

Report for:	<b>Shadow Executive</b>
Meeting Date:	<b>07 January 2020</b>
<b>Title of Report:</b>	<b>COMMUNITY GOVERNANCE REVIEW</b>
Responsible Officer or Relevant Member:	John East – Acting Chief Executive, Wycombe District Council
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<b>Recommendations:</b>	<p><b>Members are asked to:</b></p> <ol style="list-style-type: none"> <li><b>Note the Community Governance Review report and the consultation report;</b></li> <li><b>Agree to Option 2 (defer taking a decision on the High Wycombe Community Governance Review until after the new Buckinghamshire Council is created, recognising that further consultation may be necessary at that stage).</b></li> </ol>
Corporate Implications:	<p><u>Resourcing requirements</u></p> <p>There are financial matters which are considered within the body of the report and which are relevant to the proposed timetable and options.</p> <p>There are also financial implications set out in the attached report which relate to the cost of future governance arrangements.</p> <p><u>Legal implications</u></p> <p>As outlined in the report. The review was required to be completed by 10<sup>th</sup> December 2019. The review must be published as soon as practicable after the review is complete. Due to Purdah it was decided to publish the review on 13 December prior to the Regulatory &amp; Appeals Committee meeting on 17 December 2019.</p>
Options: (If any)	<p>The options are set out in the attached review report. These are:</p> <p><b>Option 1:</b> Establishes a parish council or parish councils for:</p> <ul style="list-style-type: none"> <li>1A the whole of the unparished area of High Wycombe to become a Town Council in due course;</li> <li>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</li> <li>1C one or more of the parishes of Micklefield, Sands or Totteridge leaving the remainder unparished;</li> </ul> <p><b>AND</b> 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);</p> <p><b>OR</b></p> <p><b>Option 2:</b> Defers taking a decision until after the new Buckinghamshire Council is created, to enable the new</p>

	<p>Council to decide the arrangements, recognising that further consultation may be necessary at that stage;</p> <p><b>OR</b></p> <p><b>Option 3:</b> 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.</p> <p>It should be noted that the five options discussed in section 7 of the Review report are sub-options within the three main recommendations.</p>
<b>Reason: (Executive only)</b>	The Shadow Executive will make the final decision in relation to the Community Governance Review. Wycombe District Council is responsible for conducting the review and carrying out the consultation.

### **Purpose of Report**

1. This report is to provide an update on the progress of the Community Governance Review of the unparished area of High Wycombe.

### **Context**

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

### **Role of the Shadow Executive**

5. The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations

of proposals resulting from a community governance review during the transitional period sit with the Shadow Executive and thereafter with the new Buckinghamshire Council. This means that whilst the District Council has resolved to undertake the review, responsibility for deciding whether to give effect to the recommendations of the review rests with the Shadow Executive (rather than by the predecessor council).

## **CGR Background**

### **Submitted Petitions**

6. Four valid petitions were received in relation to the unparished area of High Wycombe which each triggered a review and the decision was made to combine the four petitions into a single review. The review must be completed by 10<sup>th</sup> December 2019. The Community Governance Review has been subject to public consultation which concluded on 30<sup>th</sup> September 2019.
7. On Monday 10 December 2018, the following two petitions were handed in
  - a petition by the residents of Totteridge for a Community Governance Review with a view to forming a parish council in Totteridge.
  - a petition by the residents of Micklefield for a Community Governance Review with a view to forming a parish council in Micklefield.
8. On 21<sup>st</sup> February 2019 a further two petitions were handed in:
  - A petition by the residents of Sands Ward for a Community Governance Review with a view to forming a parish council in Sands
  - A petition by the residents of the unparished area i.e. the wards of Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill and Totteridge with a view to forming a town council for the unparished area.
9. The District Council decided through its Regulatory and Appeals Committee to establish a working group and appoint external consultants to prepare an initial report and then to go out to consultation on the options using an external provider ORS to conduct the public consultation.

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

10. Section 81 LG&PIHA 2007 requires the principal council to draw up terms of reference specifying the area under review. WDC agreed the Terms of Reference for the CGR at its Regulatory and Appeals Committee held on 18

March 2019. The Terms of Reference stated that the CGR would consider the subject of all four petitions that triggered the Governance Review, namely, to consider:

- Whether to establish a parish council for the ward of Micklefield
  - Whether to establish a parish council for the ward of Totteridge
  - Whether to establish a parish council for the ward of Sands
  - Whether to establish a town council for the whole of the unparished area of High Wycombe
11. In addition to considering whether to establish any new governance the review must consider whether it is appropriate to change existing governance arrangements and also a range of matters relating to the governance, financing, warding and electoral arrangements if any new Council is created.
12. Legal advice has been obtained which has made it clear that the review cannot be deferred indefinitely or delayed for an extended period. However, advice was provided which explained that it was not necessary to make a decision on the outcome of the review during the transition period; it is possible to defer a decision until the new unitary Council is in place and able to consider the review report. It is also possible for a Town/Parish Council(s) to be created at a time other than when the local elections are being carried out. It is therefore possible to defer a review and to reach a decision to create a new Town/Parish Council(s) in 2021 or in a subsequent year. This would enable a longer lead in period to allow consideration of the finances and assets of any new Town/Parish Council if appropriate.

### **Charter Trustees**

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

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

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

*(a) the charter trustees shall be dissolved;*

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

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

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

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

### **Purdah**

15. The review must be completed by the 10 December 2019. The review must be published as soon as reasonably practicable after the review is complete. It had been proposed to take the draft review to the Regulatory and Appeals Committee meeting on 3 December and to publish the review and the results report on 9 December 2019. As two of the petitioners were candidates in the election, the Regulatory & Appeals committee was deferred to 17 December 2019 and the publication of the report until after the general election.

### **Timetable**

16. The consultation conducted by ORS was completed on 30 September 2019.
17. The agenda for the Regulatory & Appeals Committee was published five clear days ahead of the meeting on 9 December 2019.
18. The Review report and the consultation results were published on 13 December 2019 after the General Election ahead of the Regulatory & Appeals Committee meeting on 17 December.
19. The Member's Working Group met on 16 December 2019 to consider the review report ahead of the Regulatory and Appeals Committee.
20. The Review report along with the appendices (including the consultation report) was considered by the Regulatory and Appeals Committee on 17 December 2019.
21. This cover report summarising the recommendations of the Regulatory & Appeals Committee is due for decision making at the Shadow Executive meeting on 7<sup>th</sup> January 2020.

### **CGR Report Recommendations**

22. Wycombe District Council has concluded its report on CGR which is attached at **Appendix A**. The recommendations of the Review are as follows:

**Option 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);

**OR**

**Option 2:** 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.

**OR**

**Option 3:** 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.

In section 7 of the Review report, five sub-options are included within the three main recommendations noted above.

### **Shadow Authority Consideration**

23. In considering the Review report, the Shadow Executive will wish to consider the recommendation made by the Regulatory & Appeals Committee:
24. On 16th December 2019 the working group of Wycombe District Council chaired by Councillor Marten Clarke reviewed the ORS findings and the report of Bevan Brittan. The working group were unable to reach a consensus view as to the proposed option but referred the views of its members through the Chair to the meeting of the Regulatory and Appeals Committee on 17th December 2019. The Regulatory and Appeals Committee received a full presentation from ORS on the findings of the Consultation. Judith Barnes of Bevan Brittan also attended the Committee meeting to present her report. The Committee considered the options set out in the report. The Committee accepted the consultation findings and the finalised review report with one minor amendment. The review of the CGR is therefore complete and the final review report is now published and is attached to this report alongside the consultation report of ORS.
25. The Committee also decided to make a recommendation to the Shadow Executive in relation to the options. The Regulation and Appeals Committee of Wycombe District Council recommend Option 2, deferral of the decision on CGR to the new Buckinghamshire Council. The reasons given are:
  - The current Constitution of the new Council including the new local governance arrangements for the new Council have yet to be decided by the Shadow Authority and it is therefore not possible for the Shadow Executive to properly evaluate the alternative options until this information is available.
  - Deferral will allow the officers to have the capacity to put forward detailed proposals, including the financial and other implications of either new governance in the form of a Town or Parish Council, or in the form of alternative governance arrangements.
  - Legal advice has been obtained which has confirmed that it is lawful for the decision to be deferred to the new Buckinghamshire Council.
26. The Regulatory and Appeals Committee recommended that the decision should be made by the new Council, as soon as reasonably practicable after the council has been elected and established.

### **Legal Implications**

27. Noted on the cover page of this report.

## **Consultation**

28. There is a statutory requirement when conducting a review to carry out public consultation. The decision was made to appoint independent experts ORS to conduct the consultation. The consultation was completed on 30<sup>th</sup> September 2019. The results of that consultation are attached as appendix and background papers in the Review report.

## **Communications Plan**

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

## **Equalities Implications**

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

## **Data Privacy Implications**

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

## **Next Steps**

32. Should the final recommendations under Option 1 of the CGR be approved then a Reorganisation Order will need to be made to implement the new arrangements after the new Buckinghamshire Council becomes operational as a unitary authority, deferring implementation of the Review until after the transition has been completed.

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