

CHILTERN DISTRICT COUNCIL

MINUTES of the Extraordinary Meeting of the **CHILTERN DISTRICT COUNCIL**

held on **27 NOVEMBER 2018**

PRESENT: Councillor P Shepherd - Chairman of the Council
G Harris - Vice-Chairman of the Council

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| Councillors: | A Bacon | Councillors: | V Martin |
| | D Bray | | S Patel |
| | J Burton | | N Rose |
| | J Cook | | C Rouse |
| | I Darby | | J Rush |
| | M Flys | | L Smith |
| | C Ford | | M Smith |
| | J Gladwin | | N Southworth |
| | M Harker | | M Stannard |
| | M Harrold | | D Varley |
| | P Hudson | | N Varley |
| | C Jackson | | H Wallace |
| | C Jones | | E Walsh |
| | P Jones | | J Waters |
| | R J Jones | | C Wertheim |
| | J MacBean | | F Wilson |
| | P Martin | | |

APOLOGIES FOR ABSENCE were received from Councillors E Culverhouse, A Garth, D Phillips, M Shaw and M Titterington

134 DECLARATIONS OF INTEREST

Councillors I Darby and P E C Martin declared a personal interest in item 4: Implementation of the New District Unitary Council being Members of Buckinghamshire County Council.

135 IMPLEMENTATION OF THE NEW DISTRICT UNITARY COUNCIL

On 1 November 2018, the Secretary of State for Housing, Communities and Local Government (MHCLG), James Brokenshire, announced a decision in favour of a single new District Unitary Council, for the whole of the current administrative area of Buckinghamshire County Council, in a Written Ministerial Statement (WMS). The new authority would be implemented on 1st April 2020 and elections to the Council would take place on 7th May 2020. The

statement included some matters already decided and others which he intended to consult on before reaching a decision.

The report sought approval to the process for agreeing the wording of representations to be made in response to the WMS. It also sought to ensure that sufficient resources were available to enable the authority to respond to the requirements of the proposed Structural Change Orders, which would set out how the new Council would be created, and to support transition within the Council.

The Leader, whilst presenting the report, proposed that the recommendations in the report be agreed, subject to the words "other District Leaders" being inserted after the word "Leader" in recommendation 2. This was seconded by Councillor Stannard.

The Leader then reflected on the background to the WMS. Reference was made to the previous Pathfinder project involving sharing services across the Districts and County Council; the Secretary of State's "minded to" decision announced in Parliament on 12 March 2018; and the snap General Election held on 8 June 2017.

Whilst it was sad that the Council would no longer exist from 1 April 2020 this also provided a fantastic opportunity to build a new Unitary District Council. It was therefore important to make sure that the new Council was the very best that it can be.

The timescales for its implementation, set out by the MHCLG, were very short. The draft Orders were based largely on those from the Dorset local government reorganisation. The draft Orders were due to be laid in Parliament on 14 January 2019 which meant that the final content needed to be agreed in early December, and representations from Councils on the detail of those draft Orders were required by 30 November 2018, at the latest. As a result there had been many discussions between Council Leaders over the past few weeks on the detail of the proposed Orders. There was already agreement on some areas, but not all, and the aim was to reach agreement on all areas, if possible. The Districts all had Council meetings scheduled to consider making submissions to the Secretary of State before 30 November 2018.

Councillor P Jones, whilst supporting the Leader's comments, added that it was important to implement the new Council swiftly.

Members were then asked for their views on specific items in the proposed Orders which were considered in turn.

The first proposal considered was the District and Parish Council elections, due to be held on 2 May 2019, being postponed to 7 May 2020, to avoid a term of office of only 1 year. Members were in agreement on this proposal.

The Secretary of State suggested in the WMS that there could be 3 Members per Electoral Division (totalling 147 Members), rather than the 2 Members per Electoral Division (totalling 98 Members) proposed by the County Council. Members discussed the size (number of Councillors) of the new District Unitary Council, and during which the following points were made:

- That democratic representation was an important issue, and a democratic deficit should be avoided by ensuring that there were sufficient Members to represent residents.
- That fact that the Secretary of State had included the suggestion of 147 Members in his WMS was significant in that it suggested he agreed that 98 Members would result in a democratic deficit.
- It would take time for Councillors to build knowledge required for the new authority therefore 147 Members would be a more appropriate number of Councillors to start with. Council size could then be reviewed during the first term of the new authority.
- The large size and rural nature of Buckinghamshire meant that 147 Councillors were required in order to ensure there was sufficient capacity to meet the workload from residents' casework. Currently there were 236 Councillors (34 being twin hatters) from 5 different Councils carrying out this work.
- An example was given where the Little Missenden District Ward was split between two County Wards (Great Missenden and Chiltern Ridges). There were currently 11 Members representing the District and County across both County Wards. Some District Wards also covered a very large geographical area for example Cholesbury, The Lee and Bellingdon. The proposal for 2 Members to cover each County Ward was therefore considered too few.
- The proposal of 147 Councillors already represented a significant reduction from the existing 236 Members (34 being twin hatters) across the 5 authorities, particularly when the number of residents and demand for services would not reduce.
- A Member, supporting a preference for 98 Members, highlighted that the BCC business case for a single unitary Council was based on 98 Members, and felt that 147 Members would result in a large number of Members who were not Cabinet Members or Committee Chairmen which raised the question of what those Members would do.
- The County Council's proposal suggested that the new Council would have daytime meetings. It was felt that this would make it very difficult for working people to attend meetings thereby restricting who could stand as a Councillor. It was felt that there needed to be more of a vision setting out how the new Council would operate in practice, and what it would mean for residents. It was emphasised that this was an opportunity to do things differently.

In spring 2019 a Shadow Authority would be set up comprising of all District and County Councillors to carry out transition powers. A smaller Shadow Executive would be responsible for making day to day transition decisions. The representation of each Council on the Shadow Executive would be set out in the draft Orders, and the view of the District Leaders was that there should be equal representation on the Shadow Executive from each of the 5 Councils. Members were in agreement on this proposal.

Members were then asked for their views on the process for electing a Leader of the Shadow Executive. This could be decided by the Shadow Executive, the Shadow Authority, or the Secretary of State could specify the Leader in the draft Orders. Some Members felt that the Shadow Authority should elect the Leader as this was considered more democratic because all Councillors would have a say on this issue. This also reflected the arrangement for electing the Leader at the existing Councils. There was a suggestion that candidates should present their vision for the new Council to all Members. Another Member felt that the Leader should be elected by the Shadow Executive as this reflected the principle that a Committee elects its own Chairman. This also avoided a dispute on whether "twin hatted" Members, who were both a District and County Councillor, should have two votes on the Shadow Authority.

The Leader advised that there were 34 twin hatted Members, and Members' views were sought on whether those Members should be entitled to 1 or 2 votes on the Shadow Authority. A number of Members felt that twin hatted Members should be entitled to two votes since they were elected to represent residents in both of their roles. Having only one vote would result in only half of their residents being represented. Having two votes was therefore considered to be more representative. A number of other Members felt that one vote per Member was preferable. There was a suggestion that twin hatted Members should be asked to choose which Council they were representing on the Shadow Authority and therefore only have one vote.

There was a discussion on the name of the new Council. The proposals were "Bucks Council" or "Buckinghamshire Council", with District Leaders giving a preference for Bucks Council, since the new District Council was not co-terminus with the original Shire County, which includes Milton Keynes. During the discussion there was a preference expressed by some Members to retain the word District to reflect the new District Unitary Council that would be created – there would be no continuing authority. Other Members preferred the name Buckinghamshire Council which reflected the historic name of the area. A suggestion was also made that the name could be "The Council for Buckinghamshire".

Members were thanked for their comments, which would be taken into account when formulating the representations in response to the WMS, and following which it was

RESOLVED:

- 1. That the wording of the representations to be made in response to the Written Ministerial Statement and the proposed content of the Structural Change Orders on single tier arrangements for Buckinghamshire be delegated to the Chief Executive in consultation with the Cabinet Leader.**
- 2. That it be noted that the Leader will continue to take part in discussions with the County Leader, other District Leaders, Ministers and other parties with a view to taking forward the implementation provided that where decisions are required from this authority these will be made in accordance with existing governance requirements.**
- 3. That a provisional budget be set aside in 2019/20 for the delivery of the implementation to include the proportion of the costs of the Shadow Authority as may be required, project management resource and provision for potential redundancy costs in 2019/20 that may fall directly to Chiltern District Council subject to a review at year end by the Director of Resources in consultation with the Portfolio Holder for Support Services.**

Note: Councillors C Ford, D Varley and N Varley entered the meeting at 6.04 pm. Councillors H Wallace, C Rouse, C Jones, J Cook and V Martin entered the meeting at 6.10pm, 6.20pm, 6.22pm, 6.27pm and 6.28pm, respectively.

The meeting ended at 6.54 pm