

SLOUGH BOROUGH COUNCIL

REPORT TO: Council

DATE: 23rd July 2013

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WARD(S): All

PART 1 **FOR DECISION**

COMMUNITY GOVERNANCE REVIEW OF PARISH COUNCIL ARRANGEMENTS **WITHIN THE BOROUGH OF SLOUGH**

1. Purpose of Report

At its meeting on 29th January 2013 the Council agreed to carry out a Community Governance Review within the Borough. The Terms of Reference of the Review were agreed and a Member Review Panel established to consider the review and make recommendations to the Council. This report considers the responses to the first stage of the public consultation carried out as part of Review having regard to the law and the guidance on Community Governance Reviews issued by the Department for Communities and Local Government and the Local Government Boundary Commission.

2. Recommendations

The Council is requested to consider the recommendations of the Community Governance Review Group and determine whether to Resolve:

- (a) That feedback be given to Colnbrook with Poyle Parish Council as set out in paragraphs 7.5 to 7.11 of the report for their consideration and that the Council reserves the right to test public opinion at/after the parish council elections if it is not satisfied that the Parish Council is engaging more widely with local people.
- (b) That in the light of the response to the first stage of the consultation a further consultation be undertaken, in accordance with the guidance on Community Governance Reviews, with the electors and other interested parties to gauge views on the future of Britwell and Wexham Court Parishes and their Councils.
- (c) That electors and other interested parties be consulted on proposed changes to the area of Britwell Parish and its Council and its electoral arrangements as set out in paragraph 7.20 – 7.27 and map attached at Appendix 2.
- (d) That Langley Neighbourhood Forum be informed that the case for a new parish council has not been made and that the Forum be advised to consider

returning to this matter at some future date and in the meantime to raise its concerns directly with ward councillors.

If the Council agrees resolution (a) to (c) above, that the Council Resolve:

- (a) The nature of the second stage consultation to be undertaken and that the costs be met from the Contingency Fund.
- (b) That the Returning Officer be authorised to determine all matters in relation to undertaking the consultation following consultation with the Chair of the Review Group and Commissioner for Performance and Accountability and other members of the Review Group if time permits.
- (c) That the Community Governance Review timetable be amended to extend the 2nd stage consultation period to 14th October 2013.

3. **Sustainable Community Strategy Priorities - Cross-Cutting themes**

Civic responsibility - Effective governance arrangements are central to a successful modernised and transformational council and the Community Governance Review is an essential part of those arrangements.

4. **Other Implications**

(a) Financial

There will be a financial cost in conducting the next stage of the Community Governance Review particularly in respect of the consultation process. Costs to date for the Review have been accommodated within existing budgets.

Estimated costs for the Stage 2 consultation process are dependant on the nature of the consultation undertaken and options are set out at Paragraph 8.4. It is anticipated that the consultation will comprise:

- A formal advisory poll/or other survey and
- A letter explaining the stage 2 consultation delivered to all residents in both parishes, interested groups and parties seeking comments and
- A letter to the two existing Parish Councils and attendance at meetings if requested and
- Public notice of the consultation in local newspapers, council offices and the website.

Depending on the nature of the consultation, costs would range from £16,500 to £45,000. There is no specific budget provision for these additional costs and they would need to be agreed to be funded from the contingency fund.

Risk Management

Risk	Mitigating action	Opportunities
Legal Risk of legal challenge to	Seek legal advice at all stages of the Review	Proposals must bring about improved community

decisions		engagement, better local democracy and more effective and convenient delivery of local services
Property	N/A	N/A
Human Rights	None at this stage	
Health and Safety	N/A	
Employment Issues	None at this stage	
Equalities Issues	EIA prepared	
Community Support	Ensure consultation is appropriate and engages all interested parties so that community support for the way forward is effectively sought	Community engagement improved as a result of the recommendations of the review
Communications	Consultation is appropriate and engages all interested parties	Residents given the opportunity to influence how their local area is governed
Community Safety	N/A	N/A

<p>Financial</p> <p>See above – No financial provision exists for this review and costs to date have been absorbed within existing budget provision. Budget to carry out extensive consultation needs to be identified. There will be additional costs associated with on-going legal advice and any subsequent challenge to recommendations could involve additional legal costs</p>	<p>Ensure Statutory Guidance on Reviews is followed and recommendations are evidence based.</p>	
<p>Timetable for delivery</p>	<p>The Review must be completed within one year of commencement. The Review timetable is attached to the report. Final recommendations to be reported to November Council meeting.</p>	
<p>Project capacity</p>	<p>Review Manager currently supporting the Review. Additional resource in electoral services required to administer advisory poll.</p>	

Reputation	Ensure Statutory Guidance on Reviews is followed and recommendations are evidence based	
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(b) Human Rights Act and Other Legal Implications

The conduct of a CGR is governed by Local Government and Public Involvement in Health Act 2007 ("the Act"). Slough Borough Council as a principal council must comply with both Part 4, Chapter 3 (Sections 79 to 102) of the Act and the Terms of Reference adopted by the Council for the purpose of carrying out the review. Section 100 of the Act states that a principal council must have regard to the Guidance on Community Governance Reviews. This Guidance is prescriptive. It sets out tests that have to be met

With regard to the dissolution of a Parish Council, the principal council needs to:

1. Consider local opinion including both the local electors and parish councillors;
2. Provide clear and sustained evidence of local support for abolition;
3. Demonstrate local support for abolition over at least a period equivalent to two terms of office of the parish councillors (i.e. at least eight years). This support should be sufficiently informed. This gives a properly constituted parish council a significant opportunity to exercise its functions to enable local people to judge the parish council's ability to contribute to the local quality of life;
4. Consider what arrangements will be in place to engage with communities once the parish council is abolished such as alternative forums run by the local community or residents associations.

New or revised parish electoral arrangements come into force at ordinary parish elections so they usually have to wait until the next scheduled parish elections (2015). They can come into force sooner only if the terms of office of sitting parish councillors are cut so that earlier parish elections may be held for terms of office which depend on whether the parish is to return to its normal year of election. If revised parish electoral arrangements are to be implemented in the third year of sitting councillors' term of office, provision can be made to cut short the term of office of existing councillors to three years. Elections could then take place with all councillors serving a five year term of office enabling the parish to return to its normal year of election.

The changes arising from the Slough (Electoral Changes) Order 2012 (SI 2012/2769), where the Local Government Boundary Commission (LGBCE) made changes to the parish of Britwell, affect the Governance Review change timetable. If the Council wishes to proceed with changes to the parish, the Council will need to submit an application to the LGBCE for consent to the changes to the Parish as part of the LGBCE review process. If consent is granted, the LGBCE will issue a further statutory instrument

(c) Equalities Impact Assessment

An Equalities Impact Assessment (EIA) was completed at the start of the Community Governance Review.

5. Supporting Information

- 5.1 At its meeting held on 29th January 2013 the Council agreed to carry out a Community Governance Review within the Borough area including the parishes and their electoral arrangements, and also other forms of governance in the un-parished areas. It also approved terms of reference for the review and a timetable, and appointed a Review Group comprising the Commissioner for Neighbourhoods and Renewal, two further Labour Group Members and a Member of the opposition to consider the review and make recommendations to the Council.
- 5.2 The aim of the review is to consider and bring about improved community engagement, better local democracy and more effective and convenient delivery of local services, and to ensure that electors across the whole Borough are treated equitably and fairly.

6. Background

- 6.1 There are currently three parish councils within the borough. The electoral arrangements in the parish of Britwell have been affected by the recent borough ward boundary review, by the division of the parish into two wards – Britwell East and West to be effective from the Parish Council elections in 2015. The Local Government Boundary Commission for England (LGBCE) advised as part of its final recommendations that it did not have the power to recommend changes to the external boundaries of parishes as part of their review but that the Borough Council did have the power to effect changes to parish electoral arrangements by undertaking a Community Governance Review. This issue is addressed further in paragraph 7.20 of the report.
- 6.2 The Council must as part of the review consult with local people and take into account any representations made in connection with the review. The review must ensure that the proposed community governance reflects the interests and identities of the community. It must also make certain that the arrangements are effective and convenient for the electors of that community. The Review Group has now completed the evidence gathering first stage of the Review.
- 6.3 As agreed by the Council the review is focused primarily on the parished areas of the Borough but may also consider other forms of community representation which local people may have set up in the Borough and which help make a distinct contribution to the community such as residents' associations, community forums, neighbourhood working groups, tenant management organisations etc.
- 6.4 As Members will know, there are active residents and community groups in various parts of the Borough and it is clearly important that the review should also take these into account, especially if specific proposals are put forward by local people during the consultation stages of the review.

- 6.5 The review may consider the creation, abolition, merging or altering of parish councils and any subsequent electoral arrangements. New parishes may be created as a result of the geography of an area, the make-up of the local community, or sense of identity. All parishes must fall within the existing borough boundary. The timetable for the Review is set out at Appendix 1.

7. Results of Public Consultation

- 7.1 The Review was approved by the Council at its meeting held on 29th January 2013 and launched on 1st February with a new Council webpage, public notices posted at St Martin's Place, libraries and community centres and notification by letter and email to local community and leisure organisations, housing associations, business organisations, the police, the health authority and local schools. The Parish Councils were also notified together with the National Association of Local Councils, Berkshire Association of Local Councils, the Slough District Association of Local Councils and the Slough Council for Voluntary Service.
- 7.2 Parish council chairmen were invited to make submissions to the review and meetings were held with them in March/April followed by drop-in sessions arranged in each of the parish areas.
- 7.3 At its meeting held on 23rd April 2013 the Council agreed to extend the deadline of the initial consultation period to 31st May 2013 following representations from one of the parish councils asking for a meeting with the Review Group and meetings were subsequently held with newly elected Chairmen of Britwell and Wexham Court Parish Councils and also with Thames Valley Police.
- 7.4 Submissions have been made to the Review Group by the parish councils and 22 letters, reports and emails have been received in response to the review, one of which relates to the review as a whole, 16 relate to Colnbrook with Poyle, three to Britwell, one to Wexham Court and one to the Langley area. In addition, 200 responses have been received to surveys carried out by the Slough Labour Party in the Britwell and Wexham Court parish areas, 170 of which relate to Britwell and 30 to Wexham Court. 19 responses have also been received to a survey carried out by local residents in the Colnbrook with Poyle parish area. These responses are discussed in the following paragraphs.

(a) Colnbrook with Poyle Parish Council

- 7.5 In March 2013 the Review Group met Councillor Peter Hood, the Chairman of the Parish Council together with Councillor Ray Angell, (Vice-Chair) who made a submission as part of their response to the public consultation. The submission and the notes of the meeting will be published on the Council's website together with the other views, comments and submissions received.
- 7.6 The majority of the 16 submissions received are positive and supportive of the Parish Council including letters received from the police and schools, the Colnbrook Residents Association and Colnbrook Community Partnership and several local residents all of whom speak of constructive working relationships and valued local services eg. making the village a safer place; obtaining a new bus route; providing hanging baskets in the summer, and the Christmas lights; match funding for community schemes; sports and children's play facilities in local parks; achieving

Green Flag status for Colnbrook recreation ground and Pippins Park; end of term awards at the two schools and financial support for new gym and playground equipment and a local park project, and their active support for school fairs and village fetes.

- 7.7 Other examples which have been given include the Parish Council's sustained work in building a cohesive community that residents can take pride in, and the time and commitment which parish councillors devote to helping make the parish a better place in which to live and work; their initiative in holding regular surgeries in the village where local residents can meet councillors to discuss problems; and the 'Parish Chat' which brings together the various groups and services operating within the parish including the police, the borough council and schools.
- 7.8 The Parish Council's decision to part fund two PCSOs is another example. These additional resources have enabled the Thames Valley Police to carry out a far higher number of speed/High Street operations than would otherwise have been possible and also to spend more time tackling anti-social behaviour and conducting crime reduction operations in the parish area. In the last four years there has been a reduction in the reported number of incidents of anti-social behaviour: 315 in 2009, 256 in 2010, 230 in 2011 and 157 in 2012. There may be many possible reasons for this welcome trend and the police are understandably cautious about attributing the statistics to any particular factors. Nevertheless they have said that they are pleased with the decrease in anti-social behaviour. The Parish Council also work with the police and partners in promoting crime prevention and pride in the local environment eg. the 'Love Where You Live' campaign and seeking to protect the conservation area from inappropriate development and the threat of heavy lorry traffic.
- 7.9 However, a few local residents have been critical, some speaking of a reluctance as they see it on the part of the Parish Council to engage openly and to be open and accessible in terms of the information they provide on their website and notice boards and through the minutes of their meetings. Others connected with the Colnbrook Community Association (CCA) acknowledge that the Parish Council does a lot of good work locally but feel that it is remote at times and appears to operate as a 'closed group' which addresses local issues without engaging openly with local residents. The Parish Council appears to them to be more accustomed to, and comfortable with, telling local people what they are doing rather than asking them what they want from their parish councillors. According to this view, if it is to be truly representative of local residents, the Parish Council needs to be more open and inclusive. It needs to reach out more and be more receptive to new ideas and more responsive to local views. In reaching a view on its recommendations the Review Group took into account that the Parish Council had been established relatively recently in 1995 at the request of the local community.
- 7.10 The results of a survey carried out by local residents showed that a majority of the 19 respondents were very dissatisfied with the way in which the Parish Council represents them, scoring it 1 on a scale of 1 to 10. Most of this small number of respondents felt that their views were ignored, would like to see the Parish Council abolished, and would prefer to be represented by the CRA or CCA. It is proposed that this feedback be drawn to the Parish Council's attention and that they be invited to address the issues which have given rise to these comments.

Review Group Recommendations – Colnbrook with Poyle Parish Council

- 7.11 **(1) That feedback be given to Colnbrook with Poyle Parish Council as set out in paragraphs 7.5 to 7.11 of the report for their consideration.**

(2) That the Council reserves the right to test public opinion at/after the parish council elections in 2015 if it is not satisfied that the Parish Council is engaging more widely with local people.

(b) Britwell Parish Council

- 7.12 In March 2013 the Review Group met Councillor Pat Shine, the Chairman of the Parish Council together with Councillor Alan Tilbury as part of the process of gathering evidence for the review. During that meeting Councillor Shine made a submission to the Review Group in which he suggested that the Parish Council was not delivering services in the way that it should be, nor did it provide value for money, and that the parish precept was too high, particularly bearing in mind that the Parish Council had healthy reserves. In his view too much of the precept had been used to subsidise the bar in recent years: the accounts showed that the bar subsidy amounted to about £23,000 in 2010/11 and £18,000 in 2011/12. The community centre should be self-financing, leaving the precept to fund new services.
- 7.13 Councillor Shine went on to say that in his view the Parish Council was not doing a very good job. He concluded by suggesting that as so much of the parish precept was used to subsidise the community centre and bar, and given the limited nature of Parish Council services available that the whole community could enjoy, parish residents would be better off if the Parish Council were abolished, leaving the Borough Council to run the hall, bar and grounds etc.
- 7.14 Following this meeting the Council received a petition signed by ten parish councillors and the clerk claiming that the Chairman's submission failed to adequately represent the organisation, work and community achievements of the Parish Council, and seeking a meeting with the Review Group so that they could provide a formal response to the review which more accurately reflected the remaining parish councillors' collective view. Following the election of a new Chairman at the Parish Council's AGM in May 2013 a further meeting took place with the Review Group, with the Parish Council represented by Councillor Ollie Isernia and three other parish councillors who outlined their future plans and ideas. The submissions made by the previous and present Chairmen and the notes of both meetings will be published on the Council's website together with the other views, comments and submissions received.
- 7.15 Only two of the written submissions received in response to the review relate to Britwell Parish Council, apart from the petition from the parish councillors and clerk. However, 170 responses have been received to the survey of Britwell residents carried out by the Slough Labour Party, the majority of which appear to be dissatisfied with the Parish Council judging by respondents' answers to the questions posed in the survey and their written comments. It should however be borne in mind that the response represents only 4 % of the electorate.

- 7.16 At their meeting with the Review Group held on 23rd May 2013 the parish councillors made a case for a new, improved approach to the services that the Parish Council provide and to the way in which they intend to work with the local community in the future. In their presentation to the Review Group they drew attention to the good progress that had been made in the last 12 months in putting the bar in profit, compared with the substantial loss that was shown in the accounts for 2011/12. They also outlined future plans and new ideas and their intention to allocate part of the bar profits to funding local organisations. They claimed that it was also their intention to reduce the parish precept at some point in the future.
- 7.17 However the Review Group are not convinced that the Parish Council will make any significant improvements in the way they work or succeed in bringing the community together, bearing in mind that with one exception the parish councillors have been in post for a number of years. It seems that local residents do not accept that the parish precept represents good value for money at £66 per annum for a Band D property. The Review Group also have concerns about the Parish Council's ability to operate effectively and transparently and, whilst some of its services are valued by local people, the Group believe that these and other services could be provided more efficiently and effectively for local residents by other means, and at lower cost.

Review Group Recommendation – Britwell Parish Council

- 7.18 **The Review Group believes that there is a case for abolition of the parish and dissolution of the Parish Council and is recommending as part of this review that local electors and other interested parties are formally consulted on this option as well as on a recommended change to the parish boundary in the interim period. The Group noted that the statutory guidance required evidence of local support for abolition over at least a period equivalent to two terms of office of the parish councillors and that the consultation would therefore be a mechanism to formally gauge views on the future of Britwell Parish Council.**
- 7.19 **It is also intended that the Council should test public opinion again in a further four year's time.**

The Review Group have considered what arrangements might be put in place to engage with communities in the area if the parish were to be abolished. Members noted that the new Britwell Centre will provide a venue for recreational and social activities as well as learning and the local library. Parties and events could be supported by a temporary bar. A local Neighbourhood Action Group was established as part of the estate regeneration and residents have played a big part in supporting regeneration through the Britwell Neighbourhood Board which could be developed to provide a strong local representative forum focused on improving the area to meet local people's needs. The existing parish council building could continue to be used, linked with its outdoor recreation space, as a centre for local young people and sport.

Britwell Parish Boundary

- 7.20 In last year's review of the borough ward boundaries the Local Government Boundary Commission for England (LGBCE) agreed revised electoral arrangements for Britwell parish to take account of the statutory requirement that if a parish is to be divided between different borough wards it must also be divided into parish wards so that each parish ward lies wholly within a single borough ward. The LGBCE agreed that Britwell Parish Council should return 13 councillors, as at present, representing two wards: Britwell West (returning one member) and Britwell East (returning 12 members). This warding is effective from the parish elections in 2015.
- 7.21 Members will be aware that the Council is currently undertaking a review of polling districts. Each parish must be contained within a polling district(s) and polling districts cannot include parished and non parished areas in the same polling district. The LGBCE decision to create Britwell West (now in Haymill and Lynch Hill ward) does not therefore create a long-term solution and the Review Group agreed that some adjustments would need to be made to the parish boundary in the light of changes made to borough ward boundaries. As part of the review the Council wishes to ensure that the Review leads to parishes that are based on areas which reflect community identity and interest and which are viable as an administrative unit. The Group initially recommended removing the part of the existing parish that would fall into the new Haymill and Lynch Hill ward (Britwell West Parish Ward) and realigning the parish with the Britwell and Northborough local government western boundary. This would remove the ambiguous single member parish ward and the member representing it would result in the number of parish councillors being reduced by one to twelve with effect from 2015.
- 7.22 However having considered the evidence presented the Review Group also wish to recommend that the Parish boundary be altered along the Long Readings and Long Furlong Road to use these major roads as boundaries for the parish and remove existing anomalies to take effect from 2014. The Parish area would be determined by the borough boundary to the north, the new Britwell and Northborough ward boundary to the west, Long Furlong Drive to the south and Wentworth Avenue to the east. It would comprise 859 properties and have an electorate of 1,653 drawn tightly around the community hall and related recreation areas and facilities run by the Parish Council and used by local residents. See attached map at Appendix 2.
- 7.23 This will have implications for council size. If the parish area and electorate are to be reduced in size, as proposed, there is also a case for a corresponding reduction in the number of parish councillors. Legislation establishes five councillors as the minimum number for a parish council but does not make any link between the number of electors and the size of a council. The National Association of Local Councils believes that seven should be minimum size and has published some guidance which the Group has taken into account.

Having considered the representations made to it the Review Group believes that given the evidence of division within the existing Parish Council and lack of achievement and direction a smaller Parish Council would be able to operate in a more strategic and focussed way and bring about improved community engagement and more effective and convenient delivery of local services.

- 7.24 There is no requirement in law for the number of councillors to be proportionate to electorate size, although the criteria in the statutory guidance are clearly relevant to this issue together with a number of practical considerations. Having taken these into account, the Group is satisfied that a smaller Parish Council would be able to conduct parish business efficiently and effectively for residents living in the reduced parish area, and be able to cope with the workload. They also consider that a reduction in council size would be sustainable in the medium to long term.
- 7.25 The LGBCE revised electoral arrangements for Britwell Parish will come into effect on 2015. The Council therefore needs to address any proposals to alter the term of office for Parish Councillors in its consultation document. Once the Council's consultation process has concluded, it will need to apply for the LGBCE's consent to any proposed changes to the parish. If the LGBCE consents to the changes, a statutory instrument will need to be issued to give effect to any agreed changes
- 7.26 The Group have therefore concluded that the Council should consult on a reduction in the number of parish councillors to seven as part of the changes proposed to the parish boundaries on the grounds that changes to council size, population and boundaries would bring about improved community engagement, better local democracy and more effective and convenient delivery of local services.

Review Group Recommendations – Britwell Parish Council Boundary and Electoral Arrangements.

- 7.27 **That electors and other interested parties be consulted on the following recommendations:**
- (1) that the Council recommends changes to the Britwell parish boundaries as shown on map attached at Appendix 2 and a corresponding reduction in the size of the Parish Council to seven councilors.**
- (2) that the term of office of the existing Parish Councillors be reduced by one year from 2015 to 2014 in order to bring these changes into effect from May 2014 and that newly elected councillors serve a five year term of office initially and then revert to the traditional four year term.**

Wexham Court Parish Council

- 7.28 In April 2013 the Review Group met Councillor Carl Egan, the Chairman of the Parish Council together with the clerk as part of the process of gathering evidence for the review. Subsequently, the Parish Council elected Councillor Sandra Malik as their new Chairman at the Parish Council's AGM in May 2013 and the Review Group have since met her following their earlier meeting with the previous Chairman in April. The notes of the meetings with the previous and present Chairmen will be published on the Council's website together with the other views, comments and submissions received.
- 7.29 Only one of the written submissions received in response to the review relates to Wexham Court Parish Council. However 30 responses have been received to the survey of Wexham Court residents carried out by the Slough Labour Party, the majority of which appear to be dissatisfied with the Parish Council judging by

respondents' answers to the questions posed in the survey and their written comments. It should however be borne in mind that the response represents less than 1 % of the electorate.

- 7.30 The Review Group seriously doubts that the Parish Council is working in the best interests of local residents or, based on comments made by parish councillors, that its governance arrangements are sound. The Group's attention has been drawn to a number of concerns, one being relationships between parish councillors and staff, and others relating to the management of staff, financial management, procurement arrangements, and its lettings policies. In one way or another, these matters are all fundamental to the good management of a parish council, its reputation and efficiency. Wexham Court Parish Council is urged to review and resolve these matters, and if necessary to seek professional advice on employment matters. It also appears to the Review Group that there is little public awareness of what the Parish Council does and an impression that it serves only a small part of the parish area.

Review Group Recommendation – Wexham Court Parish Council

- 7.31 **The Review Group seriously doubts that the Parish Council is working in the best interests of local residents or, based on comments made by parish councillors, that its governance arrangements are sound. It has therefore concluded that there is a case for abolition of the parish and dissolution of the Parish Council and is recommending as part of this review that local residents and other interested parties are formally consulted on this option. The Group have noted that the statutory guidance requires evidence of local support for abolition over at least a period equivalent to two terms of office of the parish councillors and that the consultation would therefore be a mechanism to formally gauge views on the future of Wexham Court Parish Council.**

The Review Group recommends that the Parish Council addresses the governance issues that have been identified and seeks professional advice on employment matters

- 7.32 **It is also intended that the Council should test public opinion again in a further four year's time.**
- 7.33 The Review Group have considered what arrangements might be put in place to engage with communities in the area if the parish were to be abolished. Members noted that the parish facilities could equally well be run by the borough council. The parish hall could be developed to provide a community hub operating on the same principles as the one in Chalvey, opening up to the wider local community and encouraging its use for community functions.

(c) Langley

- 7.34 Representations have been received on behalf of Langley Neighbourhood Forum calling for a new parish council to represent the areas of Langley comprising Kedermister, St Mary's Langley and Foxborough on the grounds that this would give local people a more effective voice in overall planning particularly as it relates to Langley.

- 7.35 Although the Review Group welcomed this proposal they were disappointed not to have received more evidence that the Forum had tested public support for a new parish council by engaging local people on questions such as what services a new parish council might provide, the level of parish precept that would be needed to fund a new parish council of this size, and whether there was support for the boundaries encompassing such a large area. The boundary issue was particularly important as a parish council comprising three wards would be much larger than average and this could pose problems for governance in terms of the size of the council and how it would represent and communicate with its electorate. These are some of the tests that the Group would expect the Forum to meet in putting forward a proposal for consideration, together with evidence of public support.
- 7.36 It is clear from the replies received from the Neighbourhood Forum that it has not progressed its thinking sufficiently to enable a proposal to be put forward for consideration as part of this review. Nor does it appear to have wide enough support for a new parish council. It is also clear that the Forum has a number of concerns about planning and specific planning matters that it should be encouraged to discuss with the Borough Council. Some of the detailed points of concern could be raised with ward councillors or perhaps resolved in discussion with planning officers.

Review Group Recommendation – Langley Neighbourhood Forum

- 7.37 **That Langley Neighbourhood Forum be informed that the case for a new parish council has not been made and that the Forum should be advised to consider returning to this matter at some future date and in the meantime to raise its concerns directly with ward councillors.**

8. Draft Proposals

- 8.1 Section 100 of the Local Government and Public Involvement in Health Act 2007 provides for guidance to be issued regarding community governance reviews and for local authorities to have regard to that guidance. The key paragraphs relating to abolition of parishes and the dissolution of parish councils, are set out in full as follows:
- 117.** While the Government expects to see a trend in the creation, rather than the abolition, of parishes, there are circumstances where the principal council may conclude that the provision of effective and convenient local government and/or the reflection of community identity and interests may be best met, for example, by the abolition of a number of small parishes and the creation of a larger parish covering the same area. If, following a review, a principal council believes that this would provide the most appropriate community governance arrangements, then it will wish to make this recommendation; the same procedures apply to any recommendation to abolish a parish and/or parish council as to other recommendations (see paragraph 90 -97). Regulations provide for the transfer of property, rights and liabilities of a parish council to the new successor parish council, or where none is proposed to the principal council itself.
- 118.** Section 88 of the 2007 Act provides for a community governance review to recommend the alteration of the area of, or the abolition of, an existing parish

as a result of a review. The area of abolished parishes does not have to be redistributed to other parishes, an area can become unparished. However, it is the Government's view that it would be undesirable to see existing parishes abolished with the area becoming unparished with no community governance arrangements in place.

- 119.** The abolition of parishes should not be undertaken unless clearly justified. Any decision a principal council may make on whether to abolish a parish should not be taken lightly. Under the previous parish review legislation, the Local Government and Rating Act 1997, the Secretary of State considered very carefully recommendations made by principal councils for the abolition of any parish (without replacement) given that to abolish parish areas removes a tier of local government. Between 1997 and 2008, the Government rarely received proposals to abolish parish councils, it received only four cases seeking abolition and of these only one was approved for abolition by the Secretary of State.
- 120.** Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the 2007 Act provisions, the principal council would need to consider local opinion, including that of parish councillors and local electors. It would need to find evidence that the abolition of a parish council was justified, and that there was clear and sustained local support for such action. A factor taken into account by the Government in deciding abolition cases, was that local support for abolition needed to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (i.e. 8 years), and that such support was sufficiently informed. This means a properly constituted parish council should have had an opportunity to exercise its functions so that local people can judge its ability to contribute to local quality of life.
- 121.** Where a community governance review is considering abolishing a parish council we would expect the review to consider what arrangements will be in place to engage with the communities in those areas once the parish is abolished. These arrangements might be an alternative forum run by or for the local community, or perhaps a residents' association. It is doubtful however, that abolition of a parish and its council could ever be justified as the most appropriate action in response to a particular contentious issue in the area or decision of the parish council.
- 122.** In future, principal councils will wish to consider the sort of principles identified above in arriving at their decisions on whether or not to abolish a parish council. In doing so, they will be aware that decisions about community governance arrangements, including decisions for the abolition of a parish council, may attract a challenge by way of judicial review.

NOTE: In reaching a decision on the two parish councils the Review Group and the Council will need to be satisfied on the following points in each case:

- (a) Whether there is clear evidence of local support for the abolition of the parish and the dissolution of the parish council;

- (b) Whether such support has been maintained over a sufficient length of time (i.e. that the case for abolition has not been generated in the short term by an unpopular decision of the council, or a particular year's parish precept etc);
- (c) Whether the support is sufficiently informed (i.e. that a properly constituted parish council has had an opportunity to exercise parish functions and that local people therefore have had an opportunity to assess whether the parish council can contribute positively to local quality of life); and
- (d) Whether it can be demonstrated that suitable alternative arrangements are in place for engaging the local community.

8.2 The legislation provides that recommendations can be made for the continued existence of a parish, the alteration of a parish, the alteration of the area of a parish, or the abolition of a parish.

8.3 One way of testing local support for or against the abolition of the Britwell and Wexham Court Parish Councils would be to consult local government electors for each of the two parish areas by way of a poll and, in order to meet statutory requirements, also to consult the two Parish Councils and other persons or bodies which appear to the Council to have an interest in the review.

8.4 This could be organised as a conventional poll with local electors having the option to vote at a polling station or apply for a postal vote in the usual way, if they are registered for a postal vote. The poll could be carried out on an all-postal basis or alternatively the Council could commission an independent door step survey comprising a statistically sound sample of the population. The outcome of the poll or survey cannot however be binding on the Council as it is required by law to consult widely and consider representations from parish councils and other persons or bodies which appear to have an interest in the review. The poll/survey would therefore be advisory. The pros and cons associated with the different types of polls/survey are set out below.

Type of Poll/ Survey	Pros	Cons	Costs (estimate)	Other Council's
Conventional Poll	Electors understand the process Existing postal voters receive a postal vote	Turnout may be low	£11,500	Portsmouth City Council commissioned a conventional poll in July 2009 for operational and cost reasons.
All postal poll	All electors receive voting slip Turnout may be greater than with a conventional poll Mechanism used by others as part of CGR	More costly than a conventional poll	£25,000	Portsmouth City Council subsequently undertook an all postal poll in 2010
Door step survey	<ul style="list-style-type: none"> Guaranteed response from statistically sound sample of population Meet market 	Costly Difficult to deliver the consultation and results quickly	Cost will be affected by the time in which the survey must be carried out and	

	research professional standards <ul style="list-style-type: none"> Independent in asking the question and analysing 		the report presented – a shorter time period would mean the researchers would need to put more field staff in increasing their costs. Costs based on Chalvey Halt exercise and advice from Policy is £40,000 This can only be an estimate at this stage as it will depend on specification and timing.	
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- 8.5 The Council's recommendations, whatever form they take, must bring about improved community engagement, better local democracy and result in the more effective and convenient delivery of local services. Without appearing to predetermine the outcome of a poll the Council must be seen to have considered how it proposes to support local communities if either or both of the parish councils were to be abolished and how it would arrange the delivery of existing and new services either directly or through other local agencies or voluntary groups. The Council's plans in this regard would reassure local residents that those services that they enjoy locally would continue in some form and indeed that other services would be provided and that their needs would be met in what might otherwise appear to be an uncertain future.

9 **Appendices**

Appendix 1 Timetable for Community Governance Review
Appendix 2 Map of proposed alteration to area of Britwell Parish Council

10 **Background Papers**

Consultation responses.