

**SHADOW EXECUTIVE**

**TUESDAY, 7TH JANUARY, 2020**

**Present:** Councillor Martin Tett in the Chair

Councillors K Wood (Vice-Chairman), S Bowles, B Chapple OBE, J Chilver, A Cranmer, I Darby, T Green, C Harriss, P Hogan, A Macpherson, D Martin, N Naylor, M Shaw, W Whyte, G Williams and J Rush

**Also in Attendance:**

Councillors K Ahmed, B Bendyshe-Brown, R Stuchbury and D Watson

**Apologies:** F Wilson

**1 Apologies**

Apologies had been received from F Wilson and J Rush attended as his deputy. B Chapple was welcomed back after his recent accident.

**2 Minutes**

**RESOLVED:** The minutes of the meeting held on 3 December were agreed as an accurate record and signed by the Chairman.

**3 Declarations of interest**

There were none.

**4 Question Time**

**Question – Councillor B Bendshye-Brown**

Where will officer support for the Armed Forces Covenant Board and the 2 Armed Forces Champions sit as the current Tier 2 operational structure makes no provision for this support? I also make a plea that when this is resolved that there will be an additional manpower post provided to fulfil this task as the current Ceremonial team will not be able to absorb this task where there are currently 6 part time posts across the existing 5 Councils to meet this role.

***Response***

*Officer support for the coordination of the Armed Forces Covenant will sit in the Deputy Chief Executive's department. A number of officers have responsibilities in relation to ceremonial activities, promotion of events, liaison with partners, grant funding applications, and development and delivery of the action plan, and this capacity will continue to be provided to support the Covenant when the new council is*

*established. In addition, we anticipate that lead contract points will be identified in all council services. These contacts will work with the coordination officers to ensure that all council services actively support armed forces personnel and their families in the community.*

**Question – Councillor R Stuchbury**

Buckinghamshire Shadow Executive at its last meeting took a decision to agree the terms of reference for Community Boards. When the amendment to give town and parish councils the ability to both vote to elect a chairman and vote within those boards on spending priorities was not carried, this could be seen as a move towards centralism and away from localism. In doing this, it may well be judged as being in conflict with the intentions of the Secretary of State when the business criteria for Buckinghamshire Council becoming a single unitary authority was set out with the aim of achieving good working practices with local entities.

By not using population density as the criteria in determining representation numbers, the largest centres of population such as Aylesbury, Buckingham and Wendover will only have the same level of representation as the smallest of the parishes. This will grossly distort representative equity and as a matter of calls for the earliest review. Once again this is conflict with the business case put to the Secretary of State and creates a significant democratic deficit.

This matter is true right across the Buckinghamshire Council area. The fact that High Wycombe doesn't currently have a Town Council and the discussion on that was side-stepped without any authoritative direction during the meeting doesn't preclude the urgent re-appraisal of the terms of reference for Unitary Boards.

**Response**

I would like to reassure you that we are very committed to the localism agenda. The Shadow Executive has highlighted the commitment to localism and the importance that we place on Buckinghamshire Council councillors working closely with local communities and partners. The totality of offerings that the new council will have in terms of locality working is extensive. Examples include planning which will be done on a local basis; local elected members will be making decisions on local planning applications. This is absolutely right that they do so as they will know the areas and negates a central committee making those important local decisions.

We are also rolling out community access points which will be mean more physical points of contact for residents where they can access the exact information they need in their localities. It is important residents have the information they need at their fingertips within an easy travel distance of where they live.

Another commitment to locality working is devolution which we know is something Town and Parish Councils are very interested in. A significant devolution offer has already been discussed; it will mean they can participate in the running of the new council area, to the extent that they wish to do so. Community Boards will be the way in which the new unitary members will engage with communities and address local issues. This will be a forum for the community and are committed to doing this in partnership with town and parish representatives. One of the things we have encouraged is should there be a particularly contentious issues there is an indicative vote at the discretion of the chairman so they can get a sounding from the meeting of the general views of all the representatives in the room.

In terms of the weighting of votes, it is important to recognise that the number of unitary councillors is determined by the populations of those areas, there will be more unitary councillors representing the bigger urban areas than there are representing the more sparsely populated rural areas. So there may only be one representative from, for example Buckingham Town Council, there will be representatives from the unitary council, potentially 6 for example for Buckingham who will also be there and able to vote. So Buckingham will be represented in proportion to its population via its unitary councillors on those organisations. We believe this is a massive commitment to localism and democracy.

**Question – Councillor D Watson**

What is the impact by former district council area of the proposed 20/21 district council tax harmonisation in £K and for a band D payer?

**Response**

*The impact of harmonising council tax at the weighted average level for a band D payer (and prior to any council tax increase) is as follows:-*

*Aylesbury Vale = -£3.90*

*Chiltern = -£24.58*

*South Bucks = -£1.28*

*Wycombe = +£20.66*

**Question – Councillor K Ahmed**

Wycombe's Mayoralty dates back nearly 800 years, ever since it has been preserved through a group of town ward councillors that effectively double up as Charter Trustees. It has been detailed in documents available to most of us that after 31 March 2020, the Charter Trustees will cease to exist under the current structure.

The role of Mayor of High Wycombe, together with the Charter Trustees, Town Clerk and Mayors Secretary roles will also be cease to exist too as a result. What contingency is being put into place to protect the history and continuance of the Mayoralty?

We need to protect Wycombe's Mayoralty. I believe that this is can only be achieved through the formation of a town council at the same time as the new unitary council comes into effect from May 2020.

A shadow team and key officers needs to be in place to protect the mayoralty and start delivering the necessary infrastructures and resources. Can this be put in place now?

**Response**

*I can reassure you that the Mayoralty is not at risk. The Charter Trustees are a separate legal entity created on the demise of the old High Wycombe Municipal Borough Council which was abolished with 1974 local government reorganisation. The new larger council, Wycombe District Council (which also included the Rural Districts of Marlow and Wycombe) has a different area and therefore could not have those responsibilities and so the Charter Trustees were established for the area of the old Municipal Borough. If a parish or town council with the same areas as the municipal borough is created the responsibilities would transfer to the new parish or town council with the same boundaries as the old Borough. However, if there is no new Council with those boundaries, the Charter Trustee, the Mayor, the Town Clerk*

*and all the other ceremonial aspects of the old Borough will continue as they do now. The 2019 Structural Changes Order does not affect them.*

*The Charter Trustees will continue to precept separately to pay for the Mayor and any staff. It is therefore not necessary to establish a Town Council to protect the Mayoralty.*

## **5 Forward Plan (28 Day Notice)**

Members considered the 28 Day Notice of executive decisions due to be taken.

The Leader advised that the forward plan was available for members of the public to review online and that it was regularly updated.

**RESOLVED: The Shadow Executive NOTED the forward plan.**

## **6 Draft Budget 2020/2021**

M Tett introduced the Draft Budget item and stated that R Ambrose, Interim Chief Finance Officer, would refer to each sub report in turn; Council Tax Base, Draft Revenue Budget and Capital Programme and Fees and Charges. The budget was an amalgamation of budgets that had already been prepared by the existing councils whilst identifying any risks and new pressures. It was highlighted that budget scrutiny was due to take place the following week.

### **a) Council Tax Base**

Members were asked to consider a report that set out Buckinghamshire Council's estimated collection rate for the 2020/21 financial year and recommended Buckinghamshire Council's tax base for the 2020/21 financial year in order to fulfil the Council's statutory duty.

It was stated that the recommended tax base for 2020/21 was 223,990.02, compared to a combined tax base of 220,453.38 for 2019/20. This represented a 1.6% increase in the tax base. The level was based on an estimated collection rate of 98.5%. It was noted that appendix 1 of the report listed the detail by parish.

**RESOLVED: That Shadow Executive AGREE the Council Tax Base of 223,990.02 for Buckinghamshire Council for 2020/21.**

### **b) Draft Revenue Budget and Capital Programme**

Members were asked to consider a report that set out the draft revenue budget and capital programme for Buckinghamshire Council. The report included the latest estimated funding position, service budget pressures and the key financial risks facing the Council in the future, along with the draft Corporate Plan and how it aligns. A number of areas were highlighted which included additional investment in Adult Social Care (ASC) and Children's Social Care, £4m investment in plane and patch works, £2m for drainage and gullies and investment in the new community boards.

The report had been out for an initial public consultation.

Members welcomed the additional monies put into plane and patch works and it was highlighted that this work would commence once the weather improved to ensure long term improvements. Flooding had also been an issue more recently and extra budget to tackle weed growth was also welcomed.

Mr Ambrose stated a number of points following questions from Members:

- Staff costs were included in the report in appendix 2 at a total of £176m and did include other employee related costs e.g. training.
- A budget for HR and organisation development transitional activity had been included in the implementation budget previously agreed by the Shadow Executive.
- Risks that related to any Grant funding were identified, monitored and mitigations put in place.
- The cost of borrowing had been included in the corporate costs section of the budget, as part of the revenue budget.
- Unitary savings would be achieved over the next 3-5 years.
- There was a contingency of £3m built in to cover potential risks and budget pressures in terms of demand / complexity within Adult Social Care.

It was highlighted that changes to the original business case in 2016 had been made due to the delay in implementation and the financial impact this had had on budget decisions that needed to be made. Some members raised concerns that due to this, Wycombe residents were being penalised more than other areas and that council tax increase could have been adjusted over a longer period of time.

Members discussed the inclusion of the Corporate Plan and it was raised that the layout of the Values had been amended since their agreement by the Shadow Executive.

Members praised officers for the reports provided and the Leader stated that there would be a second period of public consultation, an internal scrutiny process and then a final decision taken at the meeting of the Shadow Authority meeting in February.

**RESOLVED:**

- 1. To approve the draft revenue budget and capital programme and the draft Corporate Plan.**
- 2. To note that a supplementary report, the formal Council Tax Resolution, will accompany the final Budget to Shadow Authority.**
- 3. To agree the delegation of decisions on Opt to Tax to the S151 officer.**

A formal vote was taken as follows:

For	Against	Abstention
15	2	0

c) Fees and Charges

Members were asked to consider a report that set out the harmonisation of fees and charges and for members to agree those and a full schedule of fees and charges for Buckinghamshire Council from 1 April 2020.

It was highlighted that most fees and charges would not be harmonised on day one as this gave the new authority more time to review and that green waste was highlighted as an area where harmonisation of charges was only applied to those areas that already charged for the service.

Reference was made to items in the schedule that related to High Wycombe special expenses and that these were part of a separate ring fenced budget that would be discussed by the High Wycombe Committee.

**RESOLVED:**

- 1. To approve the recommendations for harmonisation of fees and charges.**
- 2. To approve the Schedule of Fees & Charges for Buckinghamshire Council from 1 April 2020.**

**7 Armed Forces Protocol**

The Leader advised that he was the Portfolio Holder for the area, but paid tribute to Councillor B Bendyshe-Brown, along with the other Armed Forces Champions in the districts, and thanked him for his assistance in constructing the majority of the content of the paper.

Members were asked to consider a report that asked them to agree the signing of the Armed Forces Covenant at the first ordinary full Buckinghamshire Council meeting and to agree the recommended number of Armed Forces Champions as two (an Armed Forces Champion and a Deputy). The report provided background information about the Armed Forces Covenant, the current setup for the district and county councils and a recommended approach for the new Buckinghamshire Council. The report included confirmation that the proposed HR policies for the new Council would be supportive of the Armed Forces Community and would be appropriately publicised.

It was highlighted that the existing councils had a long track history of supporting and working in partnership with armed forces communities and members and officers alike were passionate about maintaining that level of commitment and capacity in the new council.

It was confirmed that that the Defence Employer Recognition Scheme Silver status would not be jeopardised by the covenant being signed at the first ordinary full meeting of the new council. A request was made and amendment put forward by T Green for the covenant to be signed at the AGM of the new council, this was seconded by K Wood. Following advice from the Monitoring Officer, a vote was taken and the amendment was not supported.

Tribute was paid to all Armed Forces Champions around the county: Mr B Bendyshe-Brown, Buckinghamshire County Council; Mr P Strachan, Aylesbury Vale District Council; Ms M Harker, Chiltern District Council; Mr D Smith, South Bucks District Council and Mr I McEnnis, Wycombe District Council.

**RESOLVED:**

- 1. To agree to add an agenda item to the first ordinary full Buckinghamshire Council meeting, seeking the new Council's agreement to sign the Armed Forces Covenant.**
- 2. To agree the proposed number of Armed Forces champions and role description.**

## **8 Kingsbrook Community Governance Review**

Members were asked to consider a report that set out recommendations from AVDC's General Purposes Committee concerning proposed changes to the parishing arrangements for the Bierton-with-Broughton Parish area, Aylesbury, as a result of a Community Governance Review (CGR). AVDC officers were thanked for their work on the report.

The CGR was undertaken in response to a petition received from local electors in July 2019 that requested the review be completed in time for the May 2020 local elections. It was highlighted that two consultations had been conducted with support across the community and similar parishes had been created following a number of large development in Aylesbury.

The Chief Executive confirmed that it was for the Shadow Executive to take the decision. There was limited amount of capacity for officers to complete the change but did not feel that it presented any risk to the unitary transition programme should the Shadow Executive agree the recommendations.

### **RESOLVED:**

- 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 that was submitted with the Community Governance Petition.**
- 2. That the new parish be named Kingsbrook Parish.**
- 3. That, based on future occupancy levels, the new Parish Council should comprise 9 Parish Councillors.**
- 4. That the Broughton Hamlet Ward of the Broughton with Bierton Parish area become a Parish Meeting, to be named "Broughton Hamlet".**
- 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.**
- 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.**
- 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.**
- 8. That Officers be authorised to take any further action that might be necessary to complete the Review and implement the new arrangements.**
- 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.**

## **9 High Wycombe Community Governance Review**

Members were asked to consider a report that set out recommendations for the next steps of the High Wycombe Community Governance Review that had been carried out by Wycombe District Council in December following four petitions submitted to the council. A supplementary paper had been circulated to the Executive at the meeting to correct some minor amendments; however it was stressed that these amendments did not impact the findings of the report nor the recommendations.

An independent review had been undertaken by Bevan Brittan and Judith Barnes attended the meeting to give an overview of their final report that set out the process and results of the second stage consultation, options and the final recommendations for the Shadow Executive to consider.

It was confirmed at the meeting that the right process had been followed and that the Shadow Executive were the correct decision making body.

Members felt that there was no clear consensus from the report on the best way forward at this stage and that significant resource would be required to implement any change. There had also been a lack of responses from residents to the consultation. It was reassuring to Members that residents wanted to see strong locality working and the Executive were committed to delivering that.

**RESOLVED: to defer taking a decision until after the new Buckinghamshire Council is created, to enable the new Council to decide the arrangements, recognising that further consultation may be necessary at that stage.**

## **10 Environment Policy**

Members were asked to consider a report that provided an update on work underway to inform the Environment and Climate Change Policy of the new council and for the Shadow Executive to agree the further policy work required to be carried out prior to vesting day.

Members supported work to date and supported the work identified in the report. It was highlighted that an audit across all existing councils was important in order to establish a benchmark. Members also raised the importance of partnership working and ensuring that there was a focus on public awareness and communications. It was suggested that the communications strategy also included close engagement with schools.

**RESOLVED:**

- 1. The Shadow Executive notes that existing authorities continue to work to address climate change and it supports the continuation of that work prior to vesting day. When the new Council has responsibility for climate change it may resolve to take a specific policy position.**

**The Shadow Executive agrees that further work be conducted ahead of vesting day to gather the necessary evidence to inform Buckinghamshire Council's policy decision, including a Carbon Audit on current emissions and producing a plan for developing Buckinghamshire Council's policy on wider environmental issues.**

## **11 Spending Protocol - South East Aylesbury Link Road**

The Leader highlighted that here would be a public discussion of the report and then the meeting would move into a private session to discuss confidential information and then back into the public meeting to give a summary and confirm the decision made.

Members were asked to consider a report that set out the background to the South East Aylesbury Link Road (SEALR) project and the reasons why an increase in the scheme budget was required. An increase in budget was largely down to significant changes to environmental mitigation, size of the crossing required and an increase in land evaluation costs. It was stated that there were a number of opportunities to reduce costs and officers were actively pursuing those.

Members agreed the necessity of the project due to increased pressure on infrastructure in Aylesbury and it was confirmed that if HS2 were not to continue and their funding was lost, officers would work up a number of options for the Executive to consider.

**RESOLVED:**

- 1. The Shadow Executive approve the change of budget for the South East Aylesbury Link Road from £24,683,000 to £35,493,283.**
- 2. Note the opportunities the Project Team are currently seeking to reduce the cost of the scheme. This includes negotiations with HS2 over Surplus Excavated Material.**
- 3. Note the Compulsory Order Process the Council will be entering for the scheme.**



**12 Exclusion of the public**

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Paragraph 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

**13 Spending Protocol - South East Aylesbury Link Road**

**14 Date of next Meeting**

28 January 2020, The Oculus, AVDC.

Chairman at the meeting on  
Tuesday, 7 January 2020