

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 27<sup>th</sup> November, 2018

**CONTACT OFFICER:** Community Governance Review Group  
Catherine Meek, Head of Democratic Services

**(For all enquiries)** (01753) 875011

**WARDS:** All

### **PART 1**

### **FOR DECISION**

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

### **1. Purpose of Report**

This report outlines the responses to the 2<sup>nd</sup> stage of the public consultation carried out as part of the community governance review of the Borough Council area and the recommendations of the Community Governance Review Group.

### **2. Recommendations**

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

#### **Britwell Parish Council**

1. That the results of the advisory postal poll, the representations made by Britwell Parish Council and the written responses received during the consultation be noted.
2. That in light of the response to the consultation and findings of the Review as set out at paragraph 5.14 of this report, an extraordinary meeting of the Council be called on 18<sup>th</sup> December, 2018 to determine the abolition of Britwell Parish Council with effect from 1<sup>st</sup> April, 2019.
3. That, in the event recommendations 1 and 2 above are approved, the Director of Finance and Resources be requested to prepare:
  - a report to include how the facilities and services provided or supported by Britwell Parish Council will be supported and developed in the event of their abolition;
  - a draft order for the abolition of the Britwell Parish Council and the Civil Parish to take effect on 1<sup>st</sup> April, 2019, and
  - a timetable of consequential actions.

## **Colnbrook with Poyle Parish Council**

1. That the written responses received in relation to Colnbrook with Poyle Parish Council be noted.
2. That the results of the advisory postal poll on whether the parish council is effective and engages effectively with local people be noted.
3. That the parish council be urged to give consideration to the views expressed via the poll and improve its engagement with local people with an emphasis on the Westfield/Brands Hill area (PD CPA), where the poll demonstrated lower levels of public support.
4. That the borough council will review the parish's performance again toward the end of its next term of office and reserves the right to test public opinion in a further advisory postal poll if it is not satisfied that it is engaging widely with local people.

## **Wexham Court Parish Council**

1. That the results of the advisory postal poll, the written responses received during the consultation and the audit report of the governance arrangements of the Parish be noted.
2. That in light of the response to the consultation and findings of the Review as set out at paragraph 5.31 of this report, an extraordinary meeting of the Council be called on 18<sup>th</sup> December, 2018 to determine the abolition of Wexham Court Parish Council with effect from 1<sup>st</sup> April, 2019.
3. That, in the event recommendations 1 and 2 above are approved, the Director of Finance and Resources be requested to prepare:
  - a report to include how the facilities and services provided or supported by Wexham Court Parish Council will be supported and developed in the event of their abolition;
  - a draft order for the abolition of the Wexham Court Parish Council and the Civil Parish to take effect on 1<sup>st</sup> April, 2019, and
  - a timetable of consequential actions.

### **3. The Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

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

#### **1. Other Implications**

##### **(a) Financial**

If Council decides to abolish a parish council the Borough Council will have to 'wind up' its the assets and existing liabilities. A further report will be submitted setting out more detailed financial implications that may arise from a decision to abolish at a meeting to approve the abolition order.

## Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
Legal challenge to decisions	Seek legal advice at all stages of the Review	The aim of the review is to bring about improved community engagement, better local democracy and more effective and convenient delivery of local services
Human Rights	None at this stage	
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

Financial  No financial provision exists for this review and costs to date have been absorbed within existing budget provision. There may be additional costs associated with on-going legal advice and any subsequent challenge to recommendations could involve additional legal costs	Ensure Statutory Guidance on Reviews is followed and recommendations are evidence based.	
Timetable for delivery	The Review must be completed within one year of commencement.	
Project capacity	Head of Democratic Services is the Review Manager currently supporting the Review with Project Officer support. ERS were commissioned to administer the advisory polls.	
Reputation	Ensure Statutory Guidance on Reviews is followed and recommendations are	The outcomes of the review may address longstanding concerns

	evidence based	about governance and probity in the borough
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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. The council must have regard to the Guidance on Community Governance Reviews the relevant sections of which are set out in full at Appendix 1 to this report.

With regard to the dissolution of a Parish Council, the Council needs 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.

(c) Equalities Impact Assessment

An Equalities Impact Assessment (EIA) was completed at the start of the Community Governance Review to ensure those with protected characteristics were not disadvantaged during the consultation. Should the recommendations in this report be adopted, a further assessment will be undertaken to inform decision-making on 18<sup>th</sup> December.

## **4. Background**

- 4.1 At its meeting on 24<sup>th</sup> April 2018 the Council agreed to carry out a Community Governance Review within the Borough area including the parishes and their electoral arrangements. The Council approved terms of reference and timetable for the review and appointed a Review Group comprising Councillors Hussain Swindlehurst, Cheema, Mann, Wright and Strutton to undertake the task and make recommendations to the Council.
- 4.2 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.
- 4.3 The review should ensure that electors are consulted, that local arrangements are effective and convenient, and that the interests and identities of the community are reflected in local governance arrangements.
- 4.4 It is focused primarily on the parished areas of the Borough but may also consider other forms of community representation which help make a distinct contribution to the

community such as residents' associations, community forums, neighbourhood working groups etc.

- 4.5 The review may consider the creation, abolition, merging or altering of parish councils and any subsequent electoral arrangements. New parishes may be created to reflect 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.
- 4.6 Details of the current Parish Band D Precept, number of Parish Councillors, electorate sizes and 5 year forecast of the electorate for the three parished areas of the Borough are set out below.

#### **Parish population and precepts**

<b>Parish</b>	<b>Number of councillors</b>	<b>Electorate 2017</b>	<b>Electorate 5 year forecast to 2022</b>	<b>Precept (Band D) £</b>
Britwell	7	1,735	1,740	66.10
Colnbrook with Poyle	12	4,228	4,388	49.40
Wexham Court	11	3,531	3,771	36.72

#### **5. Results of Public Consultation**

- 5.1 The 2<sup>nd</sup> stage of the public consultation was approved by the Council at its meeting on 27<sup>th</sup> September, 2018 and was launched on 1<sup>st</sup> October.
- 5.2 Consultation comprised an updated Council webpage, public notices posted at St Martins Place, libraries and community centres, and letters and emails to local community and leisure organisations, housing associations, business organisations, the police, the health authority and local schools.
- 5.3 Consultation also included an advisory postal poll of voters in all three parish areas on the following questions:  
**Britwell** – Should the parish council be abolished  
**Wexham Court** – Should the parish council be abolished, or if not should it have its boundary and size changed?  
**Colnbrook with Poyle** – Does the parish council provide effective services and engage effectively with local people?
- 5.4 Slough's 3 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 Services. All those consulted were invited to submit their views on the Council's proposals by 9<sup>th</sup> November, 2018.
- 5.5 In response to the above, 27 letters, and emails were received, 4 in relation to Wexham Court, 16 to Britwell and 7 to Colnbrook with Poyle. In addition, a response has been received from Britwell Parish Council.
- 5.6 Copies of all of the written comments received are at appendix 2.

## Review Group Deliberations

5.7 The review group considered each parish council in turn, taking into account its history, concerns noted earlier in the review, the results of the postal poll, and the specific responses received. It also took into account the public funding of the councils and the extent to which each delivered tangible benefits to its residents.

### Britwell Parish Council

5.8 The review group noted that in 2013 the Borough Council was sufficiently concerned about the effectiveness of the parish that it consulted parish electors on its abolition. The majority of voters supported abolition, whereupon the Borough Council resolved to test public opinion again in four years' time, and in the meantime reduced its size and number of councillors and simplified its boundaries to enable better performance. The postal poll had a turnout of 27% and the poll result was 566 (57%) in favour of abolition and 424 (43%) against.

5.9 In 2018 the review group was concerned that the parish had not made any significant improvements in the way it worked, other than removing its direct involvement in running the Chicken Ranch bar, or that it has succeeded in bringing the community together despite it being a smaller parish council.

5.10 In response to the recent consultation, 16 comments were received. Of the 9 in favour of abolition, amongst other things responders said that there appeared to be little point in having the parish council and that the precept was not value for money. 7 responses favoured retention of the parish, specifically retaining the grounds for community use. There was also support for the community activities provided on the grounds and the cohesion these promoted and provided.

5.11 A response was also received from the parish council, responding to each of the points in the Borough Council leaflet accompanying the postal ballot papers. The response emphasised the local activities taking place in the community centre and surrounding grounds, its recent focus on strategy and its close working with the Neighbourhood Action Group.

5.12 Noting its work with others to provide services and a lack of clarity about how the Borough taking over parish activities would improve services for residents, the parish argued that its abolition would result in a democratic deficit.

5.13 The advisory postal poll was held between 20<sup>th</sup> October and 9<sup>th</sup> November when the following question was put to voters – 'Do you support the abolition of Britwell Parish Council?'

Number of eligible voters:	1805
Total number of votes cast:	544
Turnout:	30.14%
Number of votes found to be invalid:	5
Total number of valid votes counted:	539

### Result

Number voting	YES .....259. (48.0% of the valid vote)
Number voting	NO .....280 (51.9 % of the valid vote)
	TOTAL 539 (100% of the valid vote)

## Consideration by the Review Group

5.14 The review group considered all the above at its meeting on 13<sup>th</sup> November and made the following observations:

- Some people may have voted in the postal poll as well as submitting an on line comment; it could equally be that a number of the responses were additional votes to the poll and the table in 5.13;
- The poll results indicated support for the retention of the parish, but taken alongside the general comments received, the outcome was balanced with more or less equal support for abolition and retention. Turnout for the Poll at 30.14 % was low and there had only been 16 other submissions on the Council's recommendations indicating an overall general lack of interest in the future of the parish;
- The electorate of the parish had, since 2014, consisted only of those people living in close proximity to the parish council buildings and community grounds and these people were therefore more likely to use the facilities than had been the case when the council was larger. Despite this, the poll results did not demonstrate overwhelming support for the parish council – there was still significant continuing support from the electorate for its abolition;
- Significant support for abolition has been evident since 2013, when the first poll was undertaken;
- A reduction in hiring charges for the hall appeared to be the only benefit that parish residents received for their precept making it questionable value for money for the majority of residents. A resident would have to hire the hall on several occasions per annum to be better off than a non-precept payer;
- One of the respondents indicated particularly that the parish precept of £66 per annum for a Band D property did not represent good value for money. Many residents of the Britwell estate are on low incomes and costs to householders are therefore a particular concern;
- In 2013 the parish council advised the review group that it planned to reduce the precept, but this has not happened;
- No evidence was provided that the parish council was likely to make and sustain any significant improvements in the way it works or succeed in bringing the community together. The majority of the activity and events detailed in the parish council's submission as reasons for its continued existence were provided by community groups themselves or the Borough Council;
- The parish council had used information fliers in the past to communicate with residents, but now mainly relied on word of mouth, question time at (poorly attended) council meetings and the website. However the website was out of date and the council had no immediate plans to update it;
- The parish council had ceased its direct involvement in running the Chicken Ranch bar, but no other improvements in the way it worked;
- There was no evidence that the reduction in size of the parish council had resulted in

it operating in a more strategic, effective or focused way or delivering improved community engagement, better local democracy and more effective and convenient local services. It was noted that a serious fraud had consumed much of the council's attention immediately after the last elections, but there was no evidence that during the significant period of time which has elapsed since then any improvement has been made;

- The fraud by parish staff resulted in a loss of public money;
- Should the parish council be abolished, its property, rights and liabilities transfer to, and vest in, the borough council. In this event the borough council could provide support to former parish council staff to secure other employment or redeployment opportunities;
- Concerns had been expressed about development of parish land in the event that the parish was abolished. All of the parish council land is currently designated as public open space and as such is protected from development by Core Policy 2 (Green Belt and Open Spaces) which states: 'existing private and public open spaces will be preserved and enhanced. Where, exceptionally, it is agreed that an open space may be lost a new one, or suitable compensatory provision will be required to be provided elsewhere';
- In the event of abolition, the borough council has no plans to change the status of the community centre and the borough council would work with the Neighbourhood Forum and other relevant groups to that end. 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. The nearby Britwell Hub on Wentworth Avenue provides a further local venue for recreational and social activities as well as learning and the local library. A Northern Neighbourhood Forum has been established as part of the joint partnership between Osborne and the borough council and it is intended the forum will be developed to have a wider remit focused on improving the area to meet local people's needs and engage with wider borough council services;
- In the event of abolition it was noted that the borough council currently offers concessionary rates to voluntary and charitable organisations at all its community centres and these charges are reviewed on an annual basis to ensure they adequately support local groups. The borough council's 'Five Year Plan' makes it clear that it will work to build on the strengths of communities, including supporting local community groups and seeks a flexible approach to achieve the widest benefit to the local community. Between the Britwell Hub, the facilities on the parish site and elsewhere in Britwell, the capacity exists to accommodate all the various groups currently using the community building;

Having carefully considered all the above, the review group made the following recommendations:

1. That the results of the advisory postal poll, the representations made by Britwell Parish Council and the written responses received during the consultation be noted.
2. That in light of the response to the consultation and findings of the Review as set out at paragraph 5.14 of this report, an extraordinary meeting of the Council be called on 18<sup>th</sup> December, 2018 to determine the abolition of Britwell Parish Council with effect from 1<sup>st</sup> April, 2019.
3. That, in the event recommendations 1 and 2 above are approved, the Director of

Finance and Resources be requested to prepare:

- a report to include how the facilities and services provided or supported by Britwell Parish Council will be supported and developed in the event of their abolition;
- a draft order for the abolition of the Britwell Parish Council and the Civil Parish to take effect on 1<sup>st</sup> April, 2019, and
- a timetable of consequential actions

### **Colnbrook with Poyle Parish Council**

- 5.15 As part of the 2013 Community Governance Review the Council had concerns about Colnbrook with Poyle Parish Council's engagement with local people and the borough council reserved the right to test public opinion in an advisory postal poll at or after the next parish council elections in 2015 if it was not satisfied that the Parish Council was engaging more widely with local people.
- 5.16 At its meeting in September the Council acknowledged that submissions received at Stage one of the 2018 Review contained conflicting views about the value of the services the parish provides and whether it benefits, or was representative of, Colnbrook.
- 5.17 The borough council did not consider it had been provided with substantial evidence that the parish council was engaging more widely with local people and had received views where the value of the parish council was queried. As the views of local people had not been formally sought since the parish council's establishment in 1995, the borough council agreed that public opinion on its effectiveness should be tested.
- 5.18 The borough council therefore agreed that electors and other interested parties be formally consulted on whether the parish council is providing effective services and engaging effectively with local people, this consultation included an advisory postal poll of electors in the parish.
- 5.19 Seven written comments have been received in response to the 2<sup>nd</sup> stage consultation. Six of the views expressed are in support of the parish council whilst acknowledging that there was room for improvement. It should be noted that three of the submissions are from the same individual, two of which are supportive and one indicating a view that the poll question was unclear and could be classed as two separate questions. One comment indicated that they were unaware of what the Parish council did and would be happy to see it go.
- 5.20 The advisory postal Poll was held between 20<sup>th</sup> October and 9<sup>th</sup> November, 2018. The following question was put to voters: - Do you consider that Colnbrook with Poyle Parish Council is providing effective services and engages effectively with local people?

Number of eligible voters:	4313
Total number of votes cast:	1197
Turnout:%	27.75
Number of votes found to be invalid:	4
Total number of valid votes counted:	1193

## Result

Number voting YES .....	640 (53.6% of the valid vote)
Number voting NO .....	553 (46.4% of the valid vote)
	TOTAL 1193 (100% of the valid vote)

The result was further broken down by Polling District as follows:

Polling District CPA (Westfield)	YES	229	NO	227
Polling District CPB (Village)	YES	192	NO	150
Polling District CPC (Pippins)	YES	211	NO	162

- 5.21 The consultation responses in support of the Parish Council recognise that there was room for improvement and that according to some views, if it was to be truly representative, the Parish Council needed to be more open and inclusive. It needed to reach out more and be more receptive to new ideas and more responsive to local views.
- 5.22 Evidence submitted from local businesses, voluntary groups etc demonstrated that the Parish Council had the support of, and was valued by, local businesses, the police and community groups.
- 5.23 The Working Group noted that the outcome of the Poll broken down into Polling Districts had demonstrated that the Parish Council needed to engage more with people in Westfield. The Parish council had maintained a narrow level of support. There had been no Brands Hill previous poll to enable a comparison of sustained or reducing levels of support.
- 5.24 The Working Group considered that the Parish Council had demonstrated that it had a clear aim of making Colnbrook with Poyle a better place to live and the Council had a clear role in representing residents views and resolving concerns specifically given public consultation relating to the new runway at Heathrow and the Western Rail Link.
- 5.25 The consultation responses coupled with the outcome of the Poll led the Working Group to recommend to Council that Colnbrook with Poyle Parish Council be advised of the need to consider and address the feedback from the Review about the Parish's effectiveness and engagement with local people and that the Council would reserve the right to test public opinion in the future if it was not satisfied that the Parish Council was providing effective services and engaging more effectively with local people.

### **Review Group Recommendation:**

- 1 That the written responses received in relation to Colnbrook with Poyle Parish Council be noted.
- 2 That the results of the advisory postal poll on whether the parish council is effective and engages effectively with local people be noted.
- 3 That the parish council be urged to give consideration to the views expressed via the poll and improve its engagement with local people with an emphasis on the Westfield/Brands Hill area (PD CPA), where the poll demonstrated lower levels of public support.

- 4 That the borough council will review the parish’s performance again toward the end of its next term of office and reserves the right to test public opinion in a further advisory postal poll if it is not satisfied that it is engaging widely with local people.

**Wexham Court Parish Council**

- 5.26 The review group noted that in 2013 the borough council was sufficiently concerned about the effectiveness of the parish that it consulted parish electors on its abolition. The postal poll had a turnout of 26.5% and the poll result was 426 (45%) in favour of abolition and 522 (55%) against. The majority of voters supported its retention but the borough council reserved the right to test public opinion again in the future if concerns continued about governance. The parish council was specifically urged to address the identified governance issues and seek professional advice on employment matters.
- 5.27 In 2018 the review group identified continuing concerns about the parish’s governance and agreed to consult again with local electors and other interested parties on possible abolition as well as changes to the parish council boundary, number of councillors and name of the parish if there was support for its retention.
- 5.28 In response to this consultation 4 written comments were received, 2 of which express support for the parish, 1 saying the parish councillors understood the needs of the local area, 1 seeks the removal of Norway Drive from Slough and its relocation in a separate town of Wexham, and 1 expressing sadness should the parish council go. There was a suggestion that some improvements are necessary, eg parish councillors should be from the area and that greater support was needed from the borough.
- 5.29 The review group was advised in September that, as part of a rolling series of audits of the parish councils in Slough, an audit of the parish’s governance arrangements had been undertaken. The review group noted that the report was in draft, but it identified that the control framework required significant improvement. In November the review group considered the finalized report, which is attached at appendix three to this report.
- 5.30 The advisory postal poll was held between 20<sup>th</sup> October and 9<sup>th</sup> November, 2018. Two questions were put to voters:

Q1 Do you support the abolition of Wexham Court Parish Council?

Number of eligible voters:	3686
Total number of votes cast:	952
Turnout:%	25.83
Number of votes found to be invalid:	26
Total number of valid votes to be counted:	926

Result:

Number voting YES ..... 404 (43.6% of the valid vote) Number voting  
 Number voting NO . 522 (56.4 % of the valid vote)  
 TOTAL 926 (100% of the valid vote)

If you answered NO to Q1 above

Q2 Do you support changing the Council boundary, reducing the number of Councillors and changing the name?

Total number of votes cast:	522
Number of votes found to be invalid:	25
Total number of valid votes to be counted:	497

Result:

Number voting YES ..... 100.(20 % of the valid vote) Number voting  
Number voting NO 397 (80 % of the valid vote)  
TOTAL 497 (100% of the valid vote)

**Consideration by the Review Group**

5.31 The review group considered all the above at its meeting on 13<sup>th</sup> November and made the following observations:

- the audit of the governance arrangements was intended to ensure that the money received via the precept was being spent in line with delegated authority and to give an assurance that the precept collected for the parish was being used as intended;
- the Auditor's conclusion was that the control framework in place at the parish requires significant improvement and issues have been identified where immediate management action was necessary. Particular concerns were highlighted over the pre-signing of cheques, uploading of confidential meeting minutes to the internet, the need for a clear audit trail to identify decisions being made by the parish council, lack of policies and procedures to support investment decisions and the use of purchase orders; the parish council had been urged in 2013 to address the identified governance issues but significant control weaknesses remain;
- the parish council had also been urged in 2013 to seek professional advice on employment matters. Whilst it had sought advice from an HR consultant from the Berkshire Association of Local Councils and was waiting for a review of job roles and structure to be completed, no formal contracts or job roles for staff were in place and the Auditor been unable to confirm that employees were being paid the correct remuneration or sufficient overtime rates, which puts the council at significant risk;
- the Working Group felt strongly that based on the Audit report that the Parish Council's governance arrangements were not sound and that it had failed to address these failings over a number of years. The Parish Council had not been able to demonstrate efficient and robust use of public funds.
- the poll results indicated support for the retention of the parish council, but the turnout was low at 25% and there had only been four other responses to the consultation indicating an overall general lack of interest in it. Of the 25% of people who did vote over 400 supported its abolition;
- there was little support for changes to the parish boundary, size or name;
- concerns had been identified about relationships between parish councillors and staff, the appointment and management of staff, financial management, procurement arrangements and lettings policies. All these suggested poor governance and inefficiency;

- in the event of abolition the parish facilities could be run equally well by the borough council. The parish hall could be developed to provide a community hub, opening up to the wider local community and encouraging its use for community functions;
- Should the parish council be abolished, its property, rights and liabilities transfer to, and vest in, the borough council. In this event the borough council could provide support to former parish council staff to secure other employment or redeployment opportunities.

Having carefully considered all the above, the review group made the following recommendations:

- 1 That the results of the advisory postal poll and the written responses received during the consultation be noted.

That in light of the response to the consultation and findings of the Review as set out at paragraph 5.31 of this report, an extraordinary meeting of the Council be called on 18<sup>th</sup> December, 2018 to determine the abolition of Wexham Court Parish Council with effect from 1<sup>st</sup> April, 2019.

That, in the event recommendations 1 and 2 above are approved, the Director of Finance and Resources be requested to prepare:

- a report to include how the facilities and services provided or supported by Wexham Court Parish Council will be supported and developed in the event of their abolition;
- a draft order for the abolition of the Wexham Court Parish Council and the Civil Parish to take effect on 1<sup>st</sup> April, 2019, and
- a timetable of consequential actions.

## **6 Conclusion**

- 6.1 The review group was concerned to ensure that local government in Slough embodies the highest standards of governance and probity. It was very concerned by the shortcomings identified above, which it felt reflected badly on the whole sector.
- 6.2 Prior to formal orders being made, the group has asked that the Director of Finance & Resources bring to Council a report to include how the facilities and services provided or supported by Britwell & Wexham Parish Councils will be supported and developed in the event of their abolition.
- 6.3 This will enable members to judge the review group's recommendations against its aim of bringing about improved community engagement, better local democracy, more effective and convenient local services and equitable treatment of electors across the whole Borough.
- 6.4 Parish councils can play an important role in terms of community empowerment but need both robust governance and to be able to demonstrate value for money to their residents.
- 6.5 Whilst Government's guidance states that it 'expects to see a trend in the creation, rather than the abolition of parishes' and that 'the abolition of parishes should not be undertaken unless clearly justified' the review group considers that the

recommendations to abolish Britwell and Wexham Court Parish Councils are clearly justified for the reasons set out in the body of this report.

- 6.6 The review group has given careful consideration to the responses to the consultation undertaken as part of the Review and the recommendations it has made in respect of the existing three parish councils are based on the evidence received.

## **7 Next Steps**

- 7.1 If the Council is minded to agree the recommendations of the review group as set out at paragraph 2 of this report, work will commence on drawing up an Order to give effect to the decisions for report to an extraordinary Council meeting in December 2018.
- 7.2 In addition officers will prepare a report to include how the facilities and services provided or supported by Britwell & Wexham Parish Councils will be supported and developed in the event of their abolition.
- 7.3 It is envisaged that a full list of property, rights and liabilities of the Parish Council will be reported to the Council along with a timetable / timeline of actions/considerations.

## **8 Background Papers**

Written submissions received in response to the public consultation.

Electoral Reform Services reports dated 12<sup>th</sup> November, 2018 on the results of the advisory polls in Britwell, Colnbrook with Poyle and Wexham Court parish areas.

## **Guidance on Community Governance Reviews – Extract**

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.