



**WYCOMBE**  
DISTRICT COUNCIL

Report For:	Regulatory and Appeals Committee
Meeting Date:	11 February 2019
Part:	Part 1 - Open
If Part 2, reason:	Choose a reason

<b>Title of Report:</b>	Community Governance Reviews (CGRs)
Officer Contact: Direct Dial: Email:	Catherine Whitehead 01494 421980 Catherine.whitehead@wycombe.gov.uk
Ward(s) affected:	All Wards in the Unparished area of High Wycombe
Reason for the Decision:	<p>To proceed with Community Governance Reviews in accordance with statutory requirements.</p> <p>To set the Terms of Reference for the Community Governance Review in accordance with the statutory requirements.</p> <p>To consider the range of options and to take into account the relevant matters and information and reach a decision about the size and scope of the review.</p> <p>To note the impact of local government reorganisation and transition on the conduct of the Community Governance Review.</p>
<b>Proposed Recommendations To Full Council:</b>	<p><b>Members are recommended to</b></p> <ol style="list-style-type: none"><li>1) <b>Decide whether to</b><ol style="list-style-type: none"><li>a) <b>Carry out a Community Governance Review of the unparished area</b></li><li>b) <b>Carry out a Community Governance review of Micklefield and Totteridge only</b></li><li>c) <b>Carry out a Community Governance review of any other specified area within the unparished area</b></li></ol></li><li>2) <b>Agree the wording of the Terms of Reference for the Review as set out in the Appendix to</b></li></ol>

	<p>the report.</p> <p><b>3) Agree any deletions to Appendix A based on the decision set out in 1) above.</b></p>
Monitoring Officer/ S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>Legal implications are set out within the report</p> <p><b>S.151 Officer:</b></p>
Consultees:	In accordance with the statutory requirements in undertaking community governance reviews, the Council will undertake a consultation with the local government electors in the areas under review, and others which appears to the Council to have an interest in the review. The Council will consult Buckinghamshire County Council and any Shadow Authority.
Options:	These are set out in paragraphs 34 & 35 of the report.
Next Steps:	The recommendations of this Committee will be presented to the next Full Council meeting on 21 February 2019.
Background Papers:	<p>Minutes of Full Council meeting 10 December 2018;</p> <p>2007 Local Government and Public Involvement in Health Act</p> <p>Joint Guidance on Community Governance Reviews from MHCLG and LGBCE.</p> <p>White Paper 2006</p>
Abbreviations:	<p><b>CGRs – Community Governance Reviews</b></p> <p><b>WMS – Written Ministerial Statement</b></p>

Appendices to this report are as follows:

Appendix A – proposed terms of reference for the CGR proposing to form a Parish Council in Totteridge and Micklefield

Appendix A – proposed terms of reference for a CGR for the whole of the unparished area of High Wycombe.

## **Detailed Report**

### **Corporate Implications**

1. This report is designed to ensure that the Council complies with its statutory obligations. It is also relevant to the Council's Corporate Plan objectives in relation to helping communities to work well together and achieving good governance and is also designed to ensure that governance is effective and efficient. The applicable law and guidance is set out within the report.

### **Purpose**

1. The purpose of this report is to consider how the Council should conduct a Community Governance Review triggered by the petitions received. The report also invites members to consider the wider matters which are required by law.
2. The report sets out the process of a review and invites members to consider whether size and scope of the review having regard to the relevant statutory matters.

### **Executive Summary**

3. A District Council has the power to undertake community governance reviews and make changes to local community governance arrangements.
4. The Council has received two petitions for the wards of Micklefield and Totteridge. The Council has an obligation to consider the size and scope of the review.
5. The Council is aware that a petition is being gathered for the whole of the unparished area. The Council also has obligations to consider whether to conduct a Community Governance Review whether or not there is a petition. This report explains the circumstances which should prompt the Council to consider a review.
6. The Council is also required to publish the terms of reference for any review it carries out. The publication of the terms of reference triggers a 12 month period in which the review must be completed. If the Local Government Review transitional period is triggered before the review is completed responsibility for making a decision will rest with the Shadow arrangements.

### **What is a community governance review?**

7. A community governance review can consider a number of things including:
  - Creating, merging, altering or abolishing parishes including town councils;
  - The naming of parishes and the style of new parishes;
  - The grouping of parishes under a common parish council;
  - The electoral arrangements for parishes;
  - Council size ie the number of councillors and parish warding.
8. In undertaking any Review, the Council will be guided by the following legislation:
  - a. Part 4 of the Local Government and Public Involvement in Health
    - i. Act 2007;

- b. Local Government (Parishes and Parish Councils) (England)
    - i. Regulations 2008 (SI2008/625);
  - c. Local Government Finance (New Parishes) Regulations 2008
    - i. (SI2008/626);
  - d. Relevant parts of the Local Government Act 1972.
9. Ultimately, the recommendations made in any community governance review should aim to bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services. Any review has to be undertaken with regard to the community governance review guidance issued jointly by (the former) Department for Communities and Local Government (DCLG) and the LGBCE (Local Government Boundary Commission for England) in 2010. This guidance is referenced as a background document to this report.

### **Why Undertake a Review**

10. Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in advance of or as part of boundary reviews relating to principal councils. The Government has made clear in a 2006 White Paper and in the 2007 Act its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
11. Principal councils should exercise their discretion, but it is good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate. Any changes to parished areas or the creation of new parish or town councils must be preceded by a community governance review and cannot happen without a review.
12. Reviews are normally undertaken because of one or more of the following reasons:
- a) Changes in population;
  - b) Shifts in “natural settlements” caused by new development;
  - c) In reaction to specific or local issues which have now been raised;
  - d) In receipt of a valid petition;
  - e) In advance of a full review of the district or parish electoral arrangements;
  - f) At a request from the parish council or other interested party.
13. The Council has previously held Community Governance Reviews in relation to changes to the existing parish areas for example one such report appeared on the last agenda.
14. Community governance reviews should be undertaken in advance of other electoral reviews, so that the Local Government Boundary Commission for England in its review of local authority electoral arrangements can take into account any parish boundary changes that are made. The LGBCE can provide advice on its programme of electoral reviews but it is clear that there will be a Boundary Review in relation to

the wards for the new District Council. It is therefore the appropriate time to conduct Community Governance Reviews.

15. Members will be aware that there will be a reduction in the current number of members and a change from the current wards to new wards based on the current county divisions. This arrangements will form part of the Structural Change Order likely to be laid before Parliament later in 2019. It is recognised that if the move to unitary arrangements proceeds as expected the LGBCE will need to carry out an electoral review; it is not known at this stage when that review will be, but it seems likely to take place after the implementation of unitary arrangements which will be in 2020. This review is likely to result in a further change to ward boundaries in order to ensure a consistent ratio of electorate to members is achieved across the whole area. This will mean that parish areas are unlikely to align with future ward areas.
16. For administrative and financial purposes (such as setting up the parish council and arranging its first precept), changes resulting from a Community Governance Review will take effect on the 1 April following the date on which the Order is made in the year of an election. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. This would ordinarily be in May 2019, however elections have been postponed until 2020. This postponement is now legally effective whether or not LGR proceeds.
17. Orders should be made sufficiently far in advance to allow preparation for the conduct of those elections to be made. In relation to a new parish council, the principal council may wish to consider whether, during the period between 1 April and the first elections to the parish council, it should make interim arrangements for the parish to be represented by councillors who sit on the principal council. For example, that the relevant Members representing the ward form an interim Council. If for example this was the whole of the unparished area the Town Committee would be able to fulfil this role.
18. The 2007 Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007. Furthermore if the Council undertakes a community governance review it must notify Buckinghamshire County Council and if applicable the Shadow Authority that a review is to be undertaken and of its terms of reference; BCC and the Shadow Authority would also be consulted as part of the review.

### **Submitted Petitions**

19. At the meeting of the Full Council held on Monday 10 December 2018, the following two petitions were handed in
  - a petition by the residents of Totteridge for a Community Governance Review with a view to forming a Parish Council in Totteridge.
  - a petition by the residents of Micklefield for a Community Governance Review with a view to forming a Parish Council in Micklefield.

20. A robust validation process was carried out, and the signatories to each petition were checked against the electoral register. The result of the validation process was that in both Micklefield and Totteridge the petitions contained the required number of valid signatories to trigger CGRs to be undertaken. The Council must therefore commence a Community Governance Review in relation to those wards.

### **Further Petitions**

21. There has also been public interest in a Town Council for the whole of the unparished area of the District for some time. Officers have been informed that a petition calling for a Community Governance Review for this area is currently gathering signatures. In addition, the Council is also aware of a further petition calling for a Community Governance Review to establish a parish in the Sands Ward.
22. The question of whether or not to hold a CGR in relation to the unparished area of High Wycombe has been raised several times over the years by elected members and local residents. In 2008 shortly after the implementation of the 2007 Act the new provisions were considered by the High Wycombe Town Committee in the context of the unparished area. At that stage the Committee resolved to receive further information when available. In 2013 there was consideration by the Chartered Trustees of the costs of running a Town Council. However there has not previously been a Community Governance Review of the unparished area. The Council has held Community Governance Reviews in relation to changes to the existing parished areas. As stated above the Council should consider whether to hold a review regularly and every 10-15 years. This Council has not conducted a Community Governance Review of the unparished area within that period and a review is therefore overdue.
23. If the Council does receive a petition after publishing the Terms of Reference for the Reviews for Totteridge and Micklefield the Council will need to consider whether the reviews should be combined. Where a review is already taking place and the principal council receives a community governance application or petition, relating to part of the council's area, which is wholly outside the area under review, then the council must review the application or petition area under one of the following three options:
- Modify the terms of reference of the current review to allow the new application or petition to be considered;
  - Set up a separate review with its own terms of reference;
  - Modify the terms of reference of the current review and undertake a new review for the area – subject to the modification of the terms of reference of the current review and the creation of terms of reference for the new review;

In any of the following cases, where a principal council receives a community governance application or petition, it is for that council to decide what action (if any) to take under Section 82 (power to undertake review) or 81(4)(b) (power to modify terms of reference for a review) in response to that application or petition:

- A review is being undertaken of part of the council's area when the application or petition is received and the application or petition area lies wholly outside the area under review, but the receipt of the application or petition is during the relevant two-year period;

- A review is being undertaken of part of the council's area when an application or petition is received (relating to part of the council's area) and the application or petition area is not wholly outside the area under review;
- A review is being undertaken of part of the council's area when an application or petition is received relating to the whole of the council's area;
- A review is being undertaken of the whole of the council's area when an application or petition is received relating to the whole or part of the council's area;

## **Conclusion of Any Community Governance Reviews**

24. The Council has been told by MHLCG that any community governance reviews should be completed prior to the date that this Council is proposed to be abolished (31 March 2020). The 2007 Act sets out that all community governance reviews should be completed within 12 months. Because of this time limit the completion of a Community Governance Review which is commenced less than 12 months before 31<sup>st</sup> March 2020 may not be possible to complete before this authority is abolished. Changes to give effect to the review will take place at the next elections. Elections taking place in May 2020 will require to give effect to reviews completed before 31<sup>st</sup> March 2020 after that date a new review would need to be conducted to take effect in 2025. The transition period is triggered when the Buckinghamshire Structural Changes Order 2019 comes into force. We do not know when that will be but it is likely that the CGRs taking place for the petitions we have received will not be completed before the transition period begins.

25. The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations of proposals resulting from the review (including proposals to create new parish councils) during the transitional period will sit with the Shadow Authority. If the review which will be undertaken by Wycombe District Council is not completed until the transitional period has begun the Shadow Council will receive the recommendations of the review.

26. In August 2018 amendment regulations were passed relating to the 2008 Regulations the amendment provides that

'Where a predecessor council receives a community governance petition under section 80 or a community governance application under section 80A (a) of the 2007 Act during the transitional period the predecessor council may resolve that the review be undertaken by the single tier council after the reorganisation date.'

However this will not apply when the review is triggered before the transitional period begins.

## **Terms of Reference for Reviews**

27. Section 81 LG&PIHA 2007 requires the principal council to draw up terms of reference specifying the area under review. There is no legal requirement to consult on the terms of reference. The guidance identifies that:

*"the terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities."*

28. The 2007 Act requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
29. The Government expects terms of reference to set out clearly the matters on which a community governance review is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities.
30. Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

## Options

31. As set out in the report, the Council are in receipt of two community governance petitions which have met the required number of valid signatories. Therefore, the Council has a duty to carry out community governance reviews and attached to this report as appendix 'A' is proposed terms of reference for those reviews.
32. The Council is also under a duty to consider whether to hold a Community Governance Review in relation to any area within the District regularly and particularly in the circumstances set out in paragraph 10 above. In the event that a further petition is received and validated the Council will need to consider whether to join that Review with the Review underway. This may have the effect of requiring the Council to change the Terms of Reference for the Review part way through to accommodate areas added.
33. In the event that a valid petition for the whole of the unparished area is received the resultant Community Governance Review would have to be joined to the existing review. Once the Terms of Reference has been published the 12 month time limit is triggered and would continue to completion whether or not additional areas were added to the review. As a consequence, administratively, the Council could be in the position of carrying out a Community Governance Review of the unparished area in a period less than the 12 months allowed. This would create additional challenge alongside the ongoing transition to unitary governance. The alternative is for the Council to exercise its discretion and to begin a Community Governance Review for the whole of the unparished area (which is the only remaining unparished area in Buckinghamshire) so that the review can be planned and managed from the outset without disruption.
34. The purpose of the Community Governance Review is to consider a range of options, these could include a parish for the whole area, a parish for the areas of Micklefield and Totteridge only, a parish for any other specific designated area and no parish or town council at all and a continuance of existing arrangements.
35. The options available to Members are therefore:
  - To carry out a CGR in Micklefield and Totteridge wards only.

- To carry out a CGR in relation to Micklefield, Totteridge and any other areas which Members identify as appropriate for review eg Sands.
- To carry out a CGR in relation to the whole of the unparished area

Proposed terms of reference for these reviews are attached at appendix 'A'.

36. The first step at this stage is to consider making a recommendation to Council that a review should be conducted and to recommend to Council the form of the review and the relevant terms of reference. Members will need to demonstrate reasons for their decisions including any decision not to conduct a Community Governance Review for the unparished area.

## **Implementation**

37. A Community Governance Review which is started now will be likely to be completed during the transition period and will therefore be determined by the Shadow Authority. If a decision is made to create a parish council for any area the parish may start to put administrative arrangements in place, but as with the new Council, elections will not take place until 7<sup>th</sup> May 2020. If the deadlines for a review being conducted before the new Council (ie March 2020) are not met then a parish which is the outcome of the review will not hold its first elections until 2025. In the interim shadow arrangements may be put in place such as the ward councillors acting as interim parish members.

## **Consultation**

38. The County Council and Shadow Authority will need to be advised and consulted.
39. When reviews are carried out, it will be necessary to carry out stakeholder and public consultation before any decision can be made. The requirements and timescales for consultation are set out in the proposed terms of references at appendix A to the report.
40. Section 93 of the Act sets out how Councils must conduct a review - it states amongst other things that Councils are required to consult those local government electors in the area under review, and others which appears to the Council to have an interest in the review

## **Conclusions**

41. Members are requested to consider the size and scope of the Community Governance Review to be conducted and to consider the Terms of Reference for that review.
42. Section 93 of the Act sets out how Councils should conduct a review - it states that Councils are required to consult those local government electors in the area under review, and others which appears to the Council to have an interest in the review.

## **Next Steps**

Decisions of this committee will be recommended to full Council on 21<sup>st</sup> February 2019 for a final decision.

# **Appendix A**

## **Wycombe District Council Community Governance Review (CGR)**

### **Terms of Reference**

#### **Creation of a parish council in Totteridge/Micklefield/(other specified area within the unparished area)**

### **Local Government and Public Involvement in Health Act 2007**

#### **Introduction**

On 10 December 2018 at Full Council two petitions were presented for the creation of a parish council in the unparished district wards of Totteridge and Micklefield.

In undertaking the review, the council will be guided by part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the review: Local Government (Parished and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

#### **The terms of Reference document (ToR)**

Section 81 of the Local government and Public involvement in Health Act 2007 requires the council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference of the review will be published on the Council's website .....

#### **Why is the Council Undertaking the Review?**

In accordance with section 83 (2) of the LGPHIA 2007, where a valid petition is received the council must undertake a CGR that has terms of reference that allow for the petition to be considered.

The petition must be signed as follows:

- (a) if the petition area has fewer than 500 local government electors, the petition must be signed by at least 37.5% of the electors;

(b) if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 187 of the electors;

(c) if the petition area has more than 2,500 local government electors, the petition must be signed by at least 7.5% of the electors.

The petition must—

(a) define the area to which the review is to relate (whether on a map or otherwise), and

(b) specify one or more recommendations which the petitioners wish a community governance review to consider making.

The electorate of Totteridge stands at 4,775 therefore would require 358 signatures. The petition had been signed by 377 electors within the petition area.

The electorate of Micklefield stands at 3,935 therefore would require 295 signatures. The petition had been signed by 307 electors within the petition area.

The wording of the petitions was – Petition: A Community Governance Review for Totteridge/Micklefield. We the undersigned are registered electors in Totteridge/Micklefield High Wycombe. We call upon Wycombe District Council to conduct a Community Governance Review of Totteridge/Micklefield Ward for the Purpose of establishing a separate parish council for the named area. It is our view that a more locally representative body would be best placed to act in the best interests of the residents and community as a whole.

The petition was submitted at Full Council on 10<sup>th</sup> December 2018

In any of the following cases, where a principal council receives a community governance application or petition, it is for that council to decide what action (if any) to take under Section 82 (power to undertake review) or 81(4)(b) (power to modify terms of reference for a review) in response to that application or petition:

- No review is currently being undertaken, but the receipt of the application or petition is during the relevant two-year period;
- A review is being undertaken of part of the council's area when the application or petition is received and the application or petition area lies wholly outside the area under review, but the receipt of the application or petition is during the relevant two-year period;
- A review is being undertaken of part of the council's area when an application or petition is received (relating to part of the council's area) and the application or petition area is not wholly outside the area under review;
- A review is being undertaken of part of the council's area when an application or petition is received relating to the whole of the council's area;
- A review is being undertaken of the whole of the council's area when an application or petition is received relating to the whole or part of the council's area;

**What is a Community Governance Review?**

A CGR is a review of the whole or part of the districts area to consider one or more of the following.

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council , and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

## **Parish Governance in our area**

Wycombe currently has 27 parish councils containing 42 parish wards. There are 10 district wards in Wycombe that are unparished, all these wards are within Wycombe town. Outside of the town all areas are parished, in fact Wycombe town is the only area in Buckinghamshire that is not parished.

## **Who undertakes the review?**

Wycombe District Council will be undertaking the review, if an Order is made to give effect to the Written Ministerial Statement made on 1<sup>st</sup> November 2018 and the transitional period is triggered implementation will fall to the Shadow Council.

## **Consultation**

The Council has now drawn up and publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

In coming to its recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007. The council will conduct the review transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.

In accordance with the Act, representations received in connection with the Review will be taken into account, and steps will be taken to notify consultees of the outcome of the Review. This will be done in accordance with the Council's communications strategy for the Review.

As required the council will also notify Buckinghamshire County Council and any Shadow Authority for the area that the review is being undertaken and provide a copy of the Terms of Reference. Buckinghamshire County Council and any Shadow Authority for the area will also be a consultee in the Review.

## **Timetable of the Review**

Publication of the review formally begins the process. The Review must be completed within 12 months of receipt of the petition.

The timetable for the review can be found below. This timetable is indicative and may be amended at any time.

Action	Timetable
Introductory Stage – Submissions are invited	March - April
Draft proposals are prepared	May
Draft proposal are published	June
Consultation on Draft Proposals	June - August
Final Proposals are prepared	September
Final proposals are published & available for comment	October
Council publishes the Recommendations & makes a Re-organisation order	November

### **Electorate Forecast**

The council will use the current Register of Electors of December 2018 in providing the existing district ward electorate figures.

When the Council comes to consider the electoral arrangements of the parishes in its area it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with day when the review starts. Population projections from the Office for National Statistics will be used.

It is the governments guidance that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the review so that they are available to all who may wish to make representations.

### **The Present Structure of Parishes and their Electoral Arrangements**

As highlighted this Review relates only to the current unparished areas of Totteridge and Micklefield. For completeness however information is included that shows the existing structures of parish governance in the rest of Wycombe. This includes details of the parishes, parish wards, ward representation, overall representation, ratios of electors to councillors, rural/urban designation, and Wycombe District Council's wards. As mentioned the districts in Wycombe town are the only unparished wards in the district. The government's guidance states that principal councils should continually keep their area under review, and it is good practice for a principal council to consider conducting a review every 10-15 years, A CGR has never been conducted on any of the areas within the town.

### **Previously unparished areas**

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenant

associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

Details of such arrangements and their effectiveness as a means of community representation and / or community engagement will be sought as part of the introductory stage submissions. The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

### **Parish Areas**

This Review relates only to the current unparished areas of Totteridge and Micklefield. The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area, and
- is effective and convenient, and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Policy Statement?

### **Alternative Styles**

The 2007 Act has introduced 'alternative styles' for parishes. If adopted, the 'alternative style' would replace the style "parish". However, only one of three prescribed styles can be adopted: "community", "neighbourhood" or "village". In addition, it would be noted that the style of "town" is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a town and vice versa.

Where a new parish is being created, the Council will make recommendations as to the geographical name of the new parish and as to whether or not it would have one of the alternative styles.

## **ELECTORAL ARRANGEMENTS**

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the council;
- the division (or not) of the parish into wards for the purpose of electing councillors;

- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward;
- the name of any such ward.

### **Ordinary year of election**

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979, and every fourth year thereafter. However, district and parishes election in Wycombe have been postponed until 2020. If the LGR proceeds it is likely that the four year cycle and will take place in 2020, 2025 and every fourth year thereafter. The government has indicated that it would want the parish electoral cycle to coincide with the cycle for the new unitary council, so that the costs of elections can be shared.

### **A council for a parish**

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish, for the district areas of Totteridge and Micklefield the following applies:

- Where the number of electors is 1,000 or more – a parish council must be created;

### **Number of councillors**

The number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocation of councillors. However, each grouped under a common parish council must have at least one parish councillor.

The recommended number of councillor are:

Electorate	Councillor Allocation
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
Greater than 20,000	13-31

However, the government guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities”, and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes.

### **Naming of Parish and Town Wards**

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Electoral Services

Wycombe District Council

Queen Victoria Road

High Wycombe

HP11 1BB

## **Appendix A**

### **Wycombe District Council Community Governance Review (CGR)**

#### **Terms of Reference**

**To consider whether to create one or more parishes/town councils for the unparished area of High Wycombe**

#### **Local Government and Public Involvement in Health Act 2007**

#### **Introduction**

In undertaking the review, the council will be guided by part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the review: Local Government (Parished and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

#### **The terms of Reference document (ToR)**

Section 81 of the Local government and Public involvement in Health Act 2007 requires the council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference of the review will be published on the Council's website.

#### **Why is the Council Undertaking the Review?**

Petitions for the creation of two parishes within the town were received in December. There is also potentially two other petitions that will be handed in. One also for the creation of a parish within the town and another for the creation of a Wycombe Town council. This would create four separate reviews, therefore, it would be in the council's best interests to conduct a review of the whole unparished area.

#### **What is a Community Governance Review?**

A CGR is a review of the whole or part of the districts area to consider one or more of the following.

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council , and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

## **Parish Governance in our area**

Wycombe currently has 27 parish councils containing 42 parish wards. There are 10 district wards in Wycombe that are unparished, all these wards are within Wycombe town. Outside of the town all areas are parished, in fact Wycombe town is the only area in Buckinghamshire that is not parished, with Aylesbury and Amersham having a town council.

## **Who undertakes the review?**

Wycombe District Council will be undertaking the review, if an Order is made to give effect to the Written Ministerial Statement made on 1<sup>st</sup> November 2018 and the transitional period is triggered implementation will fall to the Shadow Council.

## **Consultation**

The Council has now drawn up and publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

In coming to its recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007. The council will conduct the review transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.

In accordance with the Act, representations received in connection with the Review will be taken into account, and steps will be taken to notify consultees of the outcome of the Review. This will be done in accordance with the Council's communications strategy for the Review.

As required the council will also notify Buckinghamshire County Council and any Shadow Authority that the review is being undertaken and provide a copy of the Terms of Reference. Buckinghamshire County Council and any Shadow Authority will also be a consultee in the Review.

## **Timetable of the Review**

Publication of the review formally begins the process. The Review must be completed with 12 months of the publication of the Terms of Reference.

The timetable for the review can be found below. This timetable is indicative and may be amended at any time.

Action	Timetable
Introductory Stage – Submissions are invited	March - April
Draft proposals are prepared	May - June
Draft proposal are published	July
Consultation on Draft Proposals	July - September
Final Proposals are prepared	October
Final proposals are published & available for comment	November
Council publishes the Recommendations & makes a Re-organisation order	December

### **Electorate Forecast**

The council will use the current Register of Electors of December 2018 in providing the existing district ward electorate figures.

When the Council comes to consider the electoral arrangements of the parishes in its area it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with day when the review starts. Population projections from the Office for National Statistics will be used.

The Guidance provides that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the review so that they are available to all who may wish to make representations.

### **The Present Structure of Parishes and their Electoral Arrangements**

As highlighted this Review relates only to the current unparished areas in Wycombe town. For completeness however information is included that shows the existing structures of parish governance in the rest of Wycombe. This includes details of the parishes, parish wards, ward representation, overall representation, ratios of electors to councillors, rural/urban designation, and Wycombe District Council's wards. As mentioned the districts in Wycombe town are the only unparished wards in the district. The review should also have regard to the proposed wards of the new Buckinghamshire Council if the relevant Order is made. The Guidance states that principal councils should continually keep their area under review, and it is good practice for a principal council to consider conducting a review every 10-15 years, A CGR has never been conducted on any of the areas within the town.

### **Previously unparished areas**

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other

arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenant associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

Details of such arrangements and their effectiveness as a means of community representation and / or community engagement will be sought as part of the introductory stage submissions. The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

### **Parish Areas**

This Review relates to the current unparished areas of Wycombe town. The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area, and
- is effective and convenient, and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

### **Alternative Styles**

The 2007 Act has introduced 'alternative styles' for parishes. If adopted, the 'alternative style' would replace the style "parish". However, only one of three prescribed styles can be adopted: "community", "neighbourhood" or "village". In addition, it would be noted that the style of "town" is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a town and vice versa.

Where a new parish is being created, the Council will make recommendations as to the geographical name of the new parish and as to whether or not it would have one of the alternative styles.

## **ELECTORAL ARRANGEMENTS**

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the council;

- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward;
- the name of any such ward.

### **Ordinary year of election**

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979, and every fourth year thereafter. However, district and parishes election in Wycombe have now been postponed to 2020. If the LGR goes ahead they are likely to move from the four year cycle and take place in 2020, 2025 and every fourth year thereafter. The government has indicated that it would want the parish electoral cycle to coincide with the cycle for the new unitary council, so that the costs of elections can be shared.

### **A council for a parish**

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish, for the district area of Totteridge the following applies:

- Where the number of electors is 1,000 or more – a parish council must be created;

### **Number of councillors**

The number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocation of councillors. However, each grouped under a common parish council must have at least one parish councillor.

The recommended number of councillor are:

Electorate	Councillor Allocation
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
Greater than 20,000	13-31

However, the government guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities”, and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes.

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