

SOUTH BUCKS DISTRICT COUNCIL

Council - 9 April 2018

Present: Councillors D Anthony, R Bagge, M Bezzant, S Chhokar, D Dhillon, T Egleton, B Gibbs, B Harding, L Hazell, P Hogan, G Hollis, J Jordan, P Kelly, M Lewis, J Lowen-Cooper, Dr W Matthews, N Naylor, D Pepler, J Read, R Reed, R Sangster, D Smith and L Sullivan

Apologies: Councillors P Bastiman, M Bradford and G Sandy

Absent: Councillors P Griffin and D Saunders

81. DECLARATIONS OF INTEREST

Councillors Dhillon, Reed and Hazell, who were also Buckinghamshire County Council Members, expressed concern about the advice they had been given regarding declaring a personal or prejudicial interest at this meeting and commented that they considered it undemocratic. Members may be seen to have a prejudicial interest if they have supported the County Council's proposal for a single unitary. Councillor Dhillon asked for more clarification on this issue in the future and commented that he would have appreciated this advice earlier. He expressed dissatisfaction that he had been unable to contact officers the previous week to seek clarification on this matter, as he personally found the guidance issued last week not totally clear.

Legal advice was given that it was the responsibility of the councillor to decide if they have an interest and only those with a prejudicial interest should remove themselves from the discussion. All Members signed up to the Code of Conduct when they were elected and this provides clear information on what interest to declare. If Members were unsure then they could contact the Monitoring Officer, Legal or Democratic Services. If Members wanted to request a dispensation to enable them to participate in that item of business they needed to do this in writing.

Councillor Dhillon left the room, followed by Councillor Hazell and then Councillor Reed who both commented that they were leaving on an involuntary basis.

Councillors Bagge, Sullivan and Gibbs declared a personal interest as they were Members of Buckinghamshire County Council but stated that they had not voted on this issue as Members of Buckinghamshire County Council. Councillor Egleton also declared a personal interest as a previous Member of Buckinghamshire County Council who had not voted in support of the County's proposal for a single unitary council.

82. **MODERNISING LOCAL GOVERNMENT IN BUCKINGHAMSHIRE - ANNOUNCEMENT**

Council was asked to consider the approach to making representations and next steps following the Secretary of State's minded to decision regarding Modernising Local Government in Buckinghamshire. In September 2016 the County Council submitted a case for a single unitary model. At the meeting of the District Council held on 16 January 2017 it was agreed to submit a unitary bid to the Secretary of State to deliver a two unitary model for the County. The two unitary bid can be found at <http://www.southbucks.gov.uk/article/8301/Modernising-Local-Government>.

On 12 March 2018 the Secretary of State issued a 'minded to' decision in favour of a single county wide unitary and this decision is followed by a representation period expiring on 25 May 2018. The current position of all the Bucks District Councils is that a move to a single unitary council to serve Buckinghamshire would not be in the best interests of residents and is not a proposal considered to enjoy widespread local support.

It is considered essential for the views of the Council, residents and stakeholders to be made known to the Secretary of State. As with all representations of this type it is likely that there will be funding required to develop further evidence base or to undertake supporting activities.

The Leader informed Council that the Chiltern and South Bucks Joint Committee had discussed this issue at length on 4 April 2018 and had agreed to make representations to the Secretary of State. He proposed the recommendations in the Council report which were seconded by Councillor Read.

Clarity on the report was given as follows:-

- Clarification was sought on whether the recommendations gave authority to the Chief Executive to proceed with a legal challenge to the decision. The Leader reported that if a proposal was made to mount a legal challenge this would be brought back to a future Council meeting for discussion and decision.
- In reference to the request for an extra budget of £20,000, the Leader confirmed that Chiltern District Council would also be considering an additional budget of £20,000. In terms of the supporting activities referred to in the recommendation he could not be prescriptive at this point about what activities this would include but the funding would be used to help ensure that residents and stakeholders (e.g. businesses and Parish Councils) have the opportunity to take part fully in the process and make informed representations.

Members then debated the recommendations.

A Member commented that they would be happy to support Recommendations 1 to 3 but had some concerns about Recommendations 4 and 5. The Member expressed concern that the budget was at risk of expanding due to the span of activities referred to that it could support, and that evidence based research had already been put in front of the Minister, who would not change their mind. Another Member expressed concern referring to a previous

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decision taken by Government on the Motorway Service Area in Beaconsfield where the Council had objected to the proposal but it had been implemented anyway. They commented that this funding could be put to more effective use working on modifications and shaping the single unitary proposal to best support the needs of the Districts rather than making representations.

The Cabinet Member for Environment reported that they had attended a recent conference which was also attended by the Minister and that representations were encouraged by all to ensure a fully informed decision. The Leader also referred to the current Council policy decision to put forward an alternative bid and the need to stand by this business case which would be in the best interests of residents. The Cabinet Member for Resources emphasised the importance of helping the residents to have their say and make representations regardless of their viewpoint. A number of Members spoke in support of the recommendations saying that it was important to restate their commitment to local residents for a two unitary model which would provide services that are delivered and run locally. A single unitary model would have borders 'two hours' apart which would not meet the needs of local residents in respect of services which have to be delivered locally. Members emphasised the importance of using this funding for a well organised communication campaign to engage with residents, to provide evidence-based research or any information on material changes.

A request for a recorded vote for Recommendations 2-4 and 5 was made by Councillor Hollis and seconded by Councillor Harding. Council Procedure Rules require that for a recorded vote to take place a quarter of those Members present must demand it. 7 out of 20 Members requested a recorded vote and therefore the names for and against the motion or abstaining from voting are entered into the minutes below.

Accordingly it was **RESOLVED** that

- 1) the Secretary of State's minded to decision published on the 12 March 2018 (as set out in appendix A) be noted;
- 2) the decision by the Joint Committee on 4 April to make representations to the Secretary of State on behalf of the Councils be endorsed;
- 3) the decision by the Joint Committee on 4 April to delegate the final wording of the representations to the Chief Executive in consultation with the Leaders be endorsed;
- 4) the decision by the Joint Committee on 4 April to delegate authority to the Chief Executive in consultation with the Leaders to take such action as deemed necessary to protect the best interests of Chiltern District Council / South Bucks District Council residents and communities including but not limited to seeking expert legal advice and lodging of legal challenges, communication campaigns, further stakeholder engagement and associated activities be endorsed; and
- 5) an initial budget of £20,000 for each Council to support the above actions be agreed.

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The recorded vote was as follows:

Resolutions 2-4:

FOR (16) - Councillors D Anthony, M Bezzant, T Egleton, B Gibbs, P Hogan, J Jordan, P Kelly, M Lewis, J Lowen-Cooper, Dr W Matthews, N Naylor, D Pepler, J Read, R Sangster, D Smith and L Sullivan

AGAINST (1) – Councillor B Harding

ABSTENTIONS (3) - Councillors R Bagge, S Chhokar, G Hollis

Resolution 5:

FOR (14) – Councillors D Anthony, M Bezzant, T Egleton, B Gibbs, P Hogan, J Jordan, P Kelly, M Lewis, Dr W Matthews, N Naylor, D Pepler, J Read, D Smith and L Sullivan

AGAINST (2) – Councillors B Harding and J Lowen-Cooper

ABSTENTIONS (4) - Councillors R Bagge, S Chhokar, G Hollis, R Sangster

The meeting terminated at 6.56 pm