

Report for:	Buckinghamshire Shadow Executive
Meeting Date:	7 January 2020

Title of Report:	Community Governance Review: Kingsbrook, Aylesbury
Shadow Portfolio Holder	Councillor Tett, Shadow Executive Leader
Responsible Officer	Sarah Ashmead
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Recommendations:	<p>(1) That a new Parish Council be created for the Kingsbrook Ward of the Bierton with Broughton Parish area, and for the area as detailed at Map A (attached) that was submitted with the Community Governance Petition.</p> <p>(2) That the new parish be named Kingsbrook Parish.</p> <p>(3) That, based on future occupancy levels, the new Parish Council should comprise 9 Parish Councillors.</p> <p>(4) That the Broughton Hamlet Ward of the Broughton with Bierton Parish area become a Parish Meeting, to be named “Broughton Hamlet”.</p> <p>(5) That the remainder of the Bierton with Broughton Parish area which includes Broughton Crossing be renamed as “Bierton Parish”, comprising a Bierton Ward and the Oldhams Meadow Ward.</p> <p>(6) That the Bierton Parish Council should comprise 9 Parish Councillors, comprising 8 Parish Councillors for the Bierton Ward and one Parish Councillor for the Oldhams Meadow Ward.</p> <p>(7) That Officers be authorised to make a Reorganisation Order under the Local Government and Public Involvement in Health Act, 2007, to implement the outcome of the Review.</p> <p>(8) That Officers be authorised to take any further action that might be necessary to complete the Review and implement the new arrangements.</p> <p>(9) That the proposed budget/precept for the new Parish of Kingsbrook for the year 2020/21 be approved as £35.00 (for Band D rated property) and as set out in the schedule forming part of the attached report.</p>
Corporate Implications:	The legal implications are addressed in the body of the report.

Options: (If any)	The options that the Shadow Executive will wish to consider are detailed at Section 5 of the report but include the rationale for: (a) Agree the recommendations and implement from April 2020. (b) Agree but defer implementation until 2021. (c) Defer for the new Council to determine. (d) Do not agree.
Reason:	If the outcome of the CGR is not implemented in advance of the 2020 local elections then there will likely to be a delay before a new Kingsbrook Parish Council could be established. Based on future occupancy levels, it is projected that the current electorate of 931 (as at November 2019) will have increased to over 2,000 electors by 2023, and far overshadows the rest of the current Bierton with Broughton Parish area.

1. Purpose of Report

- 1.1 The Shadow Executive is invited to consider AVDC's General Purposes Committee's recommendations concerning proposed changes to the parishing arrangements for the Bierton-with-Broughton Parish area, Aylesbury, as a result of a Community Governance Review (CGR).
- 1.2 The CGR was undertaken in response to a petition received from local electors in July 2019 requesting the review be completed in time for the May 2020 local elections.

2. Context

- 2.1 A district council in a two tier area has the power to undertake community governance reviews and make changes to local community governance arrangements i.e. the creation, deletion or changes to existing parish council arrangements. A Community Governance Review has to be undertaken with regard to guidance issued jointly by (the former) Department for Communities and Local Government (DCLG) and the LGBCE (Local Government Boundary Commission for England) in 2010.
- 2.2 When a petition is submitted which when verified contains the required number of signatories, the District Council must conduct a Community Governance Review.
- 2.3 Community governance reviews are made up of a number of stages / processes which include:-
 - The publication at the outset of terms of reference specifying what is to be reviewed.
 - Consultation when initial submissions are invited and also on the draft recommendations.
 - A requirement that reviews are concluded within one year.
 - The final approval of any changes.

3. Role of the Shadow Executive

- 3.1 The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 provide that the powers to implement the recommendations of proposals resulting from a community governance review during the transitional period sit with

the Shadow Executive and thereafter with the new Buckinghamshire Council. This means that whilst the District Council has resolved to undertake the review, responsibility for deciding whether to give effect to the recommendations of the review rests with the Shadow Executive (rather than with the predecessor council).

4. Community Governance Review: Background

- 4.1 As a growth area with a changing and growing population, AVDC has undertaken to conduct CGR towards the end of each electoral cycle, with three District wide reviews having been conducted in recent years in 2011, 2015 and 2018. These reviews led to the Buckingham Park Parish Council being established in 2011 and the Berryfields Parish Council in 2015.
- 4.2 The 2018 CGR specifically sought to consult with electors in the Berton-with-Broughton Parish area in relation to possible warding arrangements to take account of the Aylesbury East 'Kingsbrook' development. The outcome of the review was to divide the Parish into four Wards: Berton, Oldhams Meadow, Kingsbrook and Broughton Hamlet. The Aylesbury Vale (Reorganisation of Community Governance) Order 2019 to give effect to the CGR came into force in February. However, the May 2019 local elections were deferred due to the establishment of the new Buckinghamshire Council. Local elections are due to be held on 7 May 2020 which would have seen the new Warding arrangements for Berton with Broughton Parish come into being should the outcome of the current CGR (Petition) not be agreed.
- 4.3 On 2 July 2019, AVDC received a petition from Kingsbrook and Broughton electors requesting that a Community Governance Review be conducted with a view to establishing Kingsbrook as a new Civil Parish separate from Berton with Broughton, with its own Parish Council, in time for the next Parish Council elections. The petition also suggested that Broughton Hamlet should become a Parish meeting.
- 4.4 A robust validation process was carried out as a minimum number of signatories who are local electors are required to validate a CG petition. The result of the validation process confirmed that 388 electors had signed the CG petition, which is more than the 250 electors for a Parish of the size of Berton with Broughton (i.e. 500 –2,499 electors). As such, AVDC was required to give consideration to commencing a Community Governance Review.
- 4.5 AVDC's General Purposes Committee met on 31 July, 2019, to consider the CG Petition and whether to:-
- (i) commence a CGR, with a view to any recommendations being able to be implemented in advance of the May 2020 elections; or
 - (ii) not conduct the CGR, but defer it to be undertaken by the new Buckinghamshire Council after 1 April 2020.
- 4.6 The General Purposes Committee resolved to commence the CGR in accordance with the timetable and terms of reference submitted to that meeting, and that are attached as Appendix A to this report.
- 4.7 The initial stage consultation of the CGR was held between 9 August 2019 and 6 September 2019. 8 responses were received (which form part of Appendix C), 7 from local residents and one from an Aylesbury resident, all of which were supportive of the new parishing arrangements. The initial stage consultation was submitted to the

General Purposes Committee on 30 September, 2019, who agreed that consultation on draft recommendations should proceed.

- 4.8 The draft consultation stage of the CGR was held between 11 October 2019 and 8 November 2019. 2 responses were received (which also form part of Appendix C), one from a local resident supportive of the CGR, and one from the Bierton with Broughton Council proposing a change to the original boundary map that had been submitted with the Community Governance Petition. This is discussed in more detail in Appendix 2 with **Map A** being the original map submitted with the CG Petition and **Map B** being the map proposed by Bierton with Broughton Parish Council.
- 4.9 Following the Bierton with Broughton Parish Council response, a meeting was held on Monday 4 November, 2019, between AVDC Officers, Bierton with Broughton Parish Council representatives and one of the CG petitioners to discuss the amended boundary map and some of the work that would need to be done over the coming months if a new Kingsbrook Parish Council was to be established in time for the 2020 local elections, subject to approval in due course by the Buckinghamshire Shadow Authority Executive.
- 4.10 Following that meeting, a further communication was received from Bierton with Broughton Parish Council on Tuesday 5 November, 2019, which recognised that the main priority for local people was to get approval of the new Kingsbrook Parish Council in advance of the 2020 elections. As such, and with a view to keeping the consultation and CG process as simple as possible, the representatives from Bierton with Broughton Parish Council stated that they were content for the original map (**Map A**) submitted with the Community Governance Petition to go forward to the General Purposes Committee and the Shadow Executive as the preferred option for the boundaries for the Bierton Parish Council, Kingsbrook Parish Council and the Broughton Hamlet Parish Meeting. It was further acknowledged that the Parish's recent consultation response would not be put forward as the preferred option but would be duly noted.
- 4.11 AVDC's General Purposes Committee met on 2 December, 2019, to consider the feedback from the 2 stages of public consultation and the proposed future arrangements including any electoral consequences. Members were also informed that as the Kingsbrook Parish Council would not have been formed in time to precept for itself for 2020/21, in addition to the proposed recommendations that would need to be made to the Shadow Executive, an additional recommendation would need to be included asking the Shadow Executive to set a precept for a Kingsbrook Parish Council for 2020/21, should the Shadow Executive approve the creation of the new Parish Council.
- 4.12 The General Purposes Committee were fully supportive of the proposed new arrangements for the Bierton with Broughton Parish area, including the creation of a new Kingsbrook Parish Council, and made a series of recommendations to the Buckinghamshire Shadow Executive for approval. These recommendations are detailed at 'Recommendations' at the beginning of this report.

5. Shadow Authority Consideration

- 5.1 In considering the report, the Shadow Executive will wish to consider:



- (i) **The views of local people** – The process of the community governance review includes consultation with local people. The review report (Appendix C) sets out the process and the results of the consultation undertaken during the initial stage (9 August – 6 September: 8 responses) and draft stage (11 October – 8 November: 2 responses).
- (ii) **Risks to the delivery of the new unitary council** – The Shadow Executive is under a statutory duty to prepare for Buckinghamshire Council to assume its local government functions and powers on 1 April 2020, and for the continuity of the delivery of public services. The unitary programme risk register identifies resources as the highest risk and, as such, the Shadow Executive will need to ensure that it is confident that it has the capacity to resource any additional structural changes without adversely impacting upon the delivery of the Buckinghamshire Council.
- (iii) **Whether the new unitary governance arrangements, particularly the community board arrangements, would affect the proposals** – Once established, the new Boards will provide a new form of local governance in Buckinghamshire focused on tackling local issues. At the time that the CGR petitions were made, these detailed arrangements had not been developed. The Shadow Executive will wish to consider how the CGR recommendations fit with the new community boards and whether they will offer consistent governance arrangements.
- (iv) **The likelihood of a boundary review in Buckinghamshire within the next 3 years and the potential implications** – Buckinghamshire Council will be established with 147 members based on the former county council division boundaries. It has been recognised that this arrangement was designed to provide capacity during the set up phase of the new council, but that a boundary review would be expected to take place during the first council term to design appropriate boundaries for the longer term. It is reasonable to assume that this would be undertaken in 2022/2023, in order to inform the elections in 2025. In most cases, a review of ward boundaries will be followed by a review of parish boundaries to ensure that these are aligned. In this context, the Shadow Executive will wish to consider whether it is appropriate to implement individual structural changes to local governance in advance of a fuller, countywide review.

6. Options

6.1 The following section sets out a series of options and assesses each of these.

(a) Agree the recommendations and implement from April 2020

- (i) **Views of local people** – the CGR Petition submitted to AVDC in July 2019 was signed by 388 local electors, representing nearly 50% of the Kingsbrook Ward area electors at that time. 10 responses were received from local people / Berton with Broughton Parish Council during the 2 stages of public consultation, all of which were in favour of creating a new Kingsbrook Parish Council. There is unanimous support from all those who have taken part in the process. The local district and county councillors have also expressed their support for the establishment of the new parish council.

- (ii) **Resource Implications** – There will not be any direct costs to the existing Councils or the new Buckinghamshire Council in implementing the outcome of the review, should it be agreed.

There will be some minor administrative tasks to undertake (including drawing up the Reorganisation Order, updating the Electoral Register, adding the precept to the budget proposals). It is anticipated that this work can be delivered from within existing staffing resources, and the team involved have significant experience with this work in recent years.

Following the May local elections it will be necessary to support the newly elected Parish Councillors during May-June 2020, to organise the inaugural Parish Council AGM and to provide basic admin support to the Parish until such stage as they have their own Parish Clerk in post (by July 2020). The Bierton with Broughton Parish Council (which would become the Bierton Parish Council) have indicated that they would be prepared to offer some limited support to the new Parish Council in its first few months.

Unlike some wider ranging CGRs, creating a new Kingsbrook Parish Council would not involve the transfer of functions, property, rights and liabilities from the predecessor Bierton with Broughton Parish Council, which can be a complex and resource intensive process. As a result, this proposal will not have significant implications for the councils' finance, legal and property functions.

- (iii) **Risks to the new council** – The work associated with establishing a new Parish Council of this size will be similar to that in establishing the Buckingham Park Parish Council in 2011 and the Berryfields Parish Council in 2015. These arrangements were not complex and as such the risks to the new Council are deemed to be low.
- (iv) **Community Board impact** – the whole of the Bierton with Broughton Parish area is contained within the Wendover Community Board area. This proposal will have no detrimental impact on the Community Board and will ensure that there is a voice for this rapidly growing community as the Board is set up.
- (v) **Boundary review** – it is anticipated that the current electorate for Kingsbrook (931 electors as at November 2019) will increase to 2,000 electors by 2023. The rapid growth in this new community is a key factor in seeking a new parish council now, in order to help promote the sense of a village community in this area as it develops.

(b) Agree but defer implementation until 2021

This option would provide an opportunity to defer the administrative work associated with implementation. However, it would lead to additional costs at a local level.

If it is decided to agree the new parishing arrangements but defer implementation until 2021 then this would mean:-

- Parish Elections will be held on 7 May 2020 for the four Wards of the Bierton with Broughton Parish Council, as agreed following the 2018 CGR, with Kingsbrook becoming a Ward of that Council. The term of the Council would

run for one year until new elections were held, which would need to be specified in the Reorganisation Order.

- Parish Elections would be held in 2021 for the Bierton Parish Council and the new Kingsbrook Parish Council. As Parish Councils are currently fully re-charged for the costs of holding standalone elections then the cost to each Parish would be between £1,500 and £2,000.

It may have reputational risks for the new council, given the unanimous support and the minor work realistically involved in implementing the proposal.

(c) Defer for the new Council to determine

If it was decided to defer the CGR Petition, then consideration of the Petition would need to be concluded early in the life of the new Council.

(d) Do not agree

If it was decided not to agree to implement the new parishing arrangements then the Bierton with Broughton Parish Council will continue to exist, as detailed at Option (a) (i). This is not recommended, given the non controversial nature of the proposal.

7. Legal Implications

- 7.1 Should the final recommendations of the CGR be approved then a Reorganisation Order will need to be made to implement the new arrangements.

8. Consultation

- 8.1 The consultation undertaken with local residents is detailed in Appendix C to the report.

9. Communications Plan

- 9.1 Not applicable.

10. Equalities Implications

- 10.1 Not applicable.

11. Data Implications

- 11.1 Not applicable.

12. Next Steps

- 12.1 Should the final recommendations of the CGR be approved then a Reorganisation Order will need to be made to implement the new arrangements.

Background Papers	AVDC General Purposes Committee – 31 July 2019 AVDC General Purposes Committee – 30 September 2019 AVDC General Purposes Committee – 2 December 2019
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