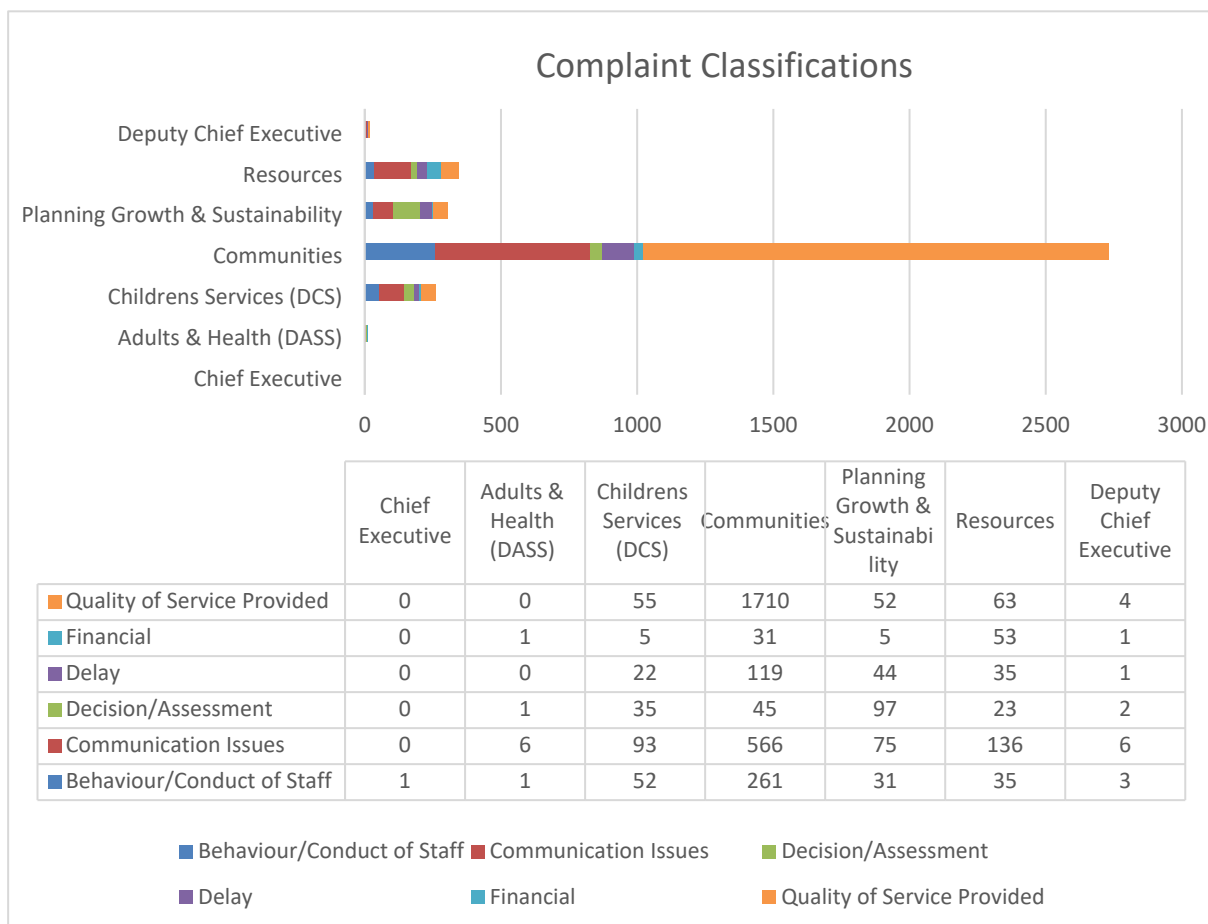
3.11 78% of stage 1 complaints were upheld or partially upheld. The largest number of these was for Communities again a reflection of the problems encountered by South Waste in the first half of the year.

3.12 The following graph shows upheld and partially upheld complaints compared to the number of complaints received by directorate.



4. Themes From Complaints

4.1 Below is a table showing the top six reasons for complaints broken down by directorate.



4.2 Communities had 1710 cases recorded as complaints about the quality of service provided. The majority of these relate to the round reorganisation as mentioned in 3.4 of this report. Communication also features for Communities and again there were communication problems related to the round reorganisation also. There were also over 200 staff conduct issues for Waste.

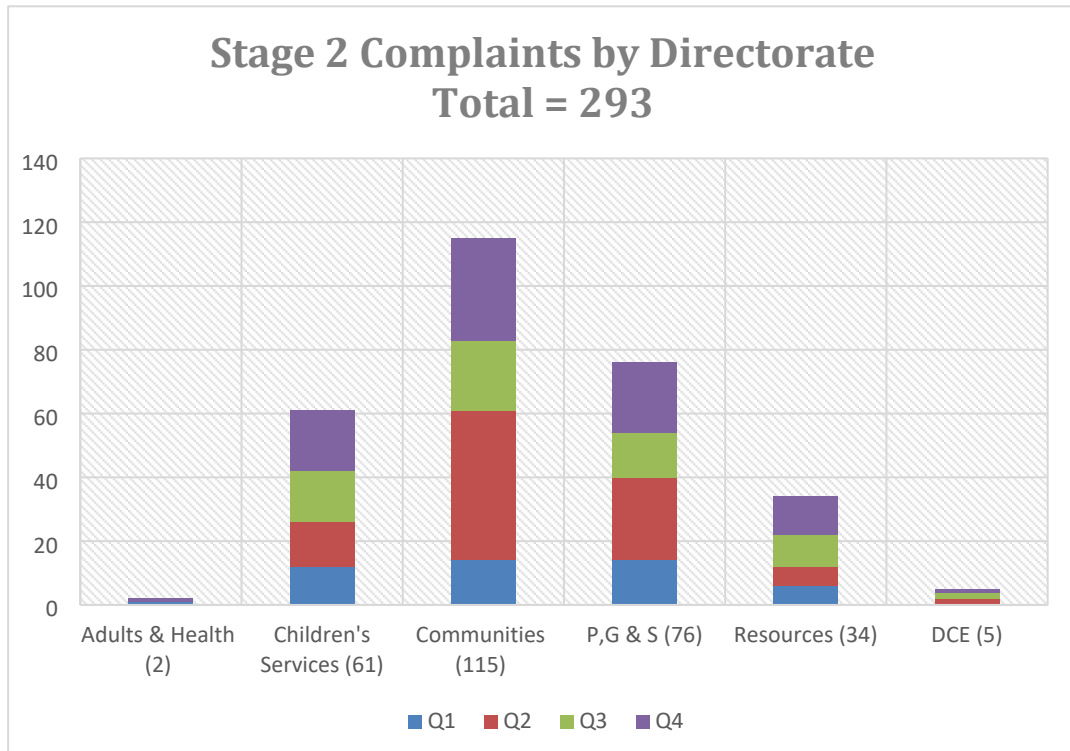
4.3 Approximately 23% of all complaints were about communication. The majority will be complaints about a lack of response but there are also some about staff rudeness and non-clarity in communications.

4.4 Quality of service, as mentioned above, made up 48% of complaints. Apart from the waste issues already mentioned, this includes complaints about road resurfacing and repairs and in all other directorates customer concerns that their expectations and standards have not been met.

4.5 10% of complaints were about staff conduct, 187 (48%) of these were upheld. Apart from that mentioned in 4.2 above TfB, Housing & Regulatory Services, Customer Service Centre, Revenues and Benefits feature in this.

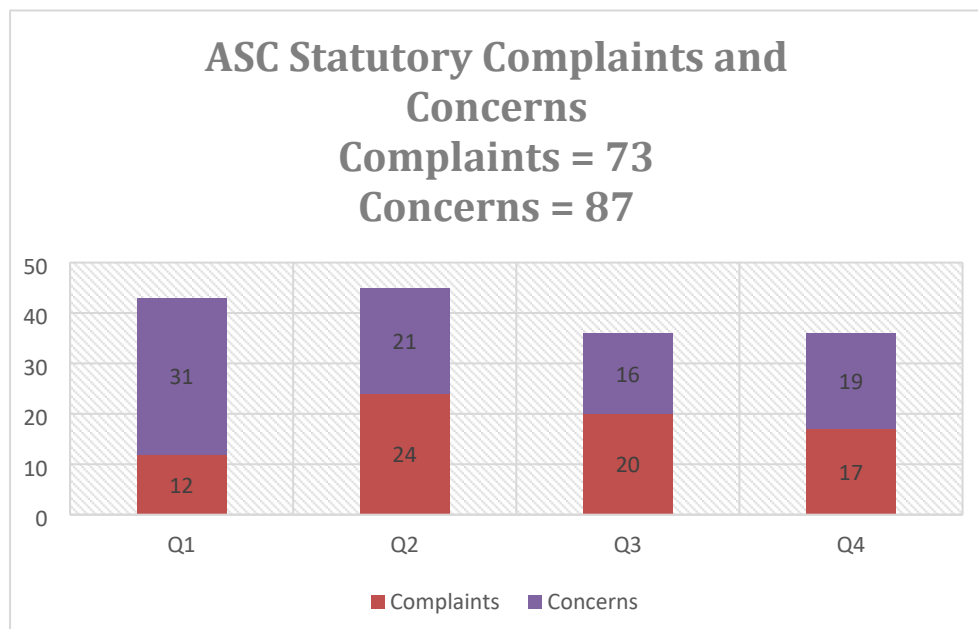
4.6 7% of cases were about delay. This could be about delay in assessments, in planning applications, delay in putting something right (e.g., filling a pothole).

5. Stage 2 Corporate Complaints



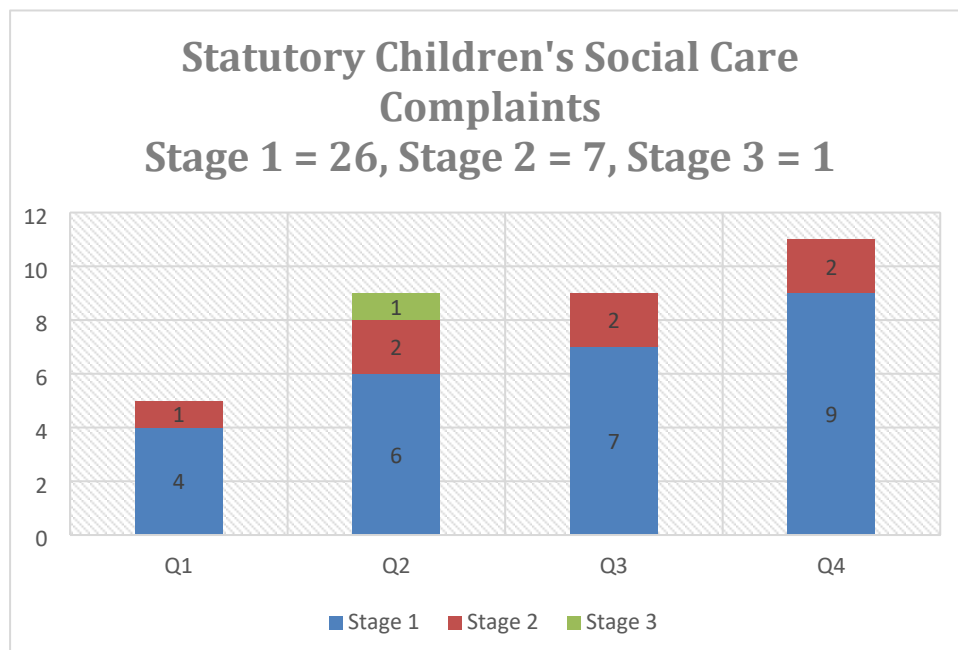
- 5.1 Stage 2 of the corporate complaints process involves an in-depth review of the stage 1 response carried out by stage 2 officers who work within the Complaints and Improvements Team.
- 5.2 The graph above shows the stage 2 corporate complaints received by directorate. 293 cases were seen at this stage compared to 186 for 2021/22. The escalation rate from stage 1 to stage 2 is therefore 9.5% which is in keeping with the previous year's rate.
- 5.3 July to September (Q1) saw the highest number of stage 2 complaints (95) with January to March (Q4) following closely (87). This follows with the pattern of stage 1 complaints, particularly for the south waste team, being high in Q1 and Q2.
- 5.4 The increase was mainly due to more stage 2 complaints for Communities, P,G&S and Resources.
- 5.5 The average response times for Stage 2 Corporate Complaints 32 working days which compares to 42 for 2021/22.

6. Adult Social Care Complaints



- 6.1 The ASC statutory complaints process is a one stage process that encourages local resolution to resolve issues within 48 hours. The complaints process usually begins once the Concern Stage has been exhausted.
- 6.2 The complaint numbers have increased, whilst the concerns resolved informally have decreased. This is due to the increased volume of complaints which relate to funding decisions (e.g., previous self-funding care home residents who wish to remain in a more expensive placement), which are more appropriate to be considered through formal processes.
- 6.3 The graph above shows 73 ASC statutory complaints were received during the year which is more than 2021/22 when there were 49 were dealt with. The pre-complaint stage is called the Concern Stage, during which, if agreed with the complainant, the service area has 48 hours to resolve issues informally. During the year we dealt with 87 concerns compared with 105 for the previous year.
- 6.4 Whilst the statutory timescale allows up to six months to issue a final response to the complaint, the Council has set a local standard of 28 calendar days during which time most complaints are expected to be resolved.
- 6.5 The average response time for 2022/23 was 26 days compared to 28 days in 2021/22.

7. Children's Social Care Statutory Complaints



- 7.1 The Children's Statutory Complaints process has 3 stages. Stage 1 is the local resolution stage and involves the service responding in writing to the complaint. Stage 2 is an independent investigation of the complaint which is carried out externally. The resulting report feeds into the formal response which is completed by the relevant Service Director. Stage 3 is an independent review panel.
- 7.2 The graph above shows that there were 26 (46) cases received at stage 1 of the process, 7 (13) cases were considered at stage 2 and 1 (3) at stage 3. The previous year's figures are shown in brackets.
- 7.3 These numbers are more in line with cases received in 2020/21 (2 years ago). There does not appear to be one reason for the drop in numbers from 2021/22 and so could just be coincidental.
- 7.4 Stage 1 of the Children's Statutory Complaints Process has a target of 10 working days, but this can be extended to 20 working days in certain circumstances; usually where the complaint is complex.
- 7.5 The average response time for responding to a stage 1 complaint for 2022/23 was 31 working days. This compares to 20 working days in 2021/22.

8. Benchmarking

8.1 In order to understand the true context of the numbers of complaints received feedback and benchmarking data has been provided by two other unitary councils.

8.2 The table below shows the number of stage 1 and 2 corporate complaints have been received by each council. It should be noted that Wiltshire have not yet prepared their annual report and so the figures shown below are for 2021/22 and so are not a direct comparison.

| Authority (population) | Year | Stage 1 | Stage 2 | Points to be noted |
|----------------------------------|---------|---|---------|---|
| Cornwall (565,968) | 2022/23 | 1039 | 152 | Excludes highways |
| Wiltshire (498,064) | 2021/22 | 370 + 1328 contacts resolved informally | 75 | Stage 1 has an informal, pre complaints stage which allows services to resolve matters informally |
| Buckinghamshire (553,078) | 2022/23 | 3099 | 293 | |
| Shropshire (323,606) | 2021/22 | 1453 | 99 | |

8.3 It is important to note that the triage and categorisation of complaints varies between the councils and the differences could be due, at least in part, to the emphasis being placed on triaging and resolving complaints as service requests.

9. Local Government and Social Care Ombudsman Annual Review

- 9.1 Each year, the Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review Letter for each council. The letter relates to the complaints made to the LGSCO about the Council in the previous financial year. This section is an update for the Committee on this area of governance for the year 2022/23, reflecting on those complaints that were considered by the Ombudsman up to 31 March 2023.
- 9.2 The data and information contained in this report is regarding complaints that may have fallen in the previous two years. It should be noted that in 2022/23 the Ombudsman changed their investigation processes, which has contributed towards an increase in the average uphold rate across all complaints. The main change is how they are deciding which cases to investigate the Ombudsman says in his annual review letter (appendix A) 'We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.'
- 9.3 During 2022/23 the LGSCO received 15488 complaints and enquiries from all authorities. A higher number of complaints were upheld against the Council during 2022/23 than in 2021/22 (31 as opposed to 29).
- 9.4 The Council's rate of cases upheld following detailed investigation by the LGSCO is 79%. This compares with an average of 72% for similar authorities. There were 39 detailed investigations out of the 135 decisions made. Looking at this figure gives us an overall upheld rate of 22%. It should be noted that cases where the Ombudsman has given an upheld outcome these cases may have already been upheld and remedied by the Council in our complaints process before being reviewed by the Ombudsman.
- 9.5 The Ombudsman issued 38 published reports but for the third year in a row there were no published reports for the Council.
- 9.6 For the second year Buckinghamshire Council was 100% compliant with the LGSCO recommendations for remedies.
- 9.7 Buckinghamshire Council has successfully completed the remedies before the complaint had reached the Ombudsman in 13% of cases which is the same as the average in similar authorities.

10. Purpose of the Ombudsman's Annual Letter

- 10.1 Under the Local Government Act 1974, the LGSCO has two main statutory functions:
- To investigate complaints against councils
 - To provide advice and guidance on good administrative practice

10.2 The LGSCO records the following:

- Complaints and enquiries received by subject area
- Decisions made

10.3 These categories can be found in the Annual Review Letter, the purpose of which is to inform councils and other authorities of the number of complaints the LGSCO has dealt with regarding that authority as well as the nature of those complaints.

11. Summary of Complaints and Enquiries Received by the LGSCO

11.1

| LG&SCO Category | Number of Decisions 2021/22 | Number of Decisions 2022/23 |
|---|--------------------------------|--------------------------------|
| Adult Care Services | 13 | 11 |
| Benefits & Tax | 9 | 8 |
| Corporate & Other Services | 12 | 4 |
| Education & Child Services | 45 | 45 |
| Environmental Services & Public Protection & Regulation | 15 | 25 |
| Highways & Transport | 12 | 6 |
| Housing | 13 | 4 |
| Planning & Development | 30 | 30 |
| Other | 1 | 2 |
| Total | 150 | 135 |

11.2 In line with the national trend the highest numbers of complaints received by the LGSCO about the Council was for Education and Child Services.

11.3 The following table shows the complaints by outcome and by services (as defined by the LGSCO).

12.

| 2022/23 Decision Classification | Outcomes for 2022/23 (2021/22 in brackets) | | Services and numbers of Complaints in brackets | Comments |
|---------------------------------|--|------|--|---|
| Upheld | 31 | (29) | Adult Care (3) Benefits & Tax (3) Education & Children's (13) Environmental Serv Public Prot and Regulation (5) | Fault found by LGO. (NB The fault may have already been previously satisfactorily remedied by the Council.) |

| | | | | |
|---|-----|-------|--|---|
| | | | Housing (1) Planning & Development (6) | |
| Not Upheld | 8 | (10) | Education & Children's (3) Planning & Development (4) Environmental Serv Public Prot and Regulation (1) | No fault found by LGO. |
| Advice given | 6 | (3) | Adult Care Services (1) Education & Children's Services (3) Other (2) | No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council. |
| Closed after initial enquiries | 64 | (67) | Adult Care (6) Benefits & Tax (4) Corporate (4) Education & Children's (20) Environmental Serv Public Prot and Regulation (10) Highways & Transport (5) Housing (1) Planning & Development (14) | Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found). |
| Incomplete/Invalid | 2 | (3) | Environmental Serv Public Prot and Regulation (1) Adult Care (1) | No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO. |
| Referred back for local resolution | 24 | (38) | Benefits & Tax (1) Education & Children's (6) Environmental Serv Public Prot and Regulation (8) Highways & Transport (1) Housing (2) Planning & Development (6) | The Council is not aware of all these cases; however, we can assume that some were where the LGO told the complainant to contact the Council, but the complainant chose not to pursue the matter. In other cases, the LGO asked us to put the complaint through the relevant complaint procedure. |
| Total | 135 | (150) | | |

12.1 The highest number of cases upheld for Buckinghamshire Council were for Education and Children’s Services. This is in line with the national trend.

13. LGSCO Complaints Context and Benchmarking

13.1 The table below shows the number of complaints the Council has had over the last 2 years.

| | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|
| Corporate Complaints (Stage 1) | 2099 | 1988 | 3099 |
| Adults Statutory Complaints | 44 | 49 | 73 |
| Children Statutory Complaints (Stage 1) | 28 | 46 | 26 |
| LGSCO Decisions | 104 | 150 | 135 |

13.2 The table shows that despite a significant increase in complaints the number of decisions/detailed investigations remains at a reasonable level.

13.3 Benchmarking with similar authorities.

| Council | Satisfactory Remedy (Upheld Decisions) | Upheld Decisions |
|----------------------------------|---|-------------------------|
| Cornwall (565,968) | 4% | 25 |
| Wiltshire (498,064) | 6% | 18 |
| Shropshire (323,606) | 19% | 16 |
| Buckinghamshire (553,078) | 13% | 31 |

13.4 The above table compares upheld and remedy rates for similar authorities also giving population for context.

13.5 Satisfactory remedy is when the council offers what is considered by the LGSCO to be a satisfactory remedy for the complaint. The average satisfaction rate for similar (unitary) councils is 13%. The Complaints and Improvements Team use the Ombudsman’s guidance when suggesting remedies at stage 2 of the complaints process.

14. Conclusion

- 14.1 In his annual review report the Ombudsman notes the Council's responsibility to drive improvements through complaints and that they have recommended more service improvements during 2022/23 than ever before. In total there have been 2,412 focused on delivering policy change, procedure review or staff training.
- 14.2 As part of the Ombudsman's learning they issue Focus reports which we then consider when managing complaints. This year we saw such reports for children out of education, equalities and human rights and homelessness reduction.
- 14.3 Thirty-eight public interest reports were issued by the Ombudsman during 2022/23, none of these were for Buckinghamshire Council.
- 14.4 Education and Children's Services have the highest number of upheld complaints for the Ombudsman, and he notes that this is a continuously growing area that now makes up nearly a quarter (24%) of the LGSCO's workload, and sees the average uphold rate of complaints investigated tipping 84%.
- 14.5 The way the LGSCO triages cases has been changing over the last few years and they are looking at how best to manage their resource and increasing caseload. This has in turn lead to a higher uphold rate overall as they do not look at the more borderline cases. He notes, therefore, that comparing with previous year's holds a note of caution.

15. Next Steps and Review

- 15.1 Feedback is a key to our learning and talking with our customers and colleagues more is an underpinning principle of the initiative A Year of Conversation. It can lead to early resolution and more understanding about issues or concerns raised. The Complaints and Improvements Team will be building upon this work by encouraging colleagues to do this wherever possible and ensure that we lead by example.

16. Annual Review of the Corporate complaints Policy

- 16.1 The Monitoring Officer has requested that we review the corporate complaints policy and update any changes within the next month.

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Report to Standards and General Purposes Committee

Date: 24 August 2023

Title: Member Code of Conduct Complaints – Quarter 1 Review

Author and/or contact officer: Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.

Ward(s) affected:

Recommendations: To note and review the Member Code of Conduct Complaints opened and closed in Quarter 1 (April to June 2023, Annexes 1 and 2) and those currently open.

Reason for decision:

The Committee is responsible for Member Code of Conduct complaints both for this Council and for parish and town councils. As such, the Committee is kept informed of recent complaints activity and the effectiveness of the Council's 'Arrangements for dealing with complaints against councillors' (the 'Arrangements').

1. Executive summary

- 1.1 This report gives an overview of the Member Code of Conduct complaints that were opened and closed during Quarter 1 (April to June) this year. Of the eight complaints considered in Quarter 1, no breach of the Code was found. The report also updates the Committee on currently open complaints.
- 1.2 This update includes an indication of the source of the complaint (e.g. public, fellow councillors), the alleged behaviour and the outcome. As requested by the Committee, the annexes include information on the number of parish councils involved.

2. Update on complaints opened and closed (April to June 2023)

2.1 The Council's arrangements for Member Code of Conduct complaints include the following stages:

- a) An initial assessment – to determine whether a councillor was acting as a councillor at the time of the alleged breach; and whether, if proven, the matter would amount to a breach of the Code
- b) Stage One – the subject member is asked to comment along with any suggestion to resolve the complaint informally (if appropriate)
- c) Stage Two – the Monitoring Officer or Deputy Monitoring Officer determines if an informal resolution is possible or whether an investigation should take place
- d) Stage Three – formal investigation, with a report presented to a meeting of the Hearing Sub-Committee of this Committee, if necessary.

2.2 Annexes 1 and 2 set out the Member Code of Conduct Complaints that were opened and then closed over the period of Quarter 1 (April to June).

- a) Annex 1 relates to Parish and Town Council Complaints
- b) Annex 2 relates to Buckinghamshire Council Complaints

Parish/Town Councils

2.3 Two complaints were received and closed between April and June 2023. A further complaint, opened in March, was closed within the Quarter. A fourth complaint remains outstanding (see paragraph 2.7). The three concluded complaints related to three parish councils. In only one of these cases was the complainant a fellow member of the council.

2.4 The most common cause of complaint was perceived disrespect. Following an Initial Assessment, the relevant Code was not found to be engaged in any of these cases.

Buckinghamshire Council

2.5 Three complaints were received and closed between April and June 2023. An additional complaint had been received in March but was closed within Quarter 1. In three of the four cases, the cause of complaint was also perceived disrespect. Another related to an allegation of bias and predetermination in a decision-making context.

2.6 Following an Initial Assessment, the Code was not found to be engaged in any of these cases.

Performance in applying the Council's complaints arrangements

- 2.8 In all but one of the cases, the Council's timeframes were met. In the one instance this was not the case (Complaint 3, Annex 1) because further dialogue was required with both the complainant and the subject member.

Current complaints

- 2.7 At the start of August **ten** complaints were currently open: five parish councillor complaints and five Buckinghamshire Councillor complaints. One parish council case (mentioned in Annex 1) is currently being formally investigated at Stage 3 and may, depending on the findings of the investigation, require the convening of a Hearing Sub-Committee to determine the matter. In all other cases, the complaints are at Stage 1 (Informal Resolution).
- 2.8 It is not uncommon for multiple complaints to be made about the same person/matter. They are, however, counted individually to give transparency to the number of times the complaint process is used.

3. Training on Member Code of Conduct

- 3.1 The Deputy Monitoring Officer has delivered two online Code of Conduct refresher sessions for Buckinghamshire Councillors, on 30 and 31 May during Quarter 1. The first of these was recorded for those councillors who could not attend the mandatory review. Later in the year, the Deputy Monitoring Officer will also help deliver training to parish and town councils through the Buckinghamshire and Milton Keynes Association of Parish and Town Councils.

4. Stage 3 Complaint – update on sanctions

- 4.1 It was reported at the last meeting of the Committee that a Hughenden Parish Councillor was found to have breached the Code with regard to each of three complaints. Sanctions were [recommended by this Council](#) to Hughenden Parish Council and all were adopted by Hughenden Parish Council.
- 4.2 Two of the sanctions were inter-related: one was that the person should undertake training; a second that the councillor should not attend the parish offices (except to attend formal meetings), until the training had been completed. At present, the councillor has not undertaken the offered training and so the sanction on non-attendance remains in place. It is also understood that the councillor has not issued an apology to the two complainants.
- 4.3 This is of some concern as, under Hughenden Parish Council's Code of Conduct (and the national model) councillors make the following commitment: "I comply with any

sanction imposed on me following a finding that I have breached the Code of Conduct.” The Deputy Monitoring Officer has asked the Parish Council to ascertain whether it is the councillor’s intention to comply fully with the sanctions and, if so, by when. It is a Code requirement for councillors to comply with duly imposed sanctions. To do otherwise undermines the integrity of the standards regime.

- 4.4 Hughenden Parish Council did take the voluntary step, as recommended by the Hearing Sub-Committee, formally to strengthen its governance policies in the context of ethical standards. It has adopted:
- a) A councillor-officer protocol based on the National Association’s model
 - b) A social media protocol adapted from the Civility & Respect Project’s model; and
 - c) Has adopted the Civility and Respect Pledge formulated by the national Civility & Respect Project.

5. Next steps and review

- 5.1 A further update will be presented to the Committee at each meeting, to give a quarterly picture of complaints opened, closed, and currently in hand.

6. Legal and financial implications

- 6.1 The Council has a legal obligation under the Localism Act 2011 to promote and maintain high standards of conduct from councillors and co-opted members. This report contributes to fulfilling that duty. There are no financial implications arising from this report.

7. Background papers

- 7.1 None.

Contact officer: Glenn Watson, Principal Governance Officer

Annex 1

April to June 2023

Parish and Town Councils - Member Code of Conduct Complaints

Context

These complaints related to **three** different parish councils. Unless stated the complaints related to different subject members.

Parish Council A = complaint 1 and 2 (same subject member)

Parish Council B = complaint 3

Parish Council C – complaint 4

White = current open; Grey = open and closed within period

| Complaint | Date of Complaint | Date Closed | Origin | Length/Stage Concluded | Allegation/Code Principle | Breach? |
|-----------|-------------------|----------------|--|---|---|------------------------------------|
| 1. | 10/02/23 | Open complaint | Anonymous (name known to Monitoring Officer) | Stage 3 – investigation about to commence | Respect, disrepute, misuse of information - published personal data online | To be determined |
| 2. | 22/03/23 | 04/04/23 | Public | Initial Assessment 9 days | Respect – inappropriate remarks | No, Code evidentially not engaged. |
| 3. | 03/04/23 | 14/06/23 | Fellow councillor | Stage 1 (1.5 weeks over the usual 35 days) | Respect – made a derogatory remark Unreasonably withheld information | No, Code evidentially not engaged. |

| Complaint | Date of Complaint | Date Closed | Origin | Length/Stage Concluded | Allegation/Code Principle | Breach? |
|------------------|--------------------------|--------------------|---------------|-------------------------------|--|------------------------------------|
| 4. | 19/05/23 | 08/06/23 | Public | Initial Assessment 13 days | Unreasonably withheld information from decision makers | No, Code evidentially not engaged. |

Annex 2

April to June 2023 - Buckinghamshire Council - Member Code of Conduct Complaints

Grey – opened and closed within period. The complaints related to different subject members.

| Complaint | Date of Complaint | Date Closed | Origin | Length/Stage Concluded | Allegation/Code Principle | Breach? |
|-----------|-------------------|-------------|---------|------------------------------|--|--|
| 1. | 29/03/23 | 17/05/23 | Officer | Stage 1 Within 35 days | Respect – alleged disparaging remark | No. Informally resolved, apology given |
| 2. | 04/05/23 | 18/05/23 | Public | Initial Assessment 9 days | Predetermination and bias. | No, Code evidentially not engaged |
| 3. | 08/05/23 | 09/05/23 | Public | Initial Assessment 1 day | Respect – failure to respond to correspondence | No, Code evidentially not engaged |
| 4. | 21/05/23 | 01/06/23 | Public | Initial Assessment 9 days | Respect – failure to respond to correspondence | No, Code evidentially not engaged |

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Report to Standards and General Purposes Committee

- Date:** 24 August 2023
- Title:** **Member Code of Conduct Complaints – Hearings Sub-Committee Protocol**
- Author and/or contact officer:** Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.
- Recommendations:**
- 1) To consider and adopt the protocol in Annex 1 for achieving the composition of a Hearings Sub-Committee;**
 - 2) To ask the Monitoring Officer to deliver training for all members of the Committee in the procedures for hearing member code of conduct complaints.**

Reason for decision:

The Committee has oversight of Member Code of Conduct Complaints both for this Council and for parish and town councils. The Council's Constitution envisages that three members of this Committee should form a Hearings Sub-Committee, as necessary, to hear a complaint as Stage 3 of the Council's complaints arrangements. At a previous meeting of the Committee, members expressed a wish to consider a protocol for achieving a balance of representation, making use of particular expertise, while also avoiding potential conflicts of interest.

Executive summary

1.1 This report suggests a protocol within current constitutional arrangements for achieving membership of a Hearings Sub-Committee whenever circumstances require a meeting to be held. Since the Council was established, a Hearings Sub-Committee has only been needed twice. Mostly, and as intended, complaints are resolved at an early stage. The report proposes a protocol that has regard to: the balance of representation of the committee, the importance of harnessing individual expertise and interest, and

achieving a membership that can meet, sustainably, when called upon within the relevant timeframes.

- 1.2 The Council's arrangements envisage that a Hearings Sub-Committee is made up of three members of the whole Committee. As such, the report also suggests that all members of the Committee receive training in holding hearings, so that the full membership is equipped to take part in a hearing if necessary.

The purpose of a Hearings Sub-Committee

- 2.1 The Council has adopted a set of *Arrangements for dealing with complaints against councillors*. All principal councils are required to do this. In Buckinghamshire, this Council has the responsibility for reviewing complaints about Buckinghamshire Councillors and also about parish and town councillors.
- 2.2 The *Arrangements* envisage a three-stage process, following an Initial Assessment by the Monitoring Officer to ensure that the complaint engages the Code. At each stage, the Monitoring Officer can call upon the advice of an Independent Person appointed by this Council. The stages are:
- A) Stage 1 (Informal Resolution): a four-week period within which the Monitoring Officer ascertains whether it is possible to reach an informal resolution without the need for further investigation.
 - B) Stage 2 (determination of whether to investigate further): this stage enables the Monitoring Officer to determine if the matter should be investigated formally or not. The views of the Chair of this Committee and of the Independent Person can be sought by the Monitoring Officer. As a result, the Monitoring Officer can decide to appoint an investigator. If so, the resulting report will be considered by a meeting of the Hearings Sub-Committee.
 - C) Stage 3 (Investigation and Hearing): The investigator's report is received by the Monitoring Officer. A Hearings Sub-Committee is then convened to hear the complaint in the light of the investigator's report. The role of the Sub-Committee is to determine whether a breach of the Code has occurred; and if so, to recommend the sanctions (if any) that should apply. The Independent Person attends the hearing to offer advice but has no involvement in the decision-making or voting. The procedure also envisages that the whole Committee – rather than the Sub-Committee – could hear the complaint if necessary.

Protocol on appointments to the Sub-Committee

Principles

- 3.1 The *Arrangements* approved by Council envisage that a Hearings Sub-Committee will meet whenever needed, the membership consisting of three members of the Standards & General Purposes Committee. The Council's political group leaders have not been asked to make formal appointments to the Sub-Committee given the infrequency of it and given that its actual membership in any given case might need to be adapted to reflect the circumstances of the complaint (including the familiarity of the potential members with the complainant and/or the person complained about).
- 3.2 Nor are the political proportionality rules definitive on this point, given that the numerical entitlement, per political group, does not give any second group a definitive membership. .
- 3.3 It is suggested that several principles could help form the basis of a protocol, to give transparency and procedural clarity to the making of appointments. These principles can then be balanced when considering the specific circumstances of the complaint in question and the timing of it.
- i) Balance of representation: achieving a balance of perspectives and of demography will help members of the Sub-Committee bring to bear a range of experience
 - ii) Expertise and interest: there may be, from time to time, members of the Committee who are particularly interested in this aspect of the Committee's work and who may wish to bring their experience and interest to bear in a dedicated way
 - iii) Ability to commit: the procedural timeframes have some flexibility; but in the interests of fairness and natural justice, there is also a degree of urgency in achieving set dates so that all parties can commit to attendance. Whilst other Sub-Committees of the Council can be timetabled throughout the year, this is not the case with the Hearings Sub-Committee, which is unavoidably linked to the procedural timeframes for each complaint. In the two instances where a hearing occurred in the past two years, the Sub-Committee met twice in each case. A person's availability is a factor
 - iv) Potential conflicts of interest: a member of the Committee should not take part in a hearing if they have a close connection with the complainant or the subject councillor or potential witnesses. Similarly, the complaint may relate to a ward, or a parish, or to a set of issues, with which the councillor is closely associated.

An approach

- 3.4 These principles are not really new. They have underpinned, in practical terms, the Council's *Arrangements* which envisaged hearings being conducted by any three members of this Committee; not necessarily a specific set of three members.

3.5 Annex 1 sets out a draft protocol. It envisages the following:

- i) At the start of each Council Year, and also if the membership of the Committee changes mid-year, all members of the Committee are invited to let the Monitoring Officer and the Chairman of the Committee know if they would be particularly interested in taking part in a Hearings Sub-Committee meeting;
- ii) Training is provided each year to all members of the Committee in the conduct of hearings;
- iii) When the Monitoring Officer is aware that a Hearings Sub-Committee needs to be convened, the Monitoring Officer makes the Chairman of the Committee aware;
- iv) The Monitoring Officer then writes to all members of the Committee to ask if any member is willing and able to take part in the particular hearing based on brief confidential details; asking them to be clear (if so) if they would have any potential conflict of interest based on the case in question
- v) Based on responses, the Monitoring Officer advises the Chairman of expressions of interest. Appointments are then made by the Chairman, having regard to the 'guiding principles' in Annex 1; and in the first instance (conflicts of interest aside) seeking to appoint at least one member from an opposition group to the Sub-Committee
- vi) Appointments are made, ultimately, on the basis of availability, expression of interest, freedom from conflicts of interest and the need to convene a hearing within the appropriate timeframes in the interests of natural justice.

Other options considered

4.1 The Committee could seek to appoint a 'standing' set of members to the Sub-Committee and only change this if any of the three members were conflicted or not free to attend. This would restrict the range of perspectives that could potentially be brought to bear in practice.

Legal and financial implications

5.1 There are no direct financial implications arising from this report.

5.2 The suggested protocol works within the Council's *Arrangements* to achieve a wide and equitable representation for a three-person body.

Next steps and review

6.1 If the Committee agrees the recommendations, the protocol will be circulated formally to all members of the Committee, will be put into practice for the next hearing; and training will be arranged for the whole Committee.

6.2 It is suggested that, if adopted, the protocol should be reviewed annually; for example at the Committee's first full meeting of each council year (usually July).

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Annex

Standards & General Purposes Committee

Protocol for making appointments to the Hearings Sub-Committee

This protocol will be followed when making appointments to the Hearings Sub-Committee when the Sub-Committee is required to consider a particular case at Stage 3 of the Council's procedures.

Generally:

- i) At the start of each Council Year, and also if the membership of the Committee changes mid-year, all members of the Committee are invited to let the Monitoring Officer and the Chairman of the Committee know if they would be particularly interested in taking part in a Hearing Sub-Committee meeting;
- ii) Training is provided each year to all members of the Committee in the conduct of hearings.

Specifically

- iii) When the Monitoring Officer is aware that a Hearing Sub-Committee needs to be convened, the Monitoring Officer will make the Chairman of the Committee aware, as expected under the Council's *Arrangements*;
- iv) The Monitoring Officer then writes to all members of the Committee to ask if any member is willing/able to take part; brief confidential details will be circulated to members of the Committee. Members expressing an interest will be asked to confirm they have no potential conflict of interest in the case in question;
- v) Based on responses received, the Monitoring Officer will advise the Chairman of the expressions of interest. Appointments are then made by the Chairman, having regard to the *principles* mentioned below; in the first instance (conflicts of interest aside), the Chairman will seek to appoint at least one member who represents an opposition group.
- vi) The Monitoring Officer will then confirm the appointments for that particular hearing to the appointed members and to all members of the Committee.
- vii) Appointments will be made, ultimately, on the basis of availability, expression of interest, freedom from conflicts of interest and the need to convene a hearing within the appropriate timeframes in the interests of natural justice.
- viii) Where a meeting of the Sub-Committee adjourns and needs to reconvene to hear the same case(s) on another date, the same membership will normally carry over to the resumed meeting, to ensure continuity.

The guiding principles

These principles underpin the protocol. They will be taken into account by the Monitoring Officer in achieving membership each time a complaint needs to be considered by a meeting of the Sub-Committee.

- a) Balance of representation: achieving a balance of perspectives and of demography to help members of the Sub-Committee bring a range of experience;
- b) Expertise and interest: there may be, from time to time, members of the Committee who are particularly interested in this aspect of the Committee's work and who may wish to bring their experience and interest to bear in a dedicated way;
- c) Ability to commit: the procedural timeframes have some flexibility; but in the interests of fairness and natural justice, there is also a degree of urgency in achieving set dates so that all parties can commit to attendance. Whilst other Sub-Committees of the Council can be timetabled throughout the year, this is not the case with the Hearings Sub-Committee, which is unavoidably linked to the procedural timeframes for each complaint. A person's availability is a factor;
- d) Potential conflicts of interest: a member of the Committee should not part in a hearing if they have a close connection with the complainant or the subject councillor or any potential witness. Similarly, the complaint may relate to a ward, or a parish, or a set of issues, with which the councillor is closely associated;
- e) Review of the protocol: the protocol will be reviewed by the Committee annually.

NB Where it is clear, or has been made known in advance, that a member of the Committee has an interest or will otherwise not be available to take part in the planned Hearing, the details of the complaint will not be sent under paragraph (iv).

Deputy Monitoring Officer

BUCKINGHAMSHIRE COUNCIL

STANDARDS AND GENERAL

PURPOSES COMMITTEE

WORK PROGRAMME 2023/24

24 August 2023

- Polling District Review
- Compliments and Complaints Report 2021-22
- Review of Standards Complaints Monitoring Report
- Electoral Review – Outcome of the Commission’s final report
- Community Governance reviews
- Work programme

19 October 2023

- Standards Complaints Monitoring Report
- Constitution Working Group verbal update
- Work programme

18 January 2024

- Local Government and Social Care Ombudsman report
- Polling District Review
- Standards Complaints Monitoring report
- Work programme

4 April 2024

- Annual review of code of conduct and complaints
- Constitution Working Group update
- Work Programme